

ENVIRONMENTAL QUALITY

CHAPTER 50

SOLID WASTE MANAGEMENT

Subchapter 15

Infectious Waste

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## Subchapter 15

## Infectious Waste

**17.50.1501 APPLICABILITY** (1) The purpose of this subchapter is to provide uniform standards for the inspection, transportation, storage, and management, including, but not limited to, treatment and disposal, of infectious waste as defined in 75-10-1003, MCA, for the protection of human health and the environment.

(2) This subchapter does not apply to:

(a) the generation of infectious waste or to storage and transportation of infectious waste regulated under 75-10-1006, MCA; or

(b) the generation of infectious waste by a household. (History: 75-10-204, 75-10-208, MCA; IMP, 75-10-1004, 75-10-1005, MCA; NEW, 2013 MAR p. 1825, Eff. 10/18/13.)

**17.50.1502 DEFINITIONS** As used in this subchapter, the following definitions apply:

(1) "Biohazard bag" or "red bag" means a bag marked with a biohazard symbol that meets the requirements of U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) 29 CFR 1910.1030(g)(1)(ii). The biohazard bag must be moisture-proof, disposable, and of a strength sufficient to prevent ripping, tearing, or bursting under normal conditions of use.

(2) "Department" means the Department of Environmental Quality established in 2-15-3501, MCA.

(3) "Inactivate" means to cause the death of an infectious agent.

(4) "Infectious waste" has the meaning given in 75-10-1003, MCA.

(5) "Management" means the storage, treatment, or disposal of infectious waste.

(6) "Noninfectious waste" means treated infectious waste or any waste other than infectious waste.

(7) "Person" has the meaning given in 75-10-1003, MCA.

(8) "Storage" means the short-term containment of infectious waste, prior to treatment, for no longer than 90 days.

(9) "Transport" or "transportation" has the meaning given in 75-10-1003, MCA.

(10) "Transporter" means a person who transports, or engages in transportation or storage of, infectious waste or treated infectious waste.

(11) "Vehicle" means any vehicle, including a truck and trailer or tractor-trailer combination. (History: 75-10-204, 75-10-208, MCA; IMP, 75-10-1004, 75-10-1005, MCA; NEW, 2013 MAR p. 1825, Eff. 10/18/13.)

17.50.1503 TRANSPORTER AND STORAGE FACILITY OPERATOR  
REGISTRATION, DEPARTMENT REVIEW, AND ANNUAL RENEWAL

(1) Except as provided in (4), a transporter must register with the department, on a form provided by the department, on or before January 1, 2014, for transporters engaged in transportation or storage on October 18, 2013, and for all other transporters, prior to engaging in transportation, and demonstrate that the person is able to meet the requirements of this subchapter by submitting an application for registration that contains the following information:

- (a) the name and business address of the applicant;
- (b) the location of all waste storage, loading, and handling areas and a certification that the storage areas meet the requirements of ARM 17.50.1507;
- (c) the location and identity of each person who receives waste from a transporter, including an intermediate point, treatment facility, disposal facility, or other person, and of each person from whom the applicant intends to receive waste;
- (d) the vehicle identification number or serial number of all vehicles used to transport infectious waste;
- (e) a certification that the vehicles and containers used to transport or store infectious waste meet the requirements of ARM 17.50.1505 and 17.50.1507;
- (f) a certification that all vehicles contain a spill containment and decontamination kit;
- (g) a certification that all employees involved in the transportation and management of infectious waste have the training required by ARM 17.50.1505(4); and
- (h) a copy of the transporter's infectious waste transportation and management plan. The plan must meet the requirements of ARM 17.50.1504.

(2) The department shall review the registration application to determine whether the application is adequate. If the application is adequate, the department shall issue a transporter registration number and a vehicle decal. The initial registration period is effective through June 30 following issuance of the registration number.

(3) By February 1 of each year, the department shall mail an annual renewal form to each registered transporter. A transporter who wishes to continue to transport shall submit the information required in (1) to the department with the completed renewal form on or before April 1 for the following twelve-month registration period that begins July 1 and ends June 30.

