TITLE 7. ENVIRONMENTAL PROTECTION
CHAPTER 26. SOLID WASTE
SUBCHAPTER 3A. REGULATED MEDICAL WASTE

N.J.A.C. 7:26-3A.1 (2009)

7:26-3A.1 Purpose, scope and applicability

(a) The purpose of this subchapter is to establish a program for regulated medical waste pursuant to the New Jersey Comprehensive Regulated Medical Waste Management Act, *N.J.S.A. 13:1E-48.1* et seq.

(b) The rules in this subchapter apply to regulated medical waste as defined at *N.J.A.C. 7:26-3A.6*. that is generated, stored, transported, collected, transferred, treated, destroyed, disposed of or otherwise managed in New Jersey.

(c) Generators, transporters, collection facilities and owners or operators of intermediate handling facilities (for example, treatment and destruction facilities, incineration facilities, and disposal facilities) that generate, store, transport, collect, transfer, treat, destroy, dispose of or otherwise manage regulated medical waste in New Jersey shall comply with this subchapter.

(d) In addition to the requirements of this subchapter, all applicable requirements of the Department of Health shall be met.

(e) In addition to the requirements of this subchapter, generators, transporters, collection facilities and owners and operators of intermediate handling facilities and destination facilities shall comply with all applicable Federal, State, county and local statutes, rules and ordinances.

(f) Any fee under this subchapter that is subject to *N.J.A.C. 7:1L* shall be payable in installments in accordance with *N.J.A.C. 7:1L*.

7:26-3A.2 Construction

This subchapter shall be liberally construed to permit the Department to implement its statutory duties.

7:26-3A.3 Severability

If any section, subsection, provision, clause or portion of this subchapter, or the application thereof to any person, is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this subchapter shall not be affected thereby.

7:26-3A.4 Record retention

(a) The length of time that parties shall keep records required under this subchapter is automatically extended in the case where EPA, the Departments or another State agency initiates an enforcement action, for which those records are relevant, until the conclusion of the enforcement action.

(b) All records, reports, logs and tracking forms required to be made and/or kept in accordance with this subchapter shall be made available for inspection by the Department.

7:26-3A.5 Definitions

For the purposes of this subchapter, all of the terms defined in *N.J.A.C. 7:26-1.4* are hereby incorporated by reference. In addition, the following terms, when used in this subchapter, shall have the following meanings:

"Administrator" means the Administrator of the United States Environmental Protection Agency.

"Alternative or innovative technology" means any technology, including proprietary or patented methods, that permanently alters the composition, volume, weight, or other relevant waste or material characteristics of regulated medical waste, through chemical, biological, or physical means so as to have a beneficial and long-term effect on the environment by reducing the quantity (volume or weight), infectiousness, toxicity, or constituent mobility of waste or materials generated, recovered, recycled, treated, transported, disposed of or otherwise managed. The term also includes products or production processes that promote or enhance material recovery, recycling or marketing of secondary materials, or that reduce or eliminate waste or emissions at the source of generation.

"Biologicals" means preparations made from living organisms and their products, including vaccines, cultures, etc., intended for use in diagnosing, immunizing or treating humans or animals or in research pertaining thereto.

"Blood products" means any product derived from human blood, including but not limited to blood plasma, platelets, red or white blood corpuscles, and other derived licensed products, such as interferon, etc.

"Body art" means the practice of physical body adornment in permitted establishments by operators utilizing, but not limited to, the following techniques: body piercing, tattooing, and permanent cosmetics.

"Body art establishment" means any place or premise, whether public or private, temporary or permanent in nature or location, where the practices of body art, whether or not for profit, are performed.

"Body fluids" means liquid emanating or derived from humans and limited to blood; amniotic, cerebrospinal, synovial, pleural, peritoneal and pericardial fluids; and semen and vaginal secretions.

"Central collection point" means a location where a generator consolidates regulated medical waste brought together from original generation points prior to its transport off-site or its treatment on-site (for example, incineration).

"Collection facility" means a facility where individual shipments of packaged, tracked regulated medical waste are assembled and/or consolidated, or transferred between vehicles, but are not opened or unpackaged prior to transport off-site for disposal.

"Commercial facility" means a facility or on-site generator, accepting regulated medical waste from other generators for on-site collection, storage, shipment or disposal, for a fee in excess of the costs actually incurred by the facility or on-site generator for managing the regulated medical waste.

"Consolidated tracking form" means the tracking form on which a transporter consolidates or transfers other tracking forms representing shipments of regulated medical waste.

"Container" means any portable device in which a regulated medical waste is stored, transported, disposed of or otherwise handled. The term "container" does not include items listed in the table at *N.J.A.C. 7:26-3A.6(a)*.

"Decontamination" means the process of reducing or eliminating the presence of harmful substances, such as infectious agents, so as to reduce the likelihood of disease transmission from those substances.

"Departments" means the New Jersey Department of Environmental Protection and the New Jersey Department of Health.

"Destination facility" means the disposal facility, the incineration facility, or the facility that both treats and destroys regulated medical waste, to which a consignment of such is intended to be shipped, specified in Box 8 of the Medical Waste Tracking Form. The term "destination facility" also means any generator or facility that treats and destroys its own regulated medical waste.

"Destroyed regulated medical waste" means regulated medical waste that is no longer generally recognizable as regulated medical waste because all components of the waste have been ruined, torn apart, or mutilated to produce unrecognizable and unusable pieces smaller than three-quarters of an inch, except that all sharps must be smaller than one-half inch. It does not mean compaction or encapsulation except through:

1. Processes such as thermal treatment or melting, during which treatment and destruction occur;

2. Processes such as shredding, grinding, tearing, or breaking, during which only destruction takes place; or

3. Processes that melt plastics and fully encapsulate metallic or other sharps in the melted plastic and, in addition, the resulting melted plastic mass must be completely sealed in a secondary puncture-proof container that will not be opened or penetrated by undestroyed sharps in any circumstance of handling.

"Destruction facility" means a facility that destroys regulated medical waste by ruining or mutilating it, or tearing it apart.

"DHSS" means the New Jersey Department of Health and Senior Services.

"EPA" means the United States Environmental Protection Agency.

"Facility" means all contiguous land and structures, other appurtenances, and improvements on the land, used for treating, destroying, storing, or disposing of regulated medical waste. A facility may consist of several treatment, destruction, storage, or disposal operational units.

"Generator" means any person, by site, whose act or process produces regulated medical waste as defined in *N.J.A.C. 7:26-3A.6*, or whose act first causes a regulated medical waste to become subject to regulation. Noncontiguous properties owned or operated by the same person are separate sites and in the case where more than one person (for example, doctors with separate medical practices) are located in the same building and office, each individual business entity is a separate generator for the purposes of this subchapter. However, households utilizing home self-care are not generators.

"Home self-care" means the provision of medical care in the home setting (for example, private residence) through either self-administration practices or by a family member or other person who does not receive monetary compensation for their services. Excluded from this definition are direct patient care services provided in the home by home health agencies as described in N.J.A.C. 8:42-1, durable medical equipment companies, home infusion companies, hospice care companies, and any other services or companies as determined by the State Department of Health that generate regulated medical waste in the home setting.

"Infectious agent" means any organism (such as a virus or a bacteria) that is capable of being communicated by invasion and multiplication in body tissues and capable of causing disease or adverse health impacts in humans.

"Intermediate handler" is a facility that either treats regulated medical waste or destroys regulated medical waste but does not do both. The term does not include transporters.

"Laboratory" means any research, analytical, or clinical facility that performs health care related analysis or service. This includes medical, pathological, pharmaceutical, and other research, commercial, or industrial laboratories.

"Medical waste" means any solid waste that is generated in the diagnosis, treatment (for example, provision of medical services), or immunization of human beings or animals, in research pertaining thereto, in the production or testing of biologicals, or in home self-care. The term does not include any hazardous waste identified or listed under 40 C.F.R. Part 261.

"Mobile treatment and/or destruction equipment" means equipment which treats and/or destroys regulated medical waste and which does not operate from a permanent location but which is capable of being transported from site to site.

"New Jersey medical waste tracking form" means the New Jersey medical waste tracking form available from the Department that must accompany all applicable shipments of regulated medical wastes.

"Noncommercial facility" means a facility or on-site generator accepting regulated medical waste from other generators for on-site collection, storage, shipment or disposal operating in accordance with section 501(c)(3) of the Federal Internal Revenue Service tax code, receiving only a cost-based rate or fee not in excess of the fixed and variable capital and operating costs actually incurred.

"Original generation point" means the location where regulated medical waste is generated. Waste may be taken from original generation points to a central collection point prior to off-site transport or on-site treatment.

"Oversized regulated medical waste" means medical waste that is too large to be placed in a plastic bag or standard container.

"Package" means packaging and/or a container and its contents.

"Packaging" means the assembly of one or more containers and any other components necessary to ensure compliance with *N.J.A.C. 7:26-3A.11* and applicable Federal laws and regulations including, but not limited to, 49 C.F.R. Parts 171-180 as amended and supplemented.

"Person" means an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, any interstate body, or any department, agency or instrumentality of the United States.

"Regulated medical waste" or "RMW" means those medical wastes that have been listed or meet the waste characteristic classification criteria described at *N.J.A.C. 7:26-3A.6* and that must be managed in accordance with the requirements of this subchapter.

"Storage" means the temporary holding of regulated medical wastes before treatment, disposal, or transport to another location.

"Tracking form" means a medical waste tracking form, including the New Jersey medical waste tracking form, the Federal tracking form, and the tracking form from other states that must accompany all applicable shipments of regulated medical waste.

"Transfer facility" means any transportation-related facility including loading docks, parking areas, storage areas and other similar areas where shipments of regulated medical waste are held (come to rest), during the course of transportation for a period not to exceed 24 hours and are not transferred to other vehicles during the course of transportation. A transfer facility is a "transporter". A location at which regulated medical waste is transferred directly between two vehicles is not a transfer facility but is considered a collection facility if it meets the requirements of *N.J.A.C. 7:26-3A.39*; if such location does not meet the requirements of *N.J.A.C. 7:26-3A.39*, the facility must hold a permit as a transfer station pursuant to *N.J.A.C. 7:26-2.4*.

"Transportation" means the shipment or conveyance of regulated medical waste by air, rail, highway, or water.

"Transporter" means a person engaged in the off-site transportation of regulated medical waste by air, rail, highway, or water, and, for the purposes of *N.J.A.C. 7:26-3A.9(h)*, means a supplier of radioactive medical supplies.

"Treated regulated medical waste" means regulated medical waste that has been treated to substantially reduce or eliminate its potential for causing disease, but has not yet been destroyed.

"Treatment", "treated", or "treats" when used in any section of this subchapter except for *N.J.A.C. 7:26-3A.6(a)*, shall mean to change the biological character or composition of any regulated medical waste to reduce or eliminate its potential for causing diseases through such methods, techniques or processes as incineration, steam sterilization, chemical disinfection, irradiation, thermal inactivation, or any other effective method as approved by the State Department of Health. If antimicrobial chemicals are used in regulated medical waste treatment the chemicals must be registered under the Federal Insecticide Fungicide and Rodenticide Act (FIFRA) program specifically for this purpose. When used in the context of *N.J.A.C. 7:26-3A.6(a)*, treatment means either the provision of medical services or the preparation of human or animal remains for internment or cremation.

"Treatment facility" means a facility which treats regulated medical waste.

"Universal biohazard symbol" means the symbol design that conforms to the design shown in *29 C.F.R. § 1910.145(f)(8)(ii)*.

"Untreated regulated medical waste" that has not been treated to substantially reduce or eliminate its potential for causing disease.

"Waste category" means either untreated regulated medical waste or treated regulated medical waste.

"Waste Class" means the description of Waste Class found at *N.J.A.C. 7:26-3A.6(a)*.

7:26-3A.6 Definition of regulated medical waste

(a) A regulated medical waste is any solid waste, generated in the diagnosis, treatment (for example, provision of medical services), or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, that is not excluded or exempted under (b) below, and that is listed or meets any waste characteristic classification criteria described in the following table:

TABLE

This is a courtesy copy of the regulations. Should there be any discrepancies between this text and the official version of the regulations, the official version will govern.

REGULATED MEDICAL WASTE

	Waste Class	Description
1.	Cultures and Stocks	Cultures and stocks of infectious agents and associated biologicals, including: cultures from medical and pathological laboratories; cultures and stocks of infectious agents from research and industrial laboratories; wastes from the production of biologicals; discarded live and attenuated vaccines; and culture dishes and devices used to transfer, inoculate, and mix cultures.
2.	Pathological Wastes	Human pathological wastes, including tissues, organs, and body parts and body fluids that are removed during surgery or autopsy, or other medical procedures, and specimens of body fluids and their containers.
3.	Human Blood and Blood Products	Liquid waste human blood; blood; items saturated and/or dripping with human blood; or items that or items that were saturated and/or dripping with human blood that are now caked with dried human blood; including serum, plasma, and other blood components, and their containers, which were used or intended for use in either patient care, testing and laboratory analysis or the development of pharmaceuticals. Intravenous bags (only if they have come into contact with blood or other regulated body fluid), soft plastic pipettes and plastic blood vials are also included in this category.
4.	Sharps	Sharps that were used in animal or human patient care or treatment or in medical research, or industrial laboratories, including sharp, or potentially sharp if broken, items such as, but not limited to, hypodermic needles, all syringes to which a needle can be attached (with or without the attached needle) and their components, including those from manufacturing research, manufacturing and marketing, pasteur pipettes, scalpel blades, blood vials, carpules, needles with attached tubing, acupuncture needles and culture dishes (regardless of presence of infectious agents). Also included are other types of broken or unbroken glassware that were in contact with infectious agents, such as used slides and cover slips.
5.	Animal Waste	Contaminated animal carcasses, body parts, and bedding of animals that were known to have been exposed to infectious agents during research (including research in veterinary hospitals), production of biologicals, or testing of pharmaceuticals. Carcasses that are not known to have been exposed to agents infectious to humans are considered Waste Type ID 25, and, therefore, are not included in this class.
6.	Isolation Wastes	Biological waste and discarded materials

		contaminated with blood, excretion, exudates, or secretions from humans who are isolated to protect others from certain highly communicable diseases, or isolated animals known to be infected with highly communicable diseases.
7.	Unused Sharps	The following unused, discarded sharps, that were intended to be used: hypodermic needles, suture needles, syringes, and scalpel blades.

