**Section 726.603 Standards for Potentially Creditable Hazardous Waste Pharmaceuticals**

a) Hazardous Waste Determination for Potentially Creditable Pharmaceuticals. A healthcare facility that generates a solid waste that is a potentially creditable pharmaceutical must determine whether the potentially creditable pharmaceutical is a potentially creditable hazardous waste pharmaceutical (i.e., it is a listed hazardous waste in Subpart D of 35 Ill. Adm. Code 721 or exhibits a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721). A healthcare facility may choose to manage its potentially creditable non-hazardous waste pharmaceuticals as potentially creditable hazardous waste pharmaceuticals under Subpart P.

b) Accepting Potentially Creditable Hazardous Waste Pharmaceuticals from an Off-Site Healthcare Facility That Is a VSQG. A healthcare facility may accept potentially creditable hazardous waste pharmaceuticals from an off-site healthcare facility that is a VSQG under 35 Ill. Adm. Code 722.114 without a permit or interim status, if the receiving healthcare facility meets the following conditions:

1) The receiving healthcare facility is under the control of the same person (as defined in 35 Ill. Adm. Code 720.110) as the VSQG healthcare facility sending the potentially creditable hazardous waste pharmaceuticals off site ("control", for this section, means the power to direct the policies of the healthcare facility whether by ownership of stock, voting rights, or otherwise, except that contractors who operate healthcare facilities on behalf of a different person as defined in 35 Ill. Adm. Code 720.110 are not considered to "control" the healthcare facilities), or the sending healthcare facility has a contractual or other documented business relationship in which the receiving healthcare facility supplies pharmaceuticals to the VSQG healthcare facility;

2) The receiving healthcare facility is operating under Subpart P for the management of its potentially creditable hazardous waste pharmaceuticals;

3) The receiving healthcare facility manages the potentially creditable hazardous waste pharmaceuticals that it receives from off site in compliance with Subpart P; and

4) The receiving healthcare facility keeps records of the potentially creditable hazardous waste pharmaceuticals shipments it receives from off site for three years from the date that the shipment is received.

c) Prohibition. A healthcare facility is prohibited from sending hazardous wastes other than potentially creditable hazardous waste pharmaceuticals to a reverse distributor.

d) Annual Reporting by Healthcare Facilities. A healthcare facility is not subject to annual reporting requirements under 35 Ill. Adm. Code 722.141 for potentially creditable hazardous waste pharmaceuticals managed under Subpart P.

e) Recordkeeping by Healthcare Facilities

1) A healthcare facility initiating a shipment of potentially creditable hazardous waste pharmaceuticals to a reverse distributor must keep the following records (paper or electronic) for each shipment for three years after the date of shipment:

A) The confirmation of delivery; and

B) The shipping papers prepared in compliance with subpart C of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111, if applicable.

2) The periods of retention referred to in this Section are extended automatically during any unresolved enforcement action regarding the regulated activity, or as requested in writing by the Agency.

3) All records must be readily available upon request by a USEPA or Agency inspector.

f) Response to Spills of Potentially Creditable Hazardous Waste Pharmaceuticals at Healthcare Facilities. A healthcare facility must immediately contain all spills of potentially creditable hazardous waste pharmaceuticals and manage the spill clean-up materials as non-creditable hazardous waste pharmaceuticals in compliance with Subpart P.

(Source: Amended at 48 Ill. Reg. 17108, effective November 7, 2024)