(4) This subchapter does not apply to a person who:

- (a) transports only infectious waste generated from a household;
- (b) transports less than 50 pounds of infectious waste a week; or
- (c) is a solid waste management system that is licensed by the department to operate an infectious waste treatment facility under the provisions of ARM Title 17, chapter 50, subchapter 4. (History: 75-10-208, MCA; IMP, 75-10-1004, 75-10-1005, MCA; NEW, 2013 MAR p. 1825, Eff. 10/18/13.)

17.50.1504 GENERAL REQUIREMENTS – TRANSPORTATION AND MANAGEMENT PLAN

(1) A transporter shall submit to the department for its review and approval, a management plan meeting the requirements of this subchapter that:

- (a) describes the type, sources, and annual volume of infectious waste handled;
- (b) describes how infectious waste is segregated from other solid waste, packaging, and labeling procedures;
- (c) describes the collection, storage, and transportation procedures to ensure infectious waste is distinguished from noninfectious waste;
- (d) describes the treatment or disposal methods used;
- (e) identifies the name and location of the facility where the waste will be treated and disposed of;
- (f) identifies the person responsible for the transportation and management of infectious waste; and
- (g) includes an emergency spill response and decontamination plan that meets the requirements of ARM 17.50.1508.

(2) The management plan described in (1) must be updated and submitted to the department on an annual basis. (History: 75-10-208, MCA; IMP, 75-10-1004, 75-10-1005, MCA; NEW, 2013 MAR p. 1825, Eff. 10/18/13.)

17.50.1505 TRANSPORTATION REQUIREMENTS (1) Infectious waste must be transported according to the provisions of 75-10-1005(6), MCA, and this subchapter.

(2) A transporter may not transport infectious waste in the same vehicle as noninfectious waste unless:

- (a) infectious waste is enclosed in a separate container as provided in ARM 17.50.1507; or
- (b) the infectious and any noninfectious waste being transported will be treated according to the requirements of 75-10-1005, MCA, and ARM 17.50.1506.

(3) A transporter may not accept for transport any container of infectious waste that does not meet the requirements of ARM 17.50.1507 or that shows visible signs of damage or leakage or is not properly sealed and labeled.

(4) A vehicle used to transport infectious waste must carry a spill containment and cleanup kit. A person who transports infectious waste must be trained in the use of protective equipment, emergency response, and spill containment and cleanup procedures.

(5) Each vehicle and container used to transport infectious waste must be designed and constructed to preserve vehicle and container integrity in the event of a traffic accident and prevent releases of infectious waste to the environment.

(6) A transporter shall keep records of the loading dates, volumes, sources, waste descriptions, and final destinations of all waste transported. The records must be maintained for five years and be made available for inspection by department personnel upon request.

(7) U.S. Department of Transportation warning and signage requirements for vehicles transporting infectious waste are provided in 49 CFR 172.323. (History: 75-10-208, MCA; IMP, 75-10-1004, 75-10-1005, MCA; NEW, 2013 MAR p. 1825, Eff. 10/18/13.)

17.50.1506 INFECTIOUS WASTE TREATMENT AND DISPOSAL

REQUIREMENTS (1) Infectious waste transported or managed under this subchapter must be treated and disposed of according to the provisions of 75-10-1005, MCA, and this section.

(2) Infectious waste that has been treated according to this section and 75-10-1005, MCA, may be disposed of in a licensed solid waste management facility approved by the department to accept treated infectious waste, provided the treated waste is not comingled with hazardous or radioactive waste.

(3) Infectious waste may be discharged into a sewage treatment facility as provided for in 75-10-1005(4)(b), MCA.

(4) Except as provided in (5), infectious waste must be treated using steam sterilization to the temperature, pressure, and time sufficient to ensure, within reasonable scientific probability, inactivation of geobacillus stearothermophilus spores and mycobacteria in the center of the waste load to achieve a 6 Log<sub>10</sub> reduction or greater.

(5) The department may approve alternative treatment methods submitted by a person or facility treating infectious waste, if the methods meet the requirements of (6).