(b) The following are excluded from the definition of regulated medical waste:

1. Hazardous waste identified or listed under the regulations in 40 C.F.R. Part 261;

2. Household waste, generated in households utilizing home self-care as defined in *N.J.A.C. 7:26-3A.5(b)*;

3. Ash from incineration of regulated medical waste once the incineration process has been completed;

4. Residues from treatment and destruction processes once the regulated medical waste has been both treated and destroyed;

5. Human corpses, remains and anatomical parts that are intended for interment or cremation;

6. Biological materials, including, but not limited to, those blood or blood products and pathological waste listed at (a)2 and 3 above, intended for use, reuse or recycling as raw materials or products, except materials classified as Class-6 Isolation Wastes, pursuant to (a)6 above if the following conditions are met:

i. The materials are used, reused or recycled in accordance with all applicable Federal, State and local statutes and regulations for handling and managing the materials;

ii. The materials and their by-products are managed as regulated medical waste when discarded after use, reuse or recycling if not treated and destroyed as those terms are defined at *N.J.A.C. 7:26-3A.5*; and

iii. The generator of the materials reports the type, destination, and method of use, reuse or recycling of the materials to the Bureau of Resource Recovery and Technical Programs in the Department at the address given at *N.J.A.C. 7:26-3A.8(f)*4 and the district solid waste coordinator of the district where the material originated at least once per year, or on request of the Department or any other agency;

7. Nonbiological materials intended for use, reuse or recycling, except materials classified as Class-6, Isolation Waste pursuant to (a)6 above, if the following conditions are met:

i. The generator treats all used materials, or any unused materials, that have come into contact with a regulated body fluid or blood, or pathological waste as defined at (a) above at the site of generation before shipping the materials off site;

ii. The generator destroys all sharps at the site of generation before shipping the destroyed sharps off site for recycling of the devices' component raw materials; and

iii. The generator of the materials reports the type, quantity, destination, and method of use, reuse or recycling of the materials to the Bureau of Resource Recovery and Technical Programs in the Department at the address given at *N.J.A.C. 7:26-3A.8(f)*4 and the district solid waste coordinator of the district where the material originated at least once per year, or on request of the Department or any other agency; and

8. RMW, or non-regulated medical waste managed as RMW, that is either generated by a person and is less than 100 pounds or has become the property of a person other than the original generator except through the sale or transfer of assets, and where such person has not generated RMW within a two year period prior to requesting the exemption nor to the best of their knowledge plans to generate RMW in the future, may have a "one time only" exemption from registering as a generator and may offer RMW to a licensed RMW transporter using its own number as the generator number. The Department shall issue an authorization for this exemption in response to written notification sent to the address listed at *N.J.A.C. 7:26-3A.8(f)*4 prior to the disposal of the RMW in order for a one-time exemption of this type to be valid. Authorizations for registration exemption will not be granted to persons the Department expects will generate RMW in the future.

(c) The following are exempted from the definition of regulated medical waste:

1. Etiologic agents being transported interstate pursuant to the requirements of the U.S. Department of Transportation, U.S. Department of Health and Human Services, and all other applicable shipping requirements are exempt from the requirements of this subchapter; and

2. Samples of regulated medical waste transported off-site by the EPA, the Department, the Department of Health or the New Jersey Department of Law and Public Safety for enforcement purposes are exempt from the requirements of this subchapter during the enforcement proceeding.

(d) In accordance with DHSS rules (*N.J.A.C. 8:27*), body art establishments shall comply with the provisions of *N.J.S.A. 13:1E-48.1* et seq., the Comprehensive Regulated Medical Waste Management Act, and all rules promulgated pursuant to the aforementioned Act.

(e) Acupuncturists shall comply with the provisions of *N.J.S.A. 13:1E-48.1* et seq., the Comprehensive Regulated Medical Waste Act, and all rules promulgated pursuant to the aforementioned Act.

7:26-3A.7 Mixtures

(a) Except as provided in (b) below, mixtures of solid waste and regulated medical waste listed in *N.J.A.C. 7:26-3A.6(a)* are a regulated medical waste.

(b) Mixtures of hazardous waste identified or listed in 40 C.F.R. Part 261 and regulated medical waste listed in *N.J.A.C. 7:26-3A.6(a)* are subject to the requirements in this subchapter, unless the mixture is subject to the hazardous waste manifest requirements in 40 C.F.R. Part 262 or 40 C.F.R. Part 266. In addition, the applicable hazardous waste requirements of *N.J.A.C. 7:26-1* also apply.

7:26-3A.8 Registration and fees for regulated medical waste generators, and owners and operators of transporters, collection facilities, transfer stations, intermediate handlers and destination facilities

(a) Any person that generated regulated medical waste in this State shall register with the Department as a regulated medical waste generator in accordance with (e) below, and shall pay annual fees in accordance with the following:

1. For computation of the annual regulated medical waste generator fee, generators of regulated medical waste are divided, according to the amount of waste generated, into five categories as explained in the following table:

Generator Category	Pounds Generated Per Year	Base Fee Category
1	less than 50	$ 85.00
2	50-200	$ 255.00
3	greater than 200-300	$ 500.00
4	greater than 300-1,000	$ 1,000.00
5	greater than 1,000	$ 3,500.00

i. For annual regulated medical waste generator fee purposes only, quantities of body fluids and blood and blood products that are discharged or removed from a human and are disposed of into a sanitary sewer system, which shall be in compliance with all applicable Federal, State, and county and local statutes, rules and ordinances, shall not be included in a generator's annual calculation of regulated medical waste generated, but at a minimum, if the generator generates no other regulated medical waste, the generator shall be included in generator category 1.

(b) Any person that engages or continues to engage in the transportation of regulated medical waste in this State, except generators that transport their own waste and that meet the requirements of *N.J.A.C. 7:26-3A.17(a)*, shall register with the Department as a regulated medical waste transporter in accordance with (e) below, and pay annual fees in accordance with the following:

1. All regulated medical waste commercial transporters shall pay an annual fee of $ 3,950.00.

2. All noncommercial generator transporters of RMW (except radiopharmacies listed at (b)3 below) shall pay an annual fee of $ 650.00.

3. All noncommercial generator transporters of RMW that transport solely spent radiopharmaceuticals back to a radiopharmacy to allow for the safe decay of the radioactive material prior to disposal as RMW shall pay an annual fee of $ 200.00.

(c) Commercial intermediate handlers, intermediate handlers treating, destroying or disposing of their RMW on-site and owners and operators of destination facilities shall register with the Department as a regulated medical waste intermediate handler or destination facility in accordance with (e) below, and pay annual fees in accordance with the following:

1. All regulated medical waste intermediate handlers and destination facilities shall register with the Department and pay an annual registration, compliance inspection, technical advisement and report analysis fee in accordance with the following:

i. A destination facility that treats and destroys less than 1,000 pounds of regulated medical waste produced shall pay a registration fee of $ 50.00 per year.

ii. A destination facility that treats and destroys from 1,000 pounds up to and including 10,000 pounds of, regulated medical waste produced per year shall pay a registration fee of $ 500.00 per year.

iii. A destination facility that treats and destroys more than 10,000 pounds of regulated medical waste per year shall pay a registration fee of $ 2,000 per year.

2. A commercial intermediate handler shall pay an annual registration fee of $ 1,500.

3. A noncommercial intermediate handler, or an intermediate handler treating only its own waste that treats any quantity of liquid regulated medical waste that is disposed of into the sanitary sewer system, and treats less than 10,000 pounds of nonliquid regulated medical waste per year and sends that waste off-site as RMW for treatment, destruction or disposal is exempt from the intermediate handler annual registration fee but shall register as an intermediate handler pursuant to this section.

4. Persons that only dispose of regulated medical waste that they generate by placing body fluids or blood and blood products into the sanitary sewer system, in compliance with all applicable Federal, State, county and local statutes, rules and ordinances, shall not be considered an intermediate handler or destination facility.

(d) Each person authorized by the Department pursuant to *N.J.A.C. 7:26-3A.39* to operate a collection facility for medical wastes shall pay fees in accordance with the following:

1. Commercial collection facilities shall pay an application fee of $ 500.00. The application fee shall be submitted with the application required pursuant to *N.J.A.C. 7:26-3A.39(c)*.

2. Commercial collection facilities shall pay an annual fee of $ 350.00 for the costs of registration, quarterly compliance monitoring, and review and maintenance of the quarterly reports submitted pursuant to *N.J.A.C. 7:26-3A.39(j)* and the annual reports submitted pursuant to *N.J.A.C. 7:26-3A.44*.

3. Collection facilities shall pay the costs of any other inspections or activities conducted by the Department for the authorization, inspection, and revocation of authorization to operate a collection facility. Such costs shall be in accordance with the fee schedule set forth at (f) below and *N.J.A.C. 7:26-4.3*.

4. Commercial collection facilities shall pay a fee of $ 250.00 for an authorization modification issued pursuant to *N.J.A.C. 7:26-3A.39*(*o*), which shall be paid on issuance of the authorization modification.

5. Noncommercial collection facilities collecting up to 2,000 pounds of medical wastes per year shall not pay an annual fee.

6. Noncommercial collection facilities collecting more than 2000 pounds of medical wastes per year shall pay an annual fee of $ 150.00 for the cost of registration.

(e) Each person operating a transfer station and authorized by the Department to manage medical waste pursuant to *N.J.A.C. 7:26-3A.39* shall pay an annual fee of $ 2,000 in addition to all other solid waste transfer station facility-related fees pursuant to N.J.A.C. 7:26-4, for the costs of registration under this subchapter, review and maintenance of reports, and compliance monitoring.

(f) Each generator, transporter, intermediate handler, collection facility, transfer station and destination facility shall register with the Department on regulated medical waste registration forms prescribed by and available from the Department at the address listed below and shall state such information as necessary and proper to the enforcement of this subchapter, as the Department may require. No pro rata adjustment or refund for prior registration year payment of fees shall be made by the Department. Fees shall be payable to the Department 30 days after the beginning of each respective registration year in accordance with the following schedule:

1. The registration year for generators shall extend from July 22 through July 21 of each calendar year and fees shall be payable by August 20 of each calendar year;

2. The registration year for transporters shall extend from May 1 through April 30 of each calendar year and fees shall be payable by May 30 of each calendar year;

3. The registration year for intermediate handlers, collection facilities and destination facilities shall extend from January 1 through December 30 of each calendar year and fees shall be payable by January 29 of each calendar year; and

4. The Department's address for regulated medical waste is:

Bureau of Resource Recovery and Technical Programs

Solid and Hazardous Waste Management Program

New Jersey Department of Environmental Protection

P.O. Box 414

401 East State Street

Trenton, New Jersey 08625-0414

(g) The Department shall charge fees for regulated medical waste program services as follows:

1. Any person not registered for regulated medical waste activities in accordance with the requirements of this subchapter that requests a written interpretation of any solid waste regulation from the Department shall submit a fee of $ 150.00 with the request for interpretation.

2. Any person that requests the authorization of an alternative or innovative technology pursuant to *N.J.A.C. 7:26-3A.47(a)* shall submit a fee of $ 1,500 with the request for the authorization; and

3. Any person that requests the authorization of an alternative or innovative technology demonstration program pursuant to *N.J.A.C. 7:26-3A.47(c)* shall submit a fee of $ 2,000 with the request for authorization of the demonstration program.

(h) The omission of any type of Department service from the fee schedule set forth in (g) above, or if the Department determines that performing its services will exceed the fee the Department charges for a service listed at (g) above, shall not prevent the Department from assessing a reasonable fee for such service, at any time whether prior to, during or after the Department has performed its services. Any person that requests a Department service not listed at (g) above may request an initial review of the service for purposes of determining the fee for performing such service.

1. If the Department determines that the service is of a type listed in (g)1 through 3 above, the fee shall be the applicable fee specified at (g) above.

2. If the Department determines that the service is not one of those listed in (g)1 through 3 above, the fee shall be equal to the Department's estimate of the number of person-hours required to perform such activity, multiplied by the following hourly rates for regulated medical waste services:

i. For State fiscal year 2006, the hourly rate shall be $ 109.00; and

ii. For each State fiscal year after State fiscal year 2006, the hourly rate shall be annually adjusted pursuant to (n) and (*o*) below.

3. An estimated fee calculated under this subsection is not binding on the Department. The final fee to be charged by the Department will be based on actual hours worked multiplied by the hourly rate calculated pursuant to (h)2i and ii above.

(i) The Department shall charge an excess fee for regulated medical waste services at the following hourly rates for excess person-hours required to perform any service for which a fee is established pursuant to (a) through (g) above. The Department shall notify the applicant or permittee of such excess fee in writing before performing the additional work:

1. For State fiscal year 2006, the hourly rate shall be $ 89.00; and

2. For each State fiscal year after State fiscal year 2006, the hourly rate shall be annually adjusted pursuant to (n) and (*o*) below.

(j) The determination of an estimated fee pursuant to (h) above shall expire 90 days after the date such determination was issued, unless the applicant or permittee has paid such fee to the Department in full before expiration. If the applicant or permittee desires to continue to pursue the request for services for which the fee determination has expired, such applicant or permittee may request a redetermination of the fee in writing, and the Department shall redetermine the fee in accordance with (h) above, as applicable.

(k) The Department may refrain from commencing work on the service for which a fee is established pursuant to (g) through (i) above until the Department receives full payment of such fee. If the Department has commenced work on the service the Department may suspend such work until it receives full payment of such fee.

(*l*) Any generator that fails to register pursuant to this section and that submits the annual fee pursuant to (a) above later than August 20 of each calendar year shall pay a late fee in the amount of 25 percent of the annual fee up to 15 days, 50 percent up to six months, and 100 percent up to one year, in addition to the annual fee. Neither the assessment of a late fee nor the payment of a late fee shall prevent the Department from taking any appropriate enforcement action.

(m) Any generator that submits the annual generator report required by *N.J.A.C. 7:26-3A.21(d)*, 30 or more days after such report is due to be submitted to the Department shall pay a late fee of $ 267.00. Neither the assessment nor the payment of a late fee shall prevent the Department from taking any appropriate enforcement action.

(n) The Department shall annually determine, during the month of October, the hourly rate for regulated medical waste services, as well as the hourly rate for excess hours. These hourly rates shall be determined using the following formulas:

$$\text{Hourly Rate} = \frac{(AS+FB+IC+OE+LS)}{BH}$$

$$\text{Excess Hourly rate} = \frac{(AS+FB+IC)}{BH}$$

Where:

AS = The average annual salary of the Direct Program staff assigned to the activity, plus a component that reflects the salaries for Direct Support and Division Overhead staff who perform functions related to the fee activity. To calculate AS, the Department divides the applicable number of Direct Support staff and Division Overhead staff salaries by the number of Direct Program staff and adds this figure to the average salary of the Direct Program staff.

FB = The average fringe benefits for an employee calculated as a percentage of the average salary. The New Jersey Department of Treasury sets the percentage based on costs associated with pensions, health benefits, workers compensation, disability benefits, unused sick leave and the employer's share of the Federal Income Compensation Act (FICA) contribution. The percentage is annually set by the New Jersey Department of Treasury.

IC = The indirect costs, which are calculated at a rate negotiated annually between the Department and the United States Environmental Protection Agency. Indirect costs are those costs incurred for a common or joint purpose, benefiting more than one objective and not readily assignable to the cost objective specifically benefited without effort disproportionate to the result achieved. Indirect costs consist of Department management salaries and operating expenses, divisional indirect salaries and related expenses (personnel, fiscal and general support staff), building rent and the Department allocation of indirect costs listed in the Statewide Allocation Plan prepared annually by the State

Department of the Treasury. Indirect costs do not include the salaries for Division Overhead staff and Direct Support personnel. To calculate the IC, the current negotiated rate is multiplied by the sum of AS and FB.

OE = The average operational expenses attributable to a Direct Program Staff position. Operating expenses include costs incurred in connection with the program for such items as postage, telephone, training, travel, supplies, equipment maintenance, vehicle maintenance and data system management (internal systems such as the New Jersey Environmental Management System (NJEMS) and external mainframe applications through the Office of Information Technology).

LS = The budgeted annual costs of legal services performed in connection with each of the types of activities for which fees are assessed divided by the total number of Direct Program staff funded through the various fee programs.

BH = 1,428. The billable hours, which is the average number of hours each Direct Program Staff position spends annually performing activities for which fees are assessed, which is determined by starting with the total number of days in the calendar year, 365. Then weekends and holidays are subtracted. This figure is further reduced by subtracting days for an average number of used employee leave time (vacation, sick and administrative leave days). Finally, the figure is adjusted by subtracting days for training and other non-billable staff time (such as medical surveillance, time sheet preparation, staff meetings, and other general functions). This results in 204 working days annually that can be allocated to specific objectives (204 days multiplied by seven hours per workday equals the 1,428 billable hours used for most calculations).

(*o*) Each year, the Department shall prepare an Annual Regulated Medical Waste Hourly Rate Calculation Report detailing the factors used to calculate the hourly rate and the excess hourly rate. During the month of December, the Department shall publish in the New Jersey Register a notice that includes a summary of the report and the hourly rate and excess hourly rate. The notice shall state that the report is available, and shall direct interested persons to contact the Department for a copy of the report. The Department shall provide a copy of the report to each person requesting a copy and shall post a copy of the report on the Department's website at www.state.nj.us/dep.

7:26-3A.9 Education

The supervisory personnel of all transporters, except generators that transport their own regulated medical waste and satisfy the requirements of *N.J.A.C. 7:26-3A.17(a)*, collection facilities, intermediate handlers and destination facilities shall attend education and training sessions provided by the Department, and shall also be required to disseminate the information obtained at the sessions to all employees.

7:26-3A.10 Segregation requirements

(a) Generators shall segregate regulated medical waste intended for transport off-site to the extent practicable prior to placement in containers according to (b) below.

(b) Generators shall segregate regulated medical waste into:

1. Sharps (Classes 4 and 7 as defined at *N.J.A.C. 7:26-3A.6(a)*) including sharps containing residual fluid;

2. Fluids (quantities greater than 20 cubic centimeters); and

3. Other regulated medical waste.

(c) Other regulated medical waste described at (b)3 above may be included in sharps containers. Such containers shall be managed at all times as sharps containers in accordance with *N.J.A.C. 7:26-3A.11*. The waste in these containers shall not be allowed to putrefy or be malodorous in any detectable manner.

(d) If other nonregulated medical waste and/or solid waste is placed in the same container(s) as regulated medical waste, or if regulated medical waste cannot be initially segregated from other solid waste, then the generator shall package, label, and mark the container(s) and manage its entire contents according to the requirements for regulated medical waste in this subchapter.

7:26-3A.11 Packaging requirements

(a) Generators shall ensure that all of their regulated medical waste is packaged in accordance with the requirements of (b) through (d) below, before transporting or offering such regulated medical waste for transport off-site. Generators may use one or more containers to meet these requirements for regulated medical waste packaging.

(b) Generators shall ensure that all regulated medical waste is placed in a container or containers that are:

1. Rigid;

2. Leak-resistant;

3. Impervious to moisture;

4. Sufficiently strong to prevent tearing or bursting under normal conditions of use and handling; and

5. Sealed to prevent leakage during transport.

(c) In addition to the requirements above, generators shall:

1. Package sharps and sharps with residual fluids in packaging or containers that are puncture-resistant; and

2. Package fluids (quantities greater than 20 cubic centimeters) in packaging or containers that are break-resistant and tightly lidded or stoppered.

(d) Generators need not place oversized regulated medical waste in containers. Generators shall note any special handling instructions for these items in Box 14 of the medical waste tracking form.

(e) Solid waste that is not being managed as regulated medical waste shall not be packaged for shipment inside a regulated medical waste container or in containers attached to, or part of, a regulated medical waste container.

(f) All waste packaged in "Biohazard" labeled bags or bags with the universal biohazard symbol on them will be presumed to be potentially infectious and shall be managed as RMW for transport and disposal.

7:26-3A.12 Storage of regulated medical waste prior to transport, treatment, destruction, or disposal

(a) Any person who stores regulated medical waste prior to treatment or disposal on-site (for example, interment, treatment and destruction, or incineration), or transport off-site, shall comply with the following storage requirements:

1. Store the regulated medical waste in a manner and location that maintains the integrity of the packaging and provides protection from water, rain and wind;

2. Maintain the regulated medical waste in a nonputrescent state, using refrigeration when necessary;

3. Lock the outdoor storage areas containing regulated medical waste (for example, dumpsters, sheds, tractor trailers, or other storage areas) to prevent unauthorized access;

4. Limit access to on-site storage areas to authorized employees; and

5. Store the regulated medical waste in a manner that affords protection from animals and does not provide a breeding place or a food source for insects and rodents.

(b) The storage period for regulated medical waste is limited as follows:

1. Regulated medical waste shall be disposed of immediately if it becomes putrescent or emits any odors;

2. All regulated medical waste shall be disposed of within one year of the date of generation, or sooner as determined by the generator, except that:

i. The storage period may exceed one year for regulated medical wastes that must be stored for longer periods to provide for the decay of radioactive materials in accordance with applicable Federal or State statutes and regulations.

(c) Any container that is being used to accumulate or store sharps shall be secured so that the contents are not accessible to any unauthorized person.

7:26-3A.13 Decontamination standards for reusable containers

(a) Generators, transporters, intermediate handlers and destination facility owners and operators shall comply with the following requirements with respect to reusing containers:

1. All non-rigid containers and inner liners shall be managed as regulated medical waste under this subchapter and shall not be decontaminated or reused;

2. Any container used for the storage and/or transport of regulated medical waste and designated for reuse once emptied, shall be decontaminated if the container shows signs of visible contamination;

3. If any container used for the storage and/or transport of regulated medical waste is for any reason not capable of being rendered free of visible signs of contamination on its outer surface in accordance with (a)2 above, the container must be managed (labeled, marked and treated and/or disposed of) as regulated medical waste under this subchapter; and

4. Decontaminated containers shall be free of all removable contaminating material from the inner and outer surfaces.

7:26-3A.14 Labeling requirements

(a) Generators shall label each package of regulated medical waste and each individual container used at the specific location of initial generation immediately on use, to meet the packaging requirements of *N.J.A.C. 7:26-3A.11* and in accordance with all applicable Federal regulations including, but not limited to, 49 C.F.R. Parts 171-180 as amended and supplemented, before the waste is transported or offered for transport off-site as follows:

1. Each container of untreated regulated medical waste shall have a water-resistant label affixed to or printed on the outside of the container. The label shall include the words "Medical Waste," or "Infectious Waste," or display the universal biohazard symbol. Red plastic bag(s) used as an inner container need not display a label; and

2. Packages containing treated regulated medical wastes are not required to be labeled under this section but are required to be marked in accordance with the requirements of *N.J.A.C. 7:26-3A.15*.

7:26-3A.15 Marking (identification) requirements

(a) Generators (including intermediate handlers) shall mark each individual container of regulated medical waste in accordance with all applicable Federal regulations including, but not limited to, 49 C.F.R. Parts 171-180 as amended and supplemented and according to the following marking requirements before the waste is removed from the generator's storage area and is transported or offered for transport off-site:

1. The outermost surface of the outer container or any inner container used to meet the packaging requirements at *N.J.A.C. 7:26-3A.11* shall be marked with a water-resistant identification tag of sufficient dimension to contain the following information:

i. The generator's or intermediate handler's name;

ii. The generator's or intermediate handler's address. If the generator or intermediate handler is not located in New Jersey, then use their state permit or identification number, and if their state does not issue permit or identification numbers, then use the generator's or intermediate handler's address;

iii. The transporter's name;

iv. The transporter's NJDEP solid waste registration number;

v. The date of shipment; and

vi. Identification of contents as medical waste.

2. In addition to the requirements of (a)1 above, if the generator has used inner containers, including sharps and fluid containers, each inner container shall be marked with indelible ink or imprinted with water-resistant tags. The marking or the tag shall contain the following information:

i. The generator's or intermediate handler's name; and

ii. The generator's or intermediate handler's address. If the generator or intermediate handler is not located in New Jersey, then use their state permit or identification number, and if their state does not issue permit or identification numbers, then use the generator's or intermediate handler's address.

7:26-3A.16 General requirements for regulated medical waste generators, transporters, collection facilities, intermediate handlers and destination facilities

(a) A generator, transporter, collection facility, intermediate handler or destination facility that generates a medical waste, as defined in *N.J.A.C. 7:26-3A.5* and who is located in New Jersey, or that stores, transfers, transports, treats, destroys or disposes of, or otherwise manages medical waste in New Jersey shall determine if that waste is a regulated medical waste.

(b) A generator, transporter, collection facility, intermediate handler or destination facility that either treats and/or destroys and disposes of regulated medical waste on-site (for example, incineration, burial or sewer disposal covered by Section 307(b)-(d) of the Clean Water Act,) or any generator, transporter, collection facility, intermediate handler or destination facility that neither treats nor destroys regulated medical waste on site but disposes of regulated medical waste via sewer disposal in compliance with all applicable Federal, State, county and local statutes, rules and ordinances is not subject to tracking requirements for that waste but is subject to all other applicable requirements, including, but not limited to, the generator reporting, registration, all fee requirements of this subchapter and the following conditions:

1. Bulk blood, body fluids and small amounts of pathological wastes that are liquefied or suspended in liquids, or have passed through the filters in alternative or innovative technologies may be disposed of in sanitary sewer, septic or municipal sewer system in accordance with Section 307(b) through (d) of the Clean Water Act.

2. Nonbiological regulated medical waste (for example, plastic blood bags, gauze bandages and similar substances) shall not be disposed of in a sanitary sewer, septic or municipal sewer system except for very minute amounts of such wastes that may escape retention on filters in alternative or innovative technologies designed to capture the insoluble waste particles in order to prevent their disposal into the sewer system.

(c) Vessels at port in New Jersey are subject to the requirements of this subchapter for those regulated medical wastes that are transported ashore in New Jersey. The owner or operator of the vessel and the person(s) removing or accepting waste from the vessel are considered co-generators of the waste.

(d) Any person offering regulated medical waste for transport shall use transporters that meet the requirements of *N.J.A.C. 7:26-3A.27(c)*, unless the transporter is a generator meeting the requirements of *N.J.A.C. 7:26-3A.17(a)* or unless the transporter is the U.S. Postal Service and the requirements of *N.J.A.C. 7:26-3A.17(b)* are met.

(e) Persons shall dispose of regulated medical waste only with a registered intermediate handler, at a registered destination facility, a regulated medical waste sanitary landfill permitted in accordance with *N.J.A.C. 7:26-3A.18*, a resource recovery facility authorized to accept such waste and permitted in accordance with N.J.A.C. 7:26-2, or a facility in another state authorized to accept such wastes by such state. Shipments to out-of-State facilities shall be made in accordance with *N.J.A.C. 7:26-3A.28*, *3A.46* and *3A.48*.

(f) A generator receiving regulated medical waste from other generators for transfer to a facility for treatment, destruction or disposal is considered a collection facility for the purposes of this section, except:

1. Any generator generating regulated medical wastes in the ordinary course of business and receiving home self-care medical waste for management in accordance with *N.J.A.C. 7:26-3A.16(h)*.

(g) Any generator generating regulated medical waste in the ordinary course of business and operating a noncommercial collection facility, an intermediate handler facility or a destination facility registered pursuant to this chapter, is not subject to the requirements at N.J.A.C. 7:26-16 or 16A.

(h) A generator generating regulated medical waste in the ordinary course of business, transporters, collection facilities, intermediate handlers or destination facilities may accept home self-care medical waste for management in accordance with the following requirements:

1. The generator, transporter, collection facility, intermediate handler or destination facility receiving the home self-care medical waste shall maintain a list of all persons delivering the home self-care medical waste, including such person's name, address, and telephone number, and the dates and the number of the medical waste containers received.

2. Containers shall meet the packaging requirements for regulated medical waste at *N.J.A.C. 7:26-3A.11*. Coffee cans, glass or soft thin-walled plastic bottles are not acceptable containers for collection and transportation of used or unused syringes. All containers shall be clearly labeled with the universal biohazard symbol or the words, "Home Self-Care Medical Waste."

3. The home self-care medical waste, after receipt, shall be managed in compliance with the requirements for regulated medical waste in this subchapter in addition to the following specific requirements:

i. For reporting purposes, home self-care medical waste shall be considered regulated medical waste by the person accepting it for disposal;

ii. Collected home self-care medical waste shall be transported in compliance with this subchapter;

iii. A person that offers home self-care medical waste for off-site treatment, destruction, or disposal shall use the tracking form required by *N.J.A.C. 7:26-3A.19*;

iv. Packaged cardboard shipping boxes in which containers of home self-care medical waste is transported shall be labeled with the universal biohazard symbol or the words, "Home Self-Care Medical Waste";

v. The tracking form shall be prepared in accordance with all State standards, except that Box 14 on the tracking form shall contain the words "Home Self-Care Medical Waste." Box 14 shall be used to identify the total number of containers shipped and total quantity (in net or gross mass, capacity, or as otherwise appropriate), including the unit of measurement (for example, lbs., gal., Kg., or L) of the shipment;

vi. Treatment and destruction shall be in accordance with this subchapter. A separate log shall be maintained to record the total number of containers and total quantity (in net or gross mass, capacity, or as otherwise appropriate), including the unit of measurement (for example, lbs., gal., Kg., or L) of home self-care medical waste treated and destroyed.

(i) No person shall install or use any alternative or innovative technology, or any modification thereof, for the treatment and/or destruction of regulated medical waste unless such technology or modification has been approved and authorized by the Department and DOH for such purpose pursuant to *N.J.A.C. 7:26-3A.47*.

(j) No person shall abandon regulated medical waste on any public or private property or cause regulated medical waste to be abandoned. For the purpose of this section, "abandoned" means the intentional or unintentional placement, discard or loss of regulated medical waste in any area outside of the direct control of the person generating, transporting, managing, or disposing of the waste.