(6) An application for alternative treatment methods must be supported by the results of laboratory tests that meet the following requirements:

(a) the laboratory tests shall be conducted:

(i) by qualified laboratory personnel;

(ii) using recognized microbial sterilization techniques documented in peer-reviewed scientific publications;

(iii) using samples inoculated with test organisms and then subjected to the proposed alternative treatment method; and

(b) the results of the tests must document and verify that the proposed alternative treatment method achieves the standards of inactivation provided in (2).

(7) Infectious waste consisting of recognizable human anatomical remains, including human fetal remains, shall be disposed of according to the provisions of 75-10-1005, MCA. (History: 75-10-208, MCA; IMP, 75-10-1004, 75-10-1005, MCA; NEW, 2013 MAR p. 1825, Eff. 10/18/13.)

17.50.1507 PACKAGING, CONTAINMENT, AND STORAGE

REQUIREMENTS (1) Infectious waste must be packaged, contained, and stored according to the provisions of 75-10-1005, MCA.

(2) A transporter or a person who stores infectious waste who is not a generator of infectious waste under 75-10-1006, MCA, shall ensure that infectious waste, other than sharps and liquid or semi-liquid infectious waste, is kept in containers as follows:

(a) in double-walled corrugated fiberboard boxes or equivalent rigid containers such as pails, cartons, or portable bins securely sealed or with tight-fitting covers sufficient to prevent spills, leaks, emission of infectious agents, and degradation; and

(b) reusable containers must be constructed of heavy wall plastic or noncorrosive metal. Reusable containers must be decontaminated after each use.

(3) A transporter or person who stores infectious waste regulated under this subchapter shall ensure that it is stored:

(a) in containers that are packaged and labeled as provided in this subchapter;

(b) separately from noninfectious waste in accordance with this rule and otherwise in accordance with the requirements of 75-10-1005(1) through (3), MCA;

(c) under conditions that prevent rapid microbial growth or putrefaction, and:

(i) at a temperature of less than 45° Fahrenheit (F);

(ii) for no more than seven days at a temperature between 32° F and 45° F;

(iii) for no more than 30 days at a temperature of less than 32° F; and

(iv) with the temperature of the storage area logged daily in order to meet the requirements of this subsection. The transporter or person shall make the daily temperature logs and be made available to the department upon request.

(4) For (3)(c), time in transport is considered as time in storage.

(5) Infectious waste storage areas must:

(a) protect infectious waste containers from damage or degradation by moisture or from the elements;

(b) be ventilated to outside air;

(c) be accessible only to authorized persons;

(d) be marked with prominent warning signs identified by the biohazard symbol; and

(e) be designed to contain spills and have a spill kit that meets the requirements of ARM 17.50.1508 on site.

(6) Treated infectious waste must be bagged and labeled in accordance with 75-10-1005(5)(a), MCA.

(7) Compactors, grinders, or similar devices may not be used to reduce the volume of infectious waste during storage. (History: 75-10-208, MCA; IMP, 75-10-1004, 75-10-1005, MCA; NEW, 2013 MAR p. 1825, Eff. 10/18/13.)

17.50.1508 EMERGENCY SPILL RESPONSE AND DECONTAMINATION PLAN -- REQUIRED EQUIPMENT (1) An emergency spill response and decontamination plan must describe, at a minimum, procedures for:

- (a) preventing access or exposure to the spill location by unauthorized persons;
  - (b) the containment of spilled or leaking infectious waste;
  - (c) the safe repackaging and relabeling of spilled waste or broken or leaking containers; and
  - (d) reporting the spill or leak to the department and local authorities.
- (2) A spill containment and cleanup kit must contain, at a minimum:
- (a) absorbent material for spilled liquids;
  - (b) hospital grade disinfectant;
  - (c) packaging and labeling supplies;
  - (d) a shovel, broom, and bucket; and
  - (e) protective clothing, including gloves, masks, and protective eyewear.
- (3) A spill or release of infectious waste during transport, storage, or treatment must be reported to the department within 24 hours of the spill or release. (History: 75-10-208, MCA; IMP, 75-10-1004, 75-10-1005, MCA; NEW, 2013 MAR p. 1825, Eff. 10/18/13.)