7:26-3A.17 Exemptions

(a) Generators of less than three cubic feet (50 pounds) of regulated medical waste per month that transport only their own regulated medical waste and home self-care medical waste to another generator for storage or disposal are exempt from the requirements of *N.J.A.C. 7:26-3A.16(d)* and the requirements of *N.J.A.C. 7:26- 3A.27(c)*. The generator shall meet the following conditions:

1. The regulated medical waste is transported by the generator (or the generator's authorized employee) in a vehicle with a gross weight of less than 8,000 pounds that is owned by the generator, the same operator as the generator at that site or the same operator's or generator's authorized employee;

2. The original generation point and the storage point or disposal facility are located in New Jersey; and

3. The generator complies with the requirements of *N.J.A.C. 7:26-3A.19*.

(b) Generators that transport by the U.S. Postal Service regulated medical waste, Classes 4 and 7 as defined at *N.J.A.C. 7:26-3A.6*, are exempt from the requirements of *N.J.A.C. 7:26-3A.16(d)* if the generator generates less than three cubic feet (50 pounds) of regulated medical waste per month and ships less than three cubic feet (50 pounds) of regulated medical waste per shipment. The generator shall meet the following conditions:

1. The package shall be sent registered or certified mail, return receipt requested (indicating the person to which the package is sent, signature of sender, date, and address where delivered) or Priority Mail;

2. The generator shall retain the original mailing receipt and the returned registered or certified mail receipt, or in the case of Priority Mail, a hard copy of the electronic delivery confirmation (containing at a minimum the name, address, city, state, and zip code of the facility as well as the date of delivery and the amount of RMW delivered) attached to the generator copy of the tracking form; and

3. The generator shall comply with the requirements of *N.J.A.C. 7:26-3A.19*.

(c) Generators of less than 500 pounds of regulated medical waste per year, excluding blood and body fluids disposed of in a municipal sewer system in accordance with *N.J.A.C. 7:26-3A.16(b)*, are exempt from the tracking requirements of *N.J.A.C. 7:26-3A.19* provided:

1. Such generators generate regulated medical waste within the boundaries of a medical care room operated by another registered generator generating regulated medical waste in the ordinary course of business, such as a doctor or hospital; and

2. Each generator using the medical care room has a written agreement with the operator of the medical care room providing that such operator will dispose of the generator's regulated medical waste according to the requirements of this subchapter.

(d) A generator that collects regulated medical waste from other generators, in the same building or in other buildings on the generator's property or on contiguous property owned by the generator not divided by public roads, is exempt from the requirements of *N.J.A.C. 7:26-3A.16(d)* provided:

1. The generator collecting the regulated medical waste is registered as a collection facility, intermediate handler or destination facility;

2. The generator or its employee collects the regulated medical waste;

3. All the regulated medical waste is managed in compliance with this subchapter at all times; and

4. The collected regulated medical waste is not transported on public roads.

(e) A generator that generates regulated medical waste at a temporary facility operating less often than 15 days each year is exempt from the registration requirement of *N.J.A.C. 7:26-3A.8(d)* provided:

1. The generator maintains a permanent registered regulated medical waste generator facility; and

2. The generator transports the regulated medical waste from the temporary facility to the generator's permanent facility at the end of each working day for management as a regulated medical waste in accordance with this subchapter.

(f) Noncommercial collection facilities operating in accordance with *N.J.A.C. 7:26-3A.39(b)* and that collect less than 2,000 pounds of RMW per year are exempt from registration with the Department as a noncommercial collection facility. Noncommercial collection facilities collecting less than 2,000 pounds of regulated medical waste per year are also exempt from annual fees for collection facilities listed at *N.J.A.C. 7:26-3A.8(d)*.

7:26-3A.18 Solid waste facility acceptance of regulated medical waste

(a) Regulated medical waste may be transported to or otherwise unloaded at any transfer station permitted or approved by the Department in accordance with *N.J.A.C. 7:26*, provided that the permittee applies to the Department for an amended permit, pursuant to *N.J.A.C. 7:26-2.6*, to authorize the facility to accept regulated medical waste.

1. Transfer stations accepting regulated medical waste shall comply with the requirements for regulated medical waste collection facilities at *N.J.A.C. 7:26-3A.39(b)*3 and (d)2 through 8.

(b) Regulated medical waste which has been treated may be transported to and disposed of at any sanitary landfill facility which is permitted or approved by the Department in accordance with *N.J.A.C. 7:26*, provided that the permittee applies to the Department for an amended permit, pursuant to *N.J.A.C. 7:26-2.6*, to authorize the facility to accept regulated medical waste.

7:26-3A.19 Generator use of tracking form

(a) A generator that transports or offers for transport regulated medical waste for off-site treatment, destruction, or disposal, including generators that meet the requirements of *N.J.A.C. 7:26-3A.17*, shall use only New Jersey regulated medical waste tracking forms, available upon request from the Department at the address listed at *N.J.A.C. 7:26-3A.8(e)*.

(b) The tracking form shall be prepared in accordance with (c) through (g) below and the instructions provided by the Department.

1. Generators that transport regulated medical waste to the supplier of the radioactive medical materials from which the waste was derived and such supplier of radioactive medial materials shall complete the tracking form in accordance with (h) below.

(c) The generator shall prepare at least the number of tracking form copies that will provide the generator, each transporter(s), and each intermediate handler with one copy, and the owner or operator of the destination facility with two copies.

(d) The generator shall also:

1. Complete Boxes 1 through 15 of the tracking form for each shipment of regulated medical waste off-site;

i. The quantity (in net or gross mass, capacity, or as otherwise appropriate), including the unit of measurement (for example, lbs., gal, Kg., or L) of the regulated medical waste shall be entered in Box 13.

2. Sign and date the certification statement in Box 15 on the tracking form by hand;

3. Obtain the handwritten signature of the initial transporter and date of acceptance on the tracking form in Box 16; and

4. Retain "Copy 4--Generator Copy", in accordance with *N.J.A.C. 7:26-3A.21(a)*1.

(e) Generators that transport their own regulated medical waste and that meet the requirements of *N.J.A.C. 7:26-3A.17(a)* shall:

1. Sign and date the certification statement in Box 15 on the tracking form by hand, and enter in Box 5 the words "Self-Transport";

2. Sign the transporter section of the tracking form in Box 16, noting the date the regulated medical waste was transported;

3. Enter the name, address, telephone number and State Permit number of the destination facility in Boxes 8 through 10;

4. Enter the name, address, telephone number and Generator Identification number of the collection facility in Box 14.

5. Retain "Copy 3--Transporter Copy" and "Copy 4--Generator Copy", in accordance with *N.J.A.C. 7:26-3A.21(a)*1.

6. Ensure that the tracking form accompanies the regulated medical waste while in transit; and

7. Comply with the tracking form requirements for transporters at *N.J.A.C. 7:26-3A.31(d)*.

(f) Generators that transport their regulated medical waste through the U.S. Postal Service and that meet the requirements of *N.J.A.C. 7:26-3A.17(b)* shall:

1. Sign and date the certification statement in Box 15 on the tracking form by hand;

2. Sign and date the transporter section of the tracking form by noting that the transporter is the U.S. Postal Service in Box 5. The person delivering the RMW to the U.S. Postal Service shall sign and note the date the shipment was mailed in Box 16;

3. Enter the name, address, telephone number and State Permit number of the destination facility in Boxes 8 through 10;

4. Retain "Copy 3--Transporter Copy" and "Copy 4--Generator Copy", in accordance with *N.J.A.C. 7:26-3A.21(a)*1; and

5. Ensure that the tracking form accompanies the regulated medical waste while in transit.

(g) For rail shipments of regulated medical waste within the United States that originate at the site of generation, the generator shall send at least three copies of the tracking form dated and signed in accordance with this section to:

1. The next non-rail transporter, if any; or

2. The intermediate handler or destination facility if transported solely by rail; or

3. The last rail transporter to handle the waste in the United States if exported by rail.

(h) For regulated medical waste derived from radioactive medical materials, the tracking form shall be prepared as follows:

1. The generator shall complete Boxes 1 through 10 on the tracking form;

2. The generator shall indicate in Box 14 that radioactive regulated medical waste is being transported to the supplier of the original radioactive medical materials;

3. The generator shall complete Box 15 (generator's certification) and enter the first date the tracking form is used. A copy of that specific tracking form may then be used for up to one year from the original date entered in Box 15;

4. A copy of the tracking form shall accompany each shipment of radioactive regulated medical waste from the generator to the supplier;

5. The generator shall use a registered regulated medical waste transporter;

6. The supplier shall maintain a receiving log for each shipment, which may be in the form of its usual recordkeeping for the radioactive waste inventory, in which the following information is recorded:

i. The date of receipt of the radioactive regulated medical waste shipment;

ii. The type of radioactive regulated medical waste received and the number of containers of each type; and

iii. The total quantity (in net or gross mass, capacity, or as otherwise appropriate), including the unit of measurement (for example, lbs., gal, Kg., or L) of each type of radioactive regulated medical waste received; and

7. The supplier shall, on a semi-annual basis, submit a summary of the receiving log information to the generator of the radioactive regulated medical waste and to the Department.

7:26-3A.20 Generators exporting regulated medical waste

(a) Generators (including transporters, collection facilities, transfer stations, and intermediate handlers that initiate tracking forms) that export regulated medical waste to a foreign country (for example, Canada) for treatment, destruction, or disposal, shall request that the destination facility provide written confirmation that the waste was received. If the generator has not received that confirmation from the destination facility within 45 days from the date of acceptance of the waste by the first transporter, the generator shall submit an exception report as required under *N.J.A.C. 7:26-3A.22*.

7:26-3A.21 Generator recordkeeping

(a) Each generator shall:

1. Keep the copy of each tracking form required by *N.J.A.C. 7:26-3A.19* and the signed "Copy 1--Generator Copy" of each completed tracking form signed by the owner or operator of the destination facility, intermediate handler or collection facility for at least three years from the date the waste was accepted by the initial transporter unless the Department specifically requires an additional retention period; and

2. Retain a copy of all exception reports required to be submitted pursuant to *N.J.A.C. 7:26-3A.22(b)* for at least three years after the day the exception report was submitted unless the Department specifically requires an additional retention period.

(b) Each generator who treats and destroys regulated medical waste on-site by a method or process other than incineration, shall maintain the following records:

1. The approximate quantity by weight, of regulated medical waste that is subject to the treatment and destruction processes;

2. The approximate percent, by weight, of total waste treated and destroyed that is regulated medical waste; and

3. For regulated medical waste accepted from other generators, the name and address of the generators, the date the waste was accepted from each generator, the weight of waste accepted from each generator, and the date the waste was treated and destroyed for each generator.

(c) Each generator in (b) above shall maintain records for a period of at least three years from the date the waste was treated and destroyed, unless the Department specifically requires an additional retention period.

(d) Generators of more than 200 pounds of regulated medical waste during the reporting period of June 22 through June 21 of each calendar year shall submit annual generator reports to the Department on forms available from the Department at the address listed at *N.J.A.C. 7:26-3A.8(f)*4. The generator annual report shall cover all regulated medical waste generated, treated or destroyed, and disposed of during the reporting period. The generator annual report shall be submitted to the Department by July 21 of each calendar year and shall include, but not be limited to, the following information:

1. The date of the report;

2. A description of the regulated medical waste, identified by Waste Class;

3. The total quantity in pounds for the year for each Waste Class of regulated medical waste generated, treated, destroyed, or disposed of;

4. The name and NJDEP solid waste transporter registration number of every transporter who transported the generator's regulated medical waste;

5. The name and address of each intermediate handler or destination facility and a description of quantity in pounds for each Waste Class of regulated medical waste sent to each facility; and

6. The method of treatment, destruction or disposal of each Waste Class by quantity in pounds (for example, on-site treatment, on-site incineration, disposal via sanitary sewer).

(e) Generators of regulated medical waste that is reused or recycled shall comply with the reporting requirements of *N.J.A.C. 7:26-3A.6(b)*6iii and 7iii.

(f) All copies of the generator's annual reports, tracking forms and other documents required to be maintained under this subchapter as well as copies of the Department's compliance inspection reports and the certificate of generator registration for the site shall be retained at the generator's site, for at least three years from the date that the documents were due, or created, unless the Department specifically requires an additional retention period.

(g) Generators required to file Annual Generator Reports pursuant to (d) above shall have the option to file the required data electronically via the Division of Solid and Hazardous Waste's Internet web site at http:// www.state.nj.us/dep/online.

7:26-3A.22 Exception reporting for generators

(a) A generator shall contact the owner or operator of the destination facility, transporter(s), intermediate handler(s) and collection facility(s), as appropriate, to determine the status of any tracked waste if the generator does not receive a copy of the completed tracking form with the handwritten signature of the owner or operator of the destination facility within 35 days of the date the waste was accepted by the initial transporter.

(b) A generator shall submit a generator exception report, as described below, to the Department at the address listed at *N.J.A.C. 7:26-3A.8(d)* if the generator has not received a completed copy of the tracking form signed by the owner or operator of the destination facility within 45 days of the date the waste was accepted by the initial transporter, or if the tracking form for the waste was consolidated onto a new tracking form by a transporter or a collection facility in accordance with *N.J.A.C. 7:26-3A.33*, within 60 days of the date the waste was accepted by the initial transporter. The exception report must be postmarked on or before the 46th day following the date the waste was accepted by the initial transporter, or for loads consolidated by transporters or collection facilities, on or before the 61st day, and shall include:

1. A legible copy of the original tracking form for which the generator does not have confirmation of delivery; and

2. A cover letter signed by the generator or his authorized representative explaining the efforts taken to locate the regulated medical waste, and its final disposition if ascertained, and the results of those efforts.

(c) A copy of the generator exception report shall be kept by the generator for a period of a least three years from the date the exception report was submitted unless the Department specifically requires an additional retention period.

7:26-3A.23 Additional reporting for generators

The Department and the Administrator may require generators to furnish additional information concerning the quantities and management methods of medical waste as they deem necessary under Resource Conservation Recovery Act (RCRA) Section 11004 and as the Department deems necessary under *N.J.S.A. 13:1D-9*.

7:26-3A.24 Generators of regulated medical waste who incinerate regulated medical waste on-site

(a) The requirements of *N.J.A.C. 7:26-3A.25* and *3A.26* shall apply to generators of regulated medical waste who incinerate regulated medical waste on-site.

(b) Generators of regulated medical waste that incinerate such waste on-site and that accept regulated medical waste accompanied by a regulated medical waste tracking form are also subject to the requirements of *N.J.A.C. 7:26-3A.39* through *3A.43*.

(c) In addition, owners and operators of incinerators are required to comply with the requirements of N.J.A.C. 7:26-2, 2B, 4 and 16 unless they are temporarily authorized to operate in accordance with *N.J.A.C. 7:26-3A.38*.

7:26-3A.25 Recordkeeping for generators with on-site incinerators

(a) Generators shall keep a generator on-site incinerator operating log at their incineration facility that includes, but shall not be limited to, the following information:

1. The date each incineration cycle was begun;

2. The length of the incineration cycle;

3. The total quantity in pounds of solid waste and medical waste incinerated, per incineration cycle;

4. An estimate of the quantity in pounds of regulated medical waste incinerated, per incineration cycle; and

5. The quantity in pounds of ash generated and transported off-site, including dates of transport and the name, address, and NJDEP solid waste registration number of the transporters and the name and address of the disposal facilities utilized.

(b) Generators with on-site incinerators that accept regulated medical waste from other generator(s) shall maintain the following information, in addition to the on-site incinerator operating log required by (a) above, for each shipment of regulated medical waste accepted:

1. The date the waste was accepted;

2. The name and address of the generator who originated the shipment. If the generator is not located in New Jersey, then use the state permit or identification number of the other state and if the other state does not issue a permit or identification number, then use the generator's address;

3. The total weight in pounds of the regulated medical waste accepted from the originating generator; and

4. The signature of the individual accepting the waste.

(c) Generators with on-site incinerators shall initiate the generator on-site incinerator operating log required by (a) above as of June 22, 1989 and shall retain operating log for three years, unless the Department specifically requires an additional retention period.

(d) Generators with on-site incinerators that accept regulated medical waste from other generators shall keep copies of all tracking forms and operating logs for a period of three years from the date they accepted the waste unless the Department specifically requires an additional retention period.

(e) Generators shall retain a copy of the generator on-site incinerator report form required under *N.J.A.C. 7:26-3A.26* for three years from the date of submission, unless the Department specifically requires an additional retention period.

7:26-3A.26 Reporting for generators that incinerate regulated medical waste on-site

(a) The owner or operator of an on-site incinerator shall prepare three copies of an Annual Intermediate Handler and Destination Facility Report as required by *N.J.A.C. 7:26-3A.44* on forms available from the Department at the address listed in *N.J.A.C. 7:26-3A.8(f)* and submit one copy of the Intermediate Handler and Destination and Facility Report to the Department and two copies to:

Chief, Waste Characterization Branch

Office of Solid Waste (OS-332)

U.S. Environmental Protection Agency

401 M. Street, SW

Washington, DC 20460

(b) The Intermediate Handler and Destination Facility Report submitted by generators with incinerators shall summarize, in the format provided by the Department, information collected in the generator on-site incinerator operating log and shall contain, but not be limited to, the following information:

1. Facility name, mailing address, and location;

2. Facility type (for example, hospital, laboratory);

3. Contact person;

4. Waste feed information;

5. The total number of incinerators at the facility that incinerate regulated medical waste and information concerning each incinerator; and

6. The quantity in pounds of ash generated and transported off-site, including dates of removal, the name, address and NJDEP solid waste transporter registration number of the transporter(s), and the name and address of the disposal facility.

(c) Each Intermediate Handler and Destination Facility Report submitted by generators with incinerators shall contain the following certification, signed by the facility owner or his authorized representative: "I certify that I have

personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete."

7:26-3A.27 Transporters

(a) The requirements of *N.J.A.C. 7:26-3A.27* through *3A.37* apply to transporters and collection facilities, including generators that transport their own waste, and owners and operators of transfer facilities engaged in transporting regulated medical waste that is generated, stored, transferred, treated, destroyed, disposed of, or otherwise managed in New Jersey.

(b) The requirements of (a) above shall not apply to on-site transportation of regulated medical waste.

(c) No person shall engage or continue to engage in transportation of regulated medical waste in New Jersey unless:

1. They register as a regulated medical waste transporter in accordance with *N.J.A.C. 7:26-3A.8*;

2. They register as a solid waste transporter in accordance with *N.J.A.C. 7:26-3.2*, pay fees in accordance with N.J.A.C. 7:26-4, and comply with the requirements of *N.J.A.C. 7:26-3.1*, *3.4*, *3.7*, and 16; and

3. They obtain a certificate of public convenience and necessity as required by *N.J.S.A. 48:13A-6*;

(d) Generators of less than three cubic feet (50 pounds) of regulated medical waste per month that meet the requirements of *N.J.A.C. 7:26-3A.17(a)* are exempt from the requirements of (c) above.

(e) Generators, such as a hospitals or doctors, that generates regulated medical waste in the ordinary course of business and transports such regulated medical waste only among facilities that such generators wholly owns and operates are exempt from the requirements of (c) above, provided:

1. The generator files an affidavit with the Bureau of Registration in the Department verifying its limited transporter status;

2. The generator transports the regulated medical waste to a registered noncommercial treatment and destruction facility or a collection facility, wholly owned and operated by the generator; and

3. Pays the annual generator's noncommercial transporter fee pursuant to *N.J.A.C. 7:26-3A.8*.

(f) A transporter of regulated medical waste shall also comply with applicable requirements of *N.J.A.C. 7:26-3A.16*, *3A.18*, *3A.20*, *3A.21*, *3A.22*, *3A.23* and *3A.39*, when it consolidates two or more shipments of regulated medical waste onto a single regulated medical waste tracking form.

(g) Transporters shall also comply with the pre-transport requirements of *N.J.A.C. 7:26-3A.10* through *3A.15* if they:

1. Store regulated medical waste in the course of transport; or

2. Remove regulated medical waste from a reusable container; or

3. Modify packaging of regulated medical waste.

(h) Persons transporting regulated medical waste through New Jersey, when roadways and highways in New Jersey constitute a segment of such vehicle's route, are exempt from the requirements of (c) above, provided:

1. Transportation is completed in less than 24 hours, unless mechanical breakdown occurs and repair is necessitated;

2. Regulated medical waste is not collected, treated, transferred, or destroyed or disposed of in New Jersey;

3. Regulated medical waste is packaged, stored, labeled and marked in accordance with any applicable Federal law and regulations and with the requirements at *N.J.A.C. 7:26-3A.11*, 12, 15, and 16;

4. Containers of regulated medical waste are securely locked at all times during transit through New Jersey; and

5. The owner and/or operator of the vehicle transporting such waste is licensed in accordance with all applicable Federal law and regulations and all applicable law and regulations of the state of licensing of the owner and/or operator.

(i) Regulated medical waste transporters registered with the Department pursuant to N.J.A.C. 7:26-3, 3A, 16 and 16A that transport regulated medical waste of New Jersey origin may retain regulated medical waste in a transportation vehicle for up to 14 consecutive calendar days provided the waste does not become putrescent or emit any odors. If the regulated medical waste becomes putrescent, or emits any odors, the transporter shall dispose of the waste immediately.

(j) Regulated medical waste shall not be removed from or be transferred between vehicles by transporters or other persons unless the site of transfer is authorized as a solid waste transfer station for regulated medical waste pursuant to this chapter, or is registered and operating as a regulated medical waste collection facility pursuant to *N.J.A.C. 7:26-3A.39*.

(k) Regulated medical waste transported in New Jersey shall be transported in accordance with all applicable Federal regulations including, but not limited to, 49 C.F.R. Parts 171-180 as amended and supplemented.

7:26-3A.28 Transporter acceptance of regulated medical waste

(a) Transporters shall not accept for transport any regulated medical waste unless the outer surface of the container:

1. Is labeled and marked in accordance with *N.J.A.C. 7:26-3A.14* and *3A.15*; and

2. Appears to be in good condition and shows no signs of leakage or other visible packaging deficiencies.

(b) Transporters shall accept a shipment of regulated medical waste only from a registered regulated medical waste generator and all shipments shall be accompanied by a properly completed tracking form as required by *N.J.A.C. 7:26-3A.19*.

(c) When regulated medical waste is handled by more than one transporter, each subsequent transporter shall attach a water resistant identification tag below the generator's marking on the outer surface of the packaging that does not obscure the generator's or previous transporter's markings. The transporter taking possession of the shipment must ensure that the tag contains the following information:

1. The name of transporter taking possession (receiving) of the regulated medical waste;

2. The transporter's NJDEP solid waste registration number. If the transporter does not transport in New Jersey, use the permit or identification number issued by the state in which the transporter is registered. If the transporter's state does not issue a permit or identification numbers, then use the transporter's address; and

3. The date of receipt.

(d) Before accepting regulated medical waste for transport to a facility outside New Jersey, a transporter shall obtain certification from the out-of-State facility that such a facility is authorized or permitted to accept such waste by the receiving state and shall submit the certification to the Bureau of Resource Recovery and Technical Programs in the Department at the address given at *N.J.A.C. 7:26-3A.8(f)*4.

7:26-3A.29 (Reserved)

7:26-3A.30 Vehicle requirements

(a) In addition to the requirements of N.J.A.C. 7:26-3, transporters shall use vehicles to transport regulated medical waste in accordance with all applicable Federal regulations including, but not limited to, 49 C.F.R. Parts 171-180 as amended and supplemented and that meet the following requirements:

1. The vehicle shall have a fully enclosed, leak-resistant cargo-carrying body;

2. The transporter shall ensure that the waste does not become putrescent in the vehicle through lengthy storage and is not subject to mechanical stress or compaction during loading and unloading or during transit;

3. The transporter shall maintain the cargo-carrying body in good sanitary condition; and

4. The cargo-carrying body shall be securely locked if left unattended.

(b) The transporter shall use vehicles to transport regulated medical waste that have the following identification on the two sides and back of the cargo-carrying body in letters a minimum of three inches in height:

1. The name of the transporter;

2. The transporter's NJDEP solid waste transporter registration number; and

3. A sign or the following words imprinted:

i. MEDICAL WASTE; or

ii. INFECTIOUS WASTE.

(c) A transporter shall not transport regulated medical waste with other solid waste in the same container, unless the transporter manages both wastes as regulated medical waste in compliance with the requirements of *N.J.A.C. 7:26-3A.27* through *3A.36*.

7:26-3A.31 Tracking form requirements for transporters

(a) A transporter shall not accept a shipment of regulated medical waste if the regulated medical waste is to be treated, transported, stored, transferred, destroyed, disposed of, or otherwise managed in New Jersey, unless it is accompanied by a medical waste tracking form available from the Department at the address listed at *N.J.A.C. 7:26-3A.8(d)* and completed in accordance with instructions provided by the Department and signed by the generator in accordance with the provisions of *N.J.A.C. 7:26-3A.19*. In the case where a transporter intends to deliver regulated medical waste generated in New Jersey to another state which supplies its own tracking form and requires its use, the transporter shall provide the generator with the form of that state to which the waste is to be sent.

(b) Before accepting for collection, transport or transporting any regulated medical waste, the transporter shall:

1. Certify that the tracking form accurately reflects the number of the packages being transported by signing and dating the tracking form acknowledging acceptance of the regulated medical waste from the generator; and

2. Return a signed "Copy 4--Generator Copy" of the tracking form to the generator before leaving the generator's site.

(c) Each transporter shall ensure that the tracking form accompanies the regulated medical waste while in transit.

(d) A transporter, upon delivery of the regulated medical waste to another transporter (including a transfer facility) or to an intermediate handler or destination facility located in the United States, shall:

1. Complete Boxes 17 through 22 of the tracking form and obtain the date of delivery and the handwritten signature of the transporter, or the owner or operator of the intermediate handling facility or destination facility on the tracking form;

2. Retain "Copy 3--Transporter Copy" of the signed tracking form in accordance with *N.J.A.C. 7:26-3A.34*; and

3. Give the remaining copies of the tracking form to the second transporter, intermediate handler, or destination facility.

4. Third and/or subsequent transporters shall enter information required of transporter 2 in Boxes 17 through 21 in Box 14b.

5. Photocopies of the signed tracking form shall be retained by the second and/or any subsequent transporter(s).

(e) Any transporter that transports regulated medical waste across an international border, or that delivers regulated medical waste to a transporter or treatment, destruction, or destination facility located in a foreign country (for example, Canada) shall:

1. Obtain the signature of the accepting foreign transporter or destination facility; or

2. Verify that the waste has been delivered to the next (foreign) transporter, or treatment, destruction or destination facility by writing a statement to that effect in Box 14, certifying that the entire shipment (as specified in Boxes 11, 12 and 13 of the tracking form) has been delivered to the next (foreign) party, including the accepting party's name, company name, and mailing address, and signing directly below that certification statement; and

3. Retain "Copy 3--Transporter Copy" of the signed tracking form for that transporter's records; and

4. Return all remaining copies of the tracking form by mail to the generator.

(f) For shipments involving rail transportation, the requirements of *N.J.A.C. 7:26-3A.45* apply to rail transporters in lieu of the requirement of (b), (c) and (d) above.

7:26-3A.32 Transporter compliance with the tracking form

(a) Except as provided in (b) and (c) below, the transporter shall deliver the entire quantity of regulated medical waste that the transporter has accepted from a generator or another transporter to:

1. The intermediate handler or destination facility listed on the tracking form; or

2. The next transporter.

(b) If the regulated medical waste cannot be delivered in accordance with (a) above, the transporter shall contact the generator for further directions, revise the tracking form according to the generator's instructions, and deliver the entire quantity of regulated medical waste from that generator according to the generator instructions.

(c) Notwithstanding (b) above, a transporter may deliver all or a portion of the regulated medical waste, in unopened containers, to a destination facility other than the destination facility designated on the generator's tracking form, if the generator in writing consents to the use of such specific alternative destination facility prior to the transfer of regulated medical waste from the generator to the transporter. The transporter shall enter the required information in Box 14 of the tracking form and shall comply with all other tracking form requirements of *N.J.A.C. 7:26-3A.31*.

7:26-3A.33 Transporters consolidating waste to a new tracking form

(a) A transporter that chooses to consolidate to a single tracking form shipments of regulated medical waste shall:

1. Enter the new consolidation tracking form number in Box 21 on the original generator's tracking form;

2. Enter the consolidating transporter's identification data as the generator of the consolidation tracking form in Boxes 1 through 4 of the consolidation tracking form;

3. Complete Boxes 5 through 14 of the consolidation tracking form.

i. Enter the tracking form number of the original generator's tracking form in Box 14 of the consolidation tracking form. If more than 20 tracking forms are being consolidated, reference shall be made in Box 14 to the consolidation log pursuant to (b) below and enter the total number of tracking forms being consolidated.

4. Sign Box 15 of the consolidation tracking form; and

5. Comply with *N.J.A.C. 7:26-3A.31* through *3A.33*, as applicable, to complete the remainder of the consolidation tracking form.

(b) When the transporter receives the signed tracking form that the transporter initiated by consolidating shipments of regulated medical waste back from the destination facility, the transporter shall:

1. Attach a copy of the tracking form signed by the destination facility to the generator's original tracking form;

2. Retain a copy of each tracking form in accordance with *N.J.A.C. 7:26-3A.34*;

3. Return a copy of each tracking form to the generator within 15 days of receipt of the tracking form from the destination facility; and

4. Maintain a transporter consolidation log on forms supplied by the Department indicating all shipments consolidated on that form. The transporter consolidation log must accompany the tracking form and shall include the following information:

i. The name of each generator;

ii. The generator's address or if the regulated medical waste was generated in another state which issues a permit or identification number, then use that permit or identification number and, if the generator's state does not issue permit or identification numbers, then use the generator's address;

iii. The date the regulated medical waste was originally shipped by the generator;

iv. The quantity in pounds of regulated medical waste (number of containers and/or quantity (in net or gross mass, capacity, or as otherwise appropriate), including the unit of measurement (for example, lbs., gal, Kg., or L)) by waste category (that is, "untreated" or "treated") shipped by each generator; and

v. The names, NJDEP registration numbers of all previous transporters or, if the transporters do not transport in New Jersey, then use the permit or identification number issued by the state in which the transporter is registered, and if the state does not issue permits or identification numbers, use the transporters' addresses.

7:26-3A.34 Recordkeeping for transporters of regulated medical waste

(a) A transporter of regulated medical waste shall keep a copy of the tracking form signed by the generator, himself, the previous transporter (if applicable), and the next party, which may be one of the following: another transporter; or the owner or operator of an intermediate handling facility or destination facility. The transporter shall retain a copy of this form for a period of three years from the date the waste was accepted by the next party unless the Department specifically requires an additional retention period.

(b) For any regulated medical waste received by the transporter and consolidated by the transporter to another tracking form, the transporter shall:

1. Retain "Copy 3--Transporter Copy" of the tracking form signed by the transporter for three years from the date the waste was accepted by the transporter unless the Department specifically requires an additional retention period; and

2. Retain "Copy 3--Transporter Copy" of the transporter initiated tracking form signed by the intermediate handler or destination facility and all consolidation logs required by *N.J.A.C. 7:26-3A.33(b)*4 for three years from the date the waste was accepted by the intermediate handler or destination facility unless the Department specifically requires an additional retention period.

(c) Transporters shall retain a copy of each regulated medical waste transporter report required by *N.J.A.C. 7:26-3A.35* for three years after the date of submission unless the Department specifically requires an additional retention period.

7:26-3A.35 Transporter reporting

(a) A transporter who accepts regulated medical waste which is generated in New Jersey or that is to be stored, transferred, treated, destroyed, disposed of, or otherwise managed in New Jersey shall submit a regulated medical waste transporter report to the Department describing the source and disposition of the waste. The regulated medical waste transporter reports shall be submitted on forms available from the Department and sent to the address listed at *N.J.A.C. 7:26-3A.8(d)*.

(b) Each regulated medical waste transporter report shall include, but not be limited to, the following information:

1. The transporter's name, address, and NJDEP solid waste transporter registration number or if the transporter does not transport in New Jersey, then use the permit or identification number issued of the state in which the transporter is registered;

2. The name and telephone number of a contact person;

3. The total number of generators from whom the transporter accepted regulated medical waste;

4. The name, address, and type of each generator (for example, hospital, doctor) from whom the transporter accepted regulated medical waste;

5. The quantity (in net or gross mass, capacity, or as otherwise appropriate), including the unit of measurement (for example, lbs., gal, Kg., or L) and waste category (untreated or treated) of regulated medical waste accepted from each generator;

6. The total quantity (in net or gross mass, capacity, or as otherwise appropriate), including the unit of measurement (for example, lbs., gal, Kg., or L) and by waste category, of regulated medical waste from all generators in New Jersey, or from all generators in another state that the transporter delivered to an intermediate handler or to a destination facility;

7. The total quantity (in net or gross mass, capacity, or as otherwise appropriate), including the unit of measurement (for example, lbs., gal, Kg., or L) and by waste category, of regulated medical waste from all generators in New Jersey or from all generators in another state that the transporter delivered to a second transporter or to a transfer facility; and

8. The certification of the transporter report signed by the owner or operator, or his authorized representative.

(c) Transporters who transport or deliver regulated medical waste to an intermediate handler or to a destination facility shall also provide the following information:

1. The name and address of each intermediate handler and destination facility to which the waste was delivered;

2. The amount in pounds, by waste category, that was delivered;

3. The total number of intermediate handlers and destination facilities to which waste was delivered.

(d) The transporter shall submit an annual regulated medical waste transporter report to the Department which shall cover the period from July 1 through June 30 and shall be due on or before July 30 of each calendar year.

(e) Each transporter who initiates a tracking form shall meet the requirements of *N.J.A.C. 7:26-3A.22*, exception reporting, except that the 35 and 45 day periods begin on the day the transporter accepted the waste from the generator.

(f) In accordance with *N.J.A.C. 7:26-1.12(b)*, the information contained in the transporter report as outlined in 3A.35(b) above, is not deemed to be public record and the public shall not have a right to inspect, copy, or obtain a copy of the same.

7:26-3A.36 Additional reporting for transporters of regulated medical waste

The Department and the Administrator may require transporters to furnish additional information concerning the quantities and management methods of regulated medical waste as he or she deems necessary under RCRA Section 11004 and as the Department may deem necessary under *N.J.S.A. 13:1D-9*.

7:26-3A.37 Transporter management of spills

(a) All transporters shall develop and implement a Spill Management Plan to govern the management and decontamination of regulated medical waste spills. The Spill Management Plan shall be submitted to and approved by the Department.

1. This section shall not apply to transporters that are generators of less than 50 pounds of regulated medical waste per month and that transport RMW pursuant to *N.J.A.C. 7:26-3A.17(a)*.

(b) All transporters shall maintain at each site and in each vehicle used to transport regulated medical waste a copy of the Spill Management Plan and appropriate equipment and supplies for cleaning up a spill of regulated medical waste, including but not limited to, the following:

1. A spill containment and cleanup kit in each area utilized for the collection, transfer, storage, treatment, packaging or other such handling of regulated medical waste. All vehicles operating under a New Jersey regulated medical waste transporter registration, or any out-of-State transporter transporting regulated medical waste through New Jersey in

accordance with *N.J.A.C. 7:26-3A.27(g)*, shall carry a spill containment and cleanup kit in the vehicle whenever regulated medical waste is transported. Personnel shall be trained in the use of the kit. The kit shall contain, at a minimum, the following:

i. Absorbent material for spilled liquids. The absorbent material shall have a rated capacity of one gallon of liquid for every cubic foot of regulated medical waste that is usually managed in the area for which the kit is provided or 10 gallons, whichever is less.

ii. One gallon of disinfectant in a sprayer capable of dispersing its charge in a mist and in a stream. The disinfectant shall be of hospital grade and of a formulation described in (c) below and be effective against mycobacteria.

iii. Fifty plastic bags that meet the requirements of *N.J.A.C. 7:26-3A.11(b)*2, 3 and 4 along with sealing tape (or devices for sealing), and appropriate labels as required by *N.J.A.C. 7:26-3A.14*. The plastic bags shall be large enough to overpack any box or other container usually used by the customers of the transporter for regulated medical waste packaging;

iv. Two sets of overalls, gloves, boots, caps, protective eye covering, and protective breathing devices all of which must be disposable and impermeable to liquids. Overalls, boots and caps shall be oversized or fitted to medical waste handlers and be made of a moisture resistant or moisture-proof material. When sharps are known not to be present, gloves for handling regulated medical waste shall be durable and moisture resistant or moisture proof. When sharps are known to be present or may be present, gloves for handling such waste shall be puncture resistant or puncture proof in addition to being moisture resistant. Boots shall be of durable moisture resistant or moisture proof material that does not tear under the stress of walking. At a minimum, protective breathing devices shall include surgical masks. The kit shall also contain tape for sealing wrists and ankles of the protective overalls;

v. Scoops, shovels, push brooms, and buckets;

vi. A first-aid kit, boundary marking tape, fire extinguisher, lights, and other appropriate safety equipment;

vii. A suitable means of communication for summoning aid in an emergency, and

viii. A copy of the approved Spill Management Plan as described at (a) above.

(c) Disinfection and routine decontamination procedures for soiled surfaces include, but are not limited to, the following:

1. Exposure to hot water of at least 82 degrees Celcius (180 degrees Fahrenheit) for a minimum of 15 seconds; or

2. Exposure to a chemical sanitizer by rinsing with or immersion in a chemical disinfectant. Such disinfectants shall be registered with the USEPA as hospital disinfectants that are tuberculocidal, fungicidal, virucidal and effective against HIV-1. Also approved for this specific purpose as a disinfectant is ten percent volume/volume of sodium hypochlorite and water.

(d) In case of any spill of any regulated medical waste, the transporter shall immediately take steps to contain and clean up the regulated medical waste in accordance with the procedures specified in the Spill Management Plan.

1. The spill of any medical waste by a transporter shall be immediately reported by the transporter or its designee to the DEP Emergency Response 24-hour Hotline at 1-877-WARNDEP.

2. The transporter shall submit a written accident report to the Department within 48 hours of the occurrence of any spill of regulated medical waste on an accident report form provided by the Department. A copy of the report shall be kept on file for a minimum of three years from the date of submission in the same location as the registration certificate. The record retention period shall be extended during the course of any unresolved litigation, or when otherwise required by the Department.

(e) In certain cases, the Department may allow a modified spill kit to be used. The contents of this modified spill kit shall be specific to the operations of a particular RMW transporter. The Department shall deem the contents of the modified kit as adequate to contain RMW spills that may occur specific to the transporter applying for the modification. If a modified spill kit is warranted, a letter stating so shall be issued by the Department.

7:26-3A.38 Temporary authorization to operate a regulated medical waste incinerator

(a) This section applies only to and sets forth requirements for an authorization to operate an incinerator that accepts regulated medical waste for disposal.

(b) Notwithstanding the requirements of N.J.A.C. 7:26-2 and 2B, but subject to the requirements of N.J.A.C. 7:26-16, the owner or operator of an incinerator shall be authorized to operate that incinerator if the following requirements are met:

1. The owner or operator shall submit documentation as submitted to the Department demonstrating that the incinerator was in operation accepting regulated medical waste for disposal on or before March 6, 1989;

2. The owner or operator of the disposal facility continues to accept regulated medical waste for disposal;

3. The owner or operator registers and pays fees as a regulated medical waste destination facility in accordance with *N.J.A.C. 7:26-3A.8*;

4. The owner or operator of the facility shall have a current certificate to operate control apparatus or equipment pursuant to *N.J.A.C. 7:27*;

5. The owner or operator shall be or is fully permitted pursuant to N.J.A.C. 7:26-2 and 2B prior to expiration of the facility's current certificate to operate control apparatus or equipment issued pursuant to *N.J.A.C. 7:27*. For the purposes of the temporary authorization, any application for a renewal or extension of the current certificate shall be considered an expiration of the current certificate;

6. No waste shall be stored overnight at any facility without effective treatment to prevent odors associated with putrefaction;

7. Facility property surrounding the actual disposal area shall be maintained free of litter, debris, and accumulations of unprocessed waste, process residues and effluents. Methods of effectively controlling windblown papers and other lightweight materials such as fencing shall be implemented;

8. The operation of the facility shall not result in odors associated with solid waste being detected off site in any area of human occupancy;

9. The owner or operator shall maintain all facility systems and related appurtenances in a manner that facilitates proper operation and minimizes system downtime. When requested, the operator of the facility shall furnish proof that provisions have been made for the repair and replacement of equipment which becomes inoperative;

10. An adequate water supply and adequate fire-fighting equipment shall be maintained at the facility or be readily available to extinguish any and all types of fires. Fire-fighting procedures, including the telephone numbers of the local fire, police, ambulance and hospital facilities, shall be posted in and around the facility at all times;

11. The owner or operator shall effectively control insects, other arthropods and rodents at the facility by means of a program in compliance with the requirements of the New Jersey Pesticide Control Code, *N.J.A.C. 7:30*, and implemented by an applicator of pesticides, certified in accordance with the New Jersey Pesticide Control Code, *N.J.A.C. 7:30*;

12. The facility owner or operator shall be responsible for the sanitary condition and orderly operation of the area;

13. The Departments' inspectors shall have the right to enter and inspect any building or other portion of the facility, at any time. This right to inspect includes, but is not limited to:

i. Sampling any materials on site;

ii. Photographing any portion of the facility;

iii. Investigating an actual or suspected source of pollution of the environment;

iv. Ascertaining compliance or non-compliance with the statutes, rules or regulations of the Department, including conditions of the facility's authorization or permit issued by the Department; or

v. Reviewing and copying all applicable records, which shall be furnished upon request and made available at all reasonable times for inspection.

14. An operation and maintenance manual meeting the requirements of *N.J.A.C. 7:26-2B.4(a)*17 through 20 shall be maintained at the facility;

15. The owner or operator shall obtain or has obtained all applicable permits and approvals required by Federal, State, county and local ordinance;

16. The facility shall not pose a threat to the public health, safety or the environment; and

17. The facility shall only accept regulated medical waste from transporters who have NJDEP registration numbers and who have a certificate of public convenience and necessity issued by the Department, unless the transporter is exempt from these requirements pursuant to *N.J.A.C. 7:26-3A.17(a)* or unless the transporter is the U.S. Postal Service and the generator who has shipped the waste has complied with *N.J.A.C. 7:26-3A.17(b).*

7:26-3A.39 Collection facilities for medical wastes

(a) This section contains the regulations of the Department governing the authorization and operation of noncommercial and commercial collection facilities for regulated medical waste. Such facilities shall accept and handle only medical waste and regulated medical waste as defined at *N.J.A.C. 7:26-3A.5*. Such facilities shall not accept or handle solid waste as defined at *N.J.A.C. 7:26-1.4* and *1.6* other than medical waste and regulated medical waste, hazardous waste as defined at *N.J.A.C. 7:26G*, or recyclable material as defined at *N.J.A.C. 7:26A-1.3*.

(b) Any registered regulated medical waste generator that conducts activities as a collection facility and that generates regulated medical waste in the ordinary course of business at the same site, such as a doctor or hospital, that operates on a noncommercial basis and accepts only medical wastes in quantities greater than 2,000 pounds per year from other generators registered pursuant to *N.J.A.C. 7:26-3A.8* and home self-care medical wastes in accordance with *N.J.A.C. 7:26-3A.16(h)* for collection for transportation off-site for treatment and/or disposal in accordance with this subchapter shall operate as a noncommercial collection facility and shall comply with the requirements at (b)1 through 3 below and at (i) and (k)4 below.

1. Noncommercial collection facilities are exempt from registration as regulated medical waste transporters pursuant to *N.J.A.C. 7:26-3A.8* provided they are operated in compliance with *N.J.A.C. 7:26-3A.27(e)*, except that noncommercial collection facilities collecting less than 2,000 pounds of RMW per year shall additionally be exempt from *N.J.A.C. 7:26-3A.27(e)* as well.

2. Noncommercial collection facilities that collect 2,000 pounds or more of regulated medical waste per year shall comply with the standards for the operation of collection facilities at (i) below.

3. The boundaries of noncommercial collection facilities shall be limited to the site for which the owner and/or operator of the facility is registered as a regulated medical waste generator pursuant to *N.J.A.C. 7:26-3A.8* or as an exempted transporter pursuant to *N.J.A.C. 7:26-3A.27(e)*, including buildings on the site and vehicles registered pursuant to N.J.A.C. 7:26-3, 3A, 16 and 16A at the site for the purpose of transporting medical wastes.

(c) Any collection facility that does not meet the criteria in (b) above as a noncommercial collection facility shall obtain authorization as a commercial collection facility pursuant to (d) below and shall operate in accordance with the requirements of this section.

(d) A person registered and licensed pursuant to this subchapter and N.J.A.C. 7:26-3, 16, and 16A to transport regulated medical waste in the State of New Jersey that seeks to operate a commercial collection facility for medical waste shall submit an application containing the information listed at (d)1 through 15 below. All maps of the proposed facility shall be prepared in a manner and format consistent with *N.J.A.C. 7:1D*, Appendix A. Three copies of the application and all accompanying documents shall be submitted to the Department at the address specified in (e) below, and one copy each to the host municipality and district solid waste management plan implementation agency:

1. The name, address and telephone number of the person or persons seeking to operate the proposed commercial collection facility;

2. A photocopy of the applicant's authorized registration as a regulated medical waste transporter obtained pursuant to N.J.A.C. 7:26-3, 3A, 16 and 16A;

3. Photocopies of all authorizations for siting, construction and operation obtained pursuant to applicable local, regional, State or Federal agency with jurisdiction over any aspect of the proposed facility;

4. A copy of the tax map showing the lot and block numbers of the facility site and of all adjoining properties;

5. A description of the current use of the facility site and of all adjoining properties;

6. Documentation establishing that the facility has been included by administrative action in the applicable district solid waste management plan. The Department may issue an authorization in the absence of an administrative action if it determines that the collection facility is needed to help fulfill the objectives of the adopted and approved Statewide Regulated Medical Waste Management Plan or any individual district regulated waste management plan. The Department shall notify the host county and municipality of such a determination and the reasons justifying facility authorization in writing prior to any approval of operations;

7. A description of the maximum amount and types of waste to be received and transferred at the facility each day, expressed in tons or gallons per day, as applicable;

8. A description of the sources of the waste and the anticipated disposal locations of the waste, both in State and out of State;

9. A description of the type(s) and number of containers that will be used at the facility and the type and means of storage and staging of the containers;

10. Three copies of a site plan, prepared, signed, and sealed by a licensed New Jersey professional engineer, surveyor or architect. The site plan shall:

i. Identify the placement of all equipment, buildings, activities and areas related to the receipt, loading, unloading and temporary storage of regulated medical waste;

ii. Be drawn to a scale no smaller than one inch equals 100 feet;

iii. Indicate the routing of vehicles between the facility and all nearby roadways serving the site, as well as the traffic flow within the site. Such routing must ensure safe and efficient vehicular and pedestrian circulation, parking, and loading and unloading of packages of regulated medical waste;

iv. Delineate floodplains as defined at *N.J.A.C. 7:13*;

v. Delineate the location of State-designated wetlands, New Jersey Pinelands, existing or suitable agricultural lands, Federal or New Jersey-registered historic sites and other environmentally sensitive areas such as State parks, wildlife management areas and National Wildlife Refuges;

vi. Identify the direction of water runoff both on-site and off-site and the screening and landscaping on the site;

vii. Indicate topographic contours, drawn at three-foot intervals; and

viii. Indicate all site access controls to be employed at the facility;

11. An original current 7.5 minute USGS Quadrangle map with the boundary of the facility plotted thereon. The map shall delineate any public access roads to the site and any streams, ponds or other potential sensitive receptors such as, but not limited to, hospitals, schools, and shopping areas within a one-half mile radius of the site;

12. A copy of the deed of record establishing ownership of the facility property or, if the applicant is a person other than the landowner, a legal agreement (for example, a lease) to use the real property for the purpose of operating the facility;

13. A description of the design capacity of the facility, setting forth the number and types of all vehicles arriving at the facility and the number and types of all vehicles leaving the facility on a daily basis, stating the maximum number of vehicles per hour that will arrive at and leave the facility;

14. A copy of any New Jersey air pollution control permit application as applicable, in accordance with *N.J.A.C. 7:27*; and

15. A narrative describing the facility operations from the receipt of waste through the point of transfer to destination. The narrative must clearly demonstrate that packages and containers will not be opened and that employees, the public or the environment will not be exposed to regulated medical waste or medical waste.

(e) The application described in (d) above shall be submitted in triplicate, along with the application fee set forth in *N.J.A.C. 7:26-3A.8*, to:

New Jersey Department of Environmental Protection

Division of Solid and Hazardous Waste

Bureau of Resource Recovery and Technical Programs

PO Box 414

Trenton, New Jersey 08625-0414

(f) Within 45 days after the Department receives the application submitted pursuant to (d) above, the Department shall take one of the following actions:

1. Issue a letter of authorization to operate the commercial collection facility, or a denial of the application, to the applicant and provide a copy of the letter of authorization or denial to the host municipality and district solid waste management plan implementation agency. A letter of authorization shall not be transferred to any other person except in accordance with *N.J.A.C. 7:26-3A.49(e)*;

2. Notify the applicant in writing of missing information and provide a copy of the letter of deficiency to the host municipality and district solid waste management plan implementation agency; or

3. Notify the applicant in writing of any information that does not satisfy the requirements of (d) above and provide a copy of the letter of deficiency to the host municipality and district solid waste management plan implementation agency.

(g) An applicant shall submit to the Department and to the host municipality and district solid waste management plan implementation agency any additional or corrected information required pursuant to (f)2 or 3 above within 30 days of receipt of the notification from the Department of missing and/or insufficient information.

(h) The Department shall deny without prejudice the application of any applicant that fails to submit the additional or corrected information required pursuant to (f)2 or 3 above or that otherwise fails to meet the application criteria of this section. The applicant may thereafter submit a new application for authorization to operate a commercial collection facility at the same location pursuant to the requirements of this section.

(i) The operating standards for collection facilities are as follows:

1. The maximum amount of regulated medical wastes at a collection facility including regulated medical wastes in any vehicles staged at the facility shall not exceed 300,000 pounds at any time unless a higher amount is specified in the facility's letter of authorization.

2. Collection facilities shall not receive medical wastes in excess of 150,000 pounds per day unless a higher amount is specified in the facility's letter of authorization.

3. Collection facility operators shall comply with all requirements for transporters at *N.J.A.C. 7:26-3A.27* through *3A.37*.

4. Collection facilities shall accept only regulated medical waste managed in accordance with this subchapter.

5. Collection facilities shall allow only collection and transportation vehicles registered in accordance with this subchapter and N.J.A.C. 7:26-2, 16, 16A and 27, and operated in accordance with N.J.A.C. 7:26-3 and this subchapter to transport regulated medical waste to and from the facility.

6. Regulated medical waste received, stored or transferred at any collection facility shall at all times remain fully contained in sealed packages and containers packaged, marked and labeled pursuant to this subchapter that do not leak any liquids or solid materials, are not opened for any purpose at the facility and are registered as solid waste containers pursuant to N.J.A.C. 7:26-3. Secondary outer packaging or containers may be removed so long as the primary packaging that contains the regulated medical waste and meets the performance requirements for packaging at *N.J.A.C. 7:26-3A.11* is not opened, ruptured or compromised in any way.

7. Regulated medical waste shall not remain at a noncommercial collection facility for more than 90 consecutive calendar days, which period shall include weekends and holidays. A noncommercial collection facility at which waste

is staged or stored for more than 90 days shall be deemed to be an illegal solid waste transfer station, and shall be subject to all penalties authorized pursuant to applicable statutes and rules.

8. Unless exempted under *N.J.A.C. 7:26-6.3*, all regulated medical waste accepted at a collection facility from New Jersey sources shall be disposed of in accordance with the applicable District Solid Waste Management Plan developed pursuant to *N.J.A.C. 7:26-6*. A collection facility shall not accept packages or containers in which regulated medical waste generated from more than one New Jersey district or county, or out-of-State source, has been mixed. Any out-of-State waste accepted at a collection facility shall be disposed of consistent with the provisions set forth in the approved District Solid Waste Management Plan for the district in which the facility is located, or at permitted out-of-State disposal facilities authorized by the receiving state.

9. Regulated medical waste at any collection facility shall not emit odors that are detectable at the facility or in the vicinity of the facility. Any waste that does emit any odor shall be immediately disposed of in accordance with this subchapter.

10. Access to any collection facility shall be restricted to facility operators, regulated medical waste vehicle operators and authorized visitors only. Effective security procedures shall be implemented to control entry and exit at all times. All regulated medical waste packages and containers staged or stored at the facility shall be secured at all times in a manner that prevents unauthorized access to the packages and containers and their contents.

11. The Department's designated representatives and inspectors shall have the right to enter and inspect any building or any other portion of any collection facility, including vehicles, at any time. This right to enter and inspect includes, but is not limited to:

i. Observing and sampling any wastes or other materials on site;

ii. Photographing any portion of the facility, regulated medical waste vehicles, regulated medical waste packages and containers;

iii. Investigating an actual or suspected source of pollution of the environment or any release of regulated medical waste;

iv. Ascertaining compliance or noncompliance with the statutes, rules, regulations, or policies of the Department, including conditions of the facility's letter of authorization or any other permit or certificate issued by the Department; and

v. Reviewing and copying all applicable records described in this section, which shall be maintained at the facility at all times and shall be made available on request to Department representatives and inspectors at all reasonable times for review and inspection.

12. Collection facilities shall comply with the requirements of the Federal Occupational Safety and Health Administration and all other applicable standards of any agency for the operation of the facility and the maintenance of the health and safety of the employees and other persons.

13. Routine housekeeping and maintenance procedures shall be implemented at the facility to prevent the accumulation of dust and/or debris and to maintain general cleanliness throughout the facility and in the working environment.

14. Any areas or surfaces at a commercial collection facility that have come into contact with regulated medical waste shall be disinfected immediately in accordance with the Spill Management Plan approved pursuant to *N.J.A.C. 7:26-3A.37*.

15. Any release or discharge of any regulated medical waste at a collection facility shall be immediately reported by the facility operator or its designee to the DEP Emergency Response 24-hour Hotline at 1-877-WARNDEP. This telephone report shall specify the type of waste or substance discharged in estimated quantity, the nature of the discharge, the location of the discharge, any action being taken or proposed to be taken in order to mitigate the discharge, and any other information concerning the incident the Department may request at the time of notification. In addition, the facility operator or emergency coordinator designated pursuant to (j) below shall:

i. Immediately identify the character, source, amount, and extent of any discharge and notify all appropriate State or local agencies with designated response roles if assistance is needed;

ii. Assess possible hazards to public health or the environment that may result and notify appropriate local authorities if such assessment indicates that evacuation of local areas may be advisable;

iii. Ensure that no regulated medical waste is processed in the affected unit and area until cleanup procedures are completed and all equipment is again fit for its intended use;

iv. Notify the Department and appropriate local authorities when operations have returned to normal; and

v. Submit a written report on the incident to the Department within 15 days after the incident. The written report shall include, but not be limited to, the name, address, and telephone number of the facility; the date, time, and description of the incident; the extent of any injuries of any severity, with names and job responsibilities of those persons injured indicated; an assessment of actual damage to the environment; an assessment of the scope and magnitude of the incident; a description of the immediate actions initiated to clean up and disinfect the affected area; a description of actions taken to prevent a recurrence of a similar incident and, an implementation schedule for undertaking long-term measures to effect cleanup and avoid recurrence of the incident, if applicable.

16. Deliveries of regulated medical waste to collection facilities shall be scheduled in such a manner as to minimize truck queuing on the facility property as well as on the street or road leading to the entrance. On-site traffic control measures shall be implemented to provide orderly vehicle movement at collection facilities. If, at any time, the additional traffic generated by the operation of the facility results in congestion of surrounding roads and intersections, corrective measures shall be developed and implemented immediately to alleviate traffic-related problems.

17. No regulated medical waste or medical waste shall be staged, placed or stored beyond the confines of a building at the collection facility or a regulated medical waste vehicle registered pursuant to this subchapter, N.J.A.C. 7:26-3, 16 or 16A.

18. Collection facilities shall pay all fees and register in accordance with all applicable regulations for any other waste management activities conducted at the facility, in addition to the complying with the requirements of this subchapter.

(j) Additional operating requirements for commercial collection facilities are as follows:

1. The commercial collection facility operator shall designate an on-site emergency coordinator who is available during all hours of operation for the purpose of handling emergency situations such as, but not limited to, spills, discharges or releases of medical wastes at the facility.

2. The commercial collection facility operator shall develop and maintain at the site an operations and maintenance (O&M) manual that shall describe all operating conditions and procedures of the facility. The O&M manual shall be made available to all facility personnel. The O&M manual shall be prepared in accordance with *N.J.A.C. 7:26-2.10(b)*9.

3. All personnel directly involved in any commercial collection facility waste management activities or who operate, service or monitor any facility equipment, machinery or system at the facility shall successfully complete a training program of classroom instruction, which shall be combined with on-the-job training as needed. The training program shall:

i. Provide fire fighting training, instructions for implementing the Spill Management Plan in accordance with *N.J.A.C. 7:26-3A.37* and ensure that facility personnel are able to effectively respond to any equipment malfunction and emergency situation that may arise;

ii. Provide instructions in the use and operation of safety equipment, procedures for inspecting, maintaining and repairing facility equipment, machinery and monitoring systems and the procedures to be followed during planned and unplanned shutdown of operations;

iii. Contain instructions that ensure the facility's compliance with the requirements of this chapter and the conditions of any Departmental letters of authorization and permits issued for the facility;

iv. Contain instruction for the constant monitoring of incoming loads for conformance with the requirements of this section and the identification and proper handling of suspected unauthorized wastes;

v. Be completed by all facility personnel within two weeks after the date of their employment and prior to work assignment at the facility;

vi. Be conducted on an annual basis for all facility personnel in the form of a planned annual review of the complete training program; and

vii. Be documented in the form of detailed training records that record the names of personnel trained, the dates when training occurred and the type and extent of training provided. The training documentation shall be maintained at the facility for three years from the date the training occurred.

4. Any commercial collection facility operator and any person designated by such operator to operate part or all of the collection facility or to conduct any of its waste-related activities shall be registered as a regulated medical waste transporter pursuant to *N.J.A.C. 7:26-3A.3*, 16 and 16A.

5. The commercial collection facility shall maintain sufficient staff to ensure the proper, orderly and safe operation of all facility systems and equipment, along with the ability to handle all routine facility maintenance requirements.

6. Fire detection and protection systems shall be maintained in operable condition at all times. Fire-fighting equipment shall be available on-site or on call to extinguish any and all fires. Fire fighting procedures shall be posted in each area of the facility and shall include the telephone number of local fire and police departments.

7. Noise control shall be implemented to ensure that sound levels generated by the facility operation, including vehicles, shall not exceed the standards set forth in Noise Control rules at *N.J.A.C. 7:29*.

8. One complete set of the commercial collection facility's operating records, the O&M manual and these rules shall be kept on file at the facility, and shall be available to facility personnel and for inspection by the Department or its designated representatives.

9. The commercial collection facility's material management system's safety appliances and related appurtenances shall, at all times, be kept in the proper operating order through an effective inspection, planned maintenance, repair and parts replacement program as described in the O&M manual. As part of this program, the facility operator shall maintain an inventory of spare parts and replacement equipment, records of all inspections, as well as have access to back up equipment to ensure continued operation of the facility.

10. Regulated medical waste shall not remain at a commercial collection facility for more than 14 consecutive calendar days, which period shall include weekends and holidays. A commercial collection facility at which waste is staged or stored for more than 14 calendar days shall be deemed to be an illegal solid waste transfer station, and shall be subject to all penalties authorized pursuant to applicable statutes and rules.

(k) A collection facility operator shall maintain the following records at the facility at all times and shall file reports as follows. The operator shall retain records and reports for three years.

1. A commercial collection facility shall maintain daily records that shall note the source, destination and quantity, by vehicle, of all regulated medical waste received, transferred and shipped to and from the facility. The records shall specify the source for every shipment of regulated medical waste received and the destination of every shipment of regulated medical waste out of the facility. Quantities of regulated medical waste shall be listed in tons or gallons as appropriate.

i. The daily records shall be compiled into quarterly reports in accordance with *N.J.A.C. 7:26-2.13* and shall be submitted to the following address within 20 days of the end of each calendar quarter:

New Jersey Department of Environmental Protection

Division of Solid and Hazardous Waste

Bureau of Resource Recovery and Technical Programs

PO Box 414

Trenton, NJ 08625-0414

2. A commercial collection facility shall maintain records that document all violations of any local, State and Federal requirements, including violations of the collection facility authorization issued by the Department.

3. A commercial collection facility shall maintain records that document all incidents in which a transporter not registered and licensed pursuant to this subchapter and N.J.A.C. 7:26-3, 16 and 16A, or a container not registered pursuant to N.J.A.C. 7:26-3, was denied transfer privileges at the facility. These records shall specify the vehicle

driver's name, the vehicle license number, the vehicle registration number, the name of the company operating the vehicle, the solid waste registration number of the company, the date and time of the denial, the size of the vehicle or container, and the tracking form numbers for the waste in the container. These incidents shall also be reported within 24 hours to the Department's Bureau of Solid Waste Compliance and Enforcement or the Environmental Hotline at 1-877-WARNDEP.

4. All collection facilities shall maintain records in accordance with *N.J.A.C. 7:26-3A.34, 3A.43* and *3A.44*, except that noncommercial facilities are not required to comply with *N.J.A.C. 7:26-3A.44(a)*1 and 2.

(l) Any person that conducts any of the activities of a commercial collection facility as defined in this section without authorization from the Department, or without a solid waste transfer station permit issued pursuant to N.J.A.C. 7:26-2A, shall be deemed to be operating an illegal solid waste facility and shall be subject to all applicable penalties pursuant to the Solid Waste Management Act, N.J.S.A. 13:1E, and N.J.A.C. 7:26-5.

(m) Any authorized commercial collection facility that accepts unauthorized waste, or fails to operate in compliance with the requirements of this section, shall be deemed an illegal solid waste facility and shall be subject to all applicable penalties pursuant to the Solid Waste Management Act, N.J.S.A. 13:1E, and N.J.A.C. 7:26-5.

(n) Any authorized commercial collection facility that accepts regulated medical waste from a transporter not registered and licensed pursuant to this subchapter and N.J.A.C. 7:26-3, 16 and 16A shall be subject to penalties for violation of New Jersey solid waste planning rules at *N.J.A.C. 7:26-6*, including, but not limited to, revocation of transporter registration, certification and licensing, and revocation of collection facility authorization.

(o) The Department may revoke the authorization of a commercial collection facility if that facility fails to comply with the requirements for such facilities or any law in any way related to the operation of a commercial collection facility pursuant to New Jersey statute or the Department determines that any of the causes for modification in (p) below are sufficient cause for revocation in order to protect human health, safety and the environment.

(p) The Department may modify a commercial collection facility authorization for the following reasons and the operator shall pay a fee as specified in *N.J.A.C. 7:26-3A.8* on issuance of any commercial collection facility authorization modification:

1. The Department determines that there are material and significant alterations or additions to the authorized commercial collection facility or operation that occurred after Department issued the existing letter of authorization that warrant the imposition of conditions different from or lacking in the existing authorization;

2. The Department receives information that was not available at the time it issued the letter of authorization that would have warranted the issuance of conditions in the authorization different from those imposed in the existing authorization. This information may include, but is not limited to, information concerning the effects of the facility on the properties surrounding the facility or the effects of the facility on the environment;

3. A change in Federal or State laws, regulations or policies governing solid waste and/or regulated medical waste management;

4. The regulatory compliance record of the collection facility operator;

5. A relevant judicial decision after the authorization was issued; or

6. An operator of a commercial collection facility shall request a modification of its authorization whenever the operator proposes to change any aspect of the operation as originally described in the application. Such change include, but are not limited to, changes in the amount and type of regulated medical waste managed at the facility, and changes in the sources of regulated medical waste and changes in the regulated medical waste disposal location.

(q) The Department shall provide 30-day prior notice of a modification to an authorization to operate a commercial collection facility pursuant to (p) above and its reasons for determining a modification is warranted. This notice shall be sent to the operator of the facility and the host municipality and district solid waste management plan implementation agency.

(r) Ninety days prior to the expiration of a Commercial Collection Facility Letter of Authorization, the bearer of the letter of authorization for the facility shall notify the Department in writing if they do not wish to renew said Letter of Authorization, otherwise a Letter of Authorization renewal application shall be submitted at that time in accordance with the provisions of *N.J.A.C. 7:26-3A.49*.

7:26-3A.40 Intermediate handlers and destination facilities

(a) *N.J.A.C. 7:26-3A.40* through *3A.44* apply to owners and operators of intermediate handler or destination facilities located in New Jersey that manage regulated medical waste and owners and operators of facilities in another state that receive regulated medical waste generated in New Jersey. Facilities that are subject to the above sections include:

1. Destination facilities, including treatment and destruction facilities, facilities that cause the regulated medical waste to meet the conditions of *N.J.A.C. 7:26-3A.6(b)*3 or 4 including incineration facilities, alternative or innovative technology facilities and disposal facilities; and

2. Intermediate handlers, including alternative or innovative technology or other facilities that either treat or destroy the regulated medical waste, but do not cause it to meet the conditions of *N.J.A.C. 7:26-3A.6(b)*3 or 4.

(b) The rule paragraphs noted in (a) above also apply to generators with on-site incinerators who accept regulated medical waste for disposal.

(c) No person shall engage in the treatment and/or destruction of regulated medical waste in New Jersey unless such person:

1. Registers the site as an intermediate handler or destination facility in accordance with *N.J.A.C. 7:26-3A.8*;

2. Obtains a tariff in accordance with *N.J.S.A. 13:1E-48.12*.b if operating commercially;

3. Uses treatment and/or destruction process(es) authorized by the Department and DHSS pursuant to *N.J.A.C. 7:26-3A.47*;

4. Obtains the specific approval of the Department and DHSS to operate an alternative or innovative technology approved pursuant to *N.J.A.C. 7:26-3A.47* for the treatment and/or destruction of regulated medical waste at the registered facility; and

5. Complies with all other environmental statutes applicable to the facility, including but not limited to, the Solid Waste Management Act, *N.J.S.A. 13:1E-1* et seq., the Water Pollution Control Act, *N.J.S.A. 58:10A-1* et seq., the Air Pollution Control Act, *N.J.S.A. 26:2C-1* et seq., and the rules and regulations adopted thereunder, and any permits or orders issued pursuant thereto.

(d) Persons operating mobile treatment and/or destruction equipment for RMW shall:

1. Operate such equipment only within the boundaries of a site registered as an intermediate handler or destination facility with the Department pursuant to *N.J.A.C. 7:26-3A.8(c)* for the specific type of activity the mobile treatment and destruction unit will be engaged in; and

2. Comply with all applicable statutes and regulations, including, but not limited to, the New Jersey Air Pollution Control Act, *N.J.S.A. 26:2C-1* et seq. and *26:2D-1* et seq., the New Jersey Noise Control Act of 1971, *N.J.S.A. 13:1G-1* et seq. and all other applicable Federal, State, and local requirements.

7:26-3A.41 Use of the tracking form for intermediate handlers and destination facilities

(a) The owner or operator of a destination facility when receiving a tracking form shall:

1. Sign and date each copy of the tracking form to certify that the regulated medical waste listed on the tracking form was received;

2. Note any discrepancies as defined in *N.J.A.C. 7:26-3A.42(a)* on the tracking form;

3. Immediately give the transporter "Copy 3--Transporter Copy" of the signed tracking form:

i. In the case of regulated medical waste transported in accordance with *N.J.A.C. 7:26-3A.17(a)* immediately give the generator "Copy 4--Generator Copy" of the signed tracking form.

ii. In the case of regulated medical waste transported in accordance with *N.J.A.C. 7:26-3A.17(b)* the disposal facility shall mail "Copy 4--Generator Copy" of the signed tracking form.

4. Send "Copy 4--Generator Copy" of the tracking form to the generator (or "Copy 3--Transporter Copy" to the transporter or intermediate handler that initiated the tracking form) within 15 days of the delivery; and

5. Retain "Copy 2--Destination Facility Copy" of each tracking form in accordance with *N.J.A.C. 7:26-3A.43*.

(b) When an intermediate handler receives regulated medical waste the owner or operator shall meet the following requirements:

1. The owner or operator shall meet all the requirements for generators under both *N.J.A.C. 7:26-3A.10* through *3A.16* and *3A.18* through *3A.23*, including signing the tracking form accepting the waste as specified in Box 20, noting any discrepancies on the tracking form in Box 23, and entering the new tracking form number in Box 21 when initiating a new tracking form for each shipment of regulated medical waste that has either been treated or destroyed.

2. The owner or operator shall maintain an intermediate handler log matching the original generator's tracking forms to the tracking form initiated. The intermediate handler log shall include:

i. The name(s) of generator(s);

ii. The generator's address. If the generator is not located in New Jersey, then use the generator's state permit or identification number. If the state does not issue permit or identification numbers, then use the generator's address;

iii. The date the regulated medical waste was originally shipped by the generator or the generator's unique tracking form number; and

iv. The new tracking form number to which the waste is assigned.

3. Within 15 days of receipt of the tracking form that the intermediate handler initiated and that was signed by the destination facility, the intermediate handler shall:

i. Attach a copy of the tracking form signed by the destination facility to the original tracking form initiated by the generator identified in (b)2i above;

ii. Send a copy of each tracking form to the generator who initiated the tracking form; and

iii. Retain a copy of each tracking form in accordance with the requirement of *N.J.A.C. 7:26-3A.43*.

(c) If a destination facility or intermediate handler receives from a rail transporter regulated medical waste that is accompanied by shipping papers containing the information required on the medical waste tracking form, with the exception of the generator's certification and chain of custody signatures, the owner or operator or an agent of the owner or operator shall:

1. Sign and date each copy of the tracking form or the shipping papers (if the tracking form has not been received);

2. Note any discrepancies as defined in *N.J.A.C. 7:26-3A.42(a)* on each copy of the tracking form or shipping papers (if the tracking form has not been received);

3. Immediately give the rail transporter at least one copy of the tracking form or shipping papers (if the tracking form has not been received);

4. If the facility is a destination facility, send a copy of the signed and dated tracking form to the generator within 15 days after the delivery. If the owner or operator has not received the tracking form within 15 days of delivery, he shall send a copy of the signed and dated shipping papers to the party initiating the tracking form;

5. If the facility is an intermediate handler, retain a copy of the tracking form (or the shipping papers if the tracking form has not been received), until receiving a copy of the tracking form signed by the owner or operator of the destination facility. The facility then shall:

i. Attach a copy of the tracking form signed by the destination facility to the original tracking form (or the shipping papers if the tracking form has not been received) initiated by another party;

ii. Send a copy of each tracking form (or each set of shipping papers) to the party who initiated the tracking form; and

iii. Retain a copy of each tracking form in accordance with the requirements of *N.J.A.C. 7:26-3A.43*.

(d) The destination facilities and intermediate handlers as set forth in (c) above shall retain a copy of the tracking form (or shipping papers if signed in lieu of the tracking form) for at least three years from the date of acceptance of the regulated medical waste unless the Department specifically requires an additional retention period.

(e) The destination facilities and intermediate handlers receiving shipments by rail should expect to receive the tracking form from the generator, or the preceding non-rail transporter who will have sent the tracking form to the facility by some other means (for example, by mail).

(f) In cases where the destination facility or intermediate handler is an out-of-State facility and will not comply with the tracking form requirements of this section as listed above, signed generator copies of the tracking form shall be returned to the generator by the transporter.

7:26-3A.42 Tracking form discrepancies for intermediate handlers and destination facilities

(a) Tracking form discrepancies are:

1. For packages, any variation in piece count such as a discrepancy of one box, pail, or drum in a truckload;

2. For waste by categories (that is, untreated or treated), discrepancies in number of packages for each category of regulated medical waste as described on the label imprinted or affixed to the outer surface of the package;

3. Packaging that is broken, torn, or leaking;

4. Regulated medical waste that arrives at in intermediate handler or a destination facility unaccompanied by a tracking form, or for which the tracking from is incomplete or not signed; and

5. For quantity (in net or gross mass, capacity, or as otherwise appropriate), including the unit of measurement (for example, lbs., gal, Kg., or L) of packages, a discrepancy greater than three percent of each tracking form load or more than 200 pounds, whichever is less.

(b) Upon discovering a discrepancy, the owner or operator shall attempt to resolve (for example, with telephone conversations) the discrepancy with the waste generator, the transporter and/or the intermediate handler. If the discrepancy is not resolved, the owner or operator shall submit a letter, within 15 days of receiving the waste describing the nature of the discrepancy and the attempts the owner or operator has undertaken to reconcile it. The owner or operator shall include with the letter a legible copy of the tracking form or shipping papers in question. If the discrepancy is the type specified in (a)4 above, the letter shall specify the quantity of waste received, the transporter, and the generator(s). The letter shall be submitted to the Department at the address listed in *N.J.A.C. 7:26-3A.8(d)*

7:26-3A.43 Recordkeeping for collection facilities, intermediate handlers and destination facilities

(a) The owner or operator of a collection facility, destination facility or an intermediate handler receiving regulated medical waste generated, transported, treated, destroyed, disposed of or otherwise managed in New Jersey shall maintain records at the registered site, for a minimum of three years from the date the waste was accepted unless the Department specifically requires an additional retention period. These records shall contain the following information:

1. Copies of all tracking forms required by *N.J.A.C. 7:26-3A.41(a)*5, (b)3iii, and (c)5iii; and the logs required by *N.J.A.C. 7:26-3A.41(b)*2;

2. Copies of all discrepancy reports required by *N.J.A.C. 7:26- 3A.42(b)*; and

3. Copies of Department facility compliance inspection reports and the facility registration certificates.

7:26-3A.44 Additional reporting for collection facilities, intermediate handlers and destination facilities

(a) Beginning July 30, 2002, all regulated medical waste commercial collection facilities, intermediate handlers and destination facilities are required to submit an annual medical waste collection facility, intermediate handler and

destination facility report to the Department, except that noncommercial collection facilities are not required to comply with (a)1 and 2 below, covering the period from July 1 through June 30 of each calendar year and shall be submitted by July 30 of each calendar year, on forms available from the Department at the address listed at *N.J.A.C. 7:26-3A.8(f)*, which shall include, but not be limited, to the following information:

1. A description of the sources, the types and amounts of regulated medical waste and medical waste collected, treated and/or destroyed;

2. The methods used for treatment and/or destruction; and

3. A description of any injuries and illnesses resulting from the maintenance, operation or any other activity related to a regulated medical waste treatment and/or destruction device(s).

(b) The Administrator and the Department may require owners or operators of destination facilities and intermediate handlers to furnish additional information concerning the quantities and management methods of medical waste as he deems necessary under RCRA Section 11004 and as the Department deems necessary under *N.J.S.A. 13:1D-9*.

7:26-3A.45 Rail transporters

(a) The requirements in this section and in *N.J.A.C. 7:26-3A.46* apply to persons engaged in rail transportation of regulated medical waste generated, stored, transferred, treated, destroyed, disposed of, or otherwise managed in New Jersey.

(b) Rail transporters of regulated medical waste shall also comply with the transporter requirements of *N.J.A.C. 7:26-3A.27* through *3A.36* except as otherwise provided in *N.J.A.C. 7:26-3A.31(f)*.

7:26-3A.46 Rail shipment tracking form requirements

(a) The following requirements apply to all shipments of regulated medical waste involving rail transport:

1. When accepting regulated medical waste generated, stored, transferred, treated, destroyed, disposed of, or otherwise managed in New Jersey from a non-rail transporter, the initial rail transporter shall:

i. Sign and date the tracking form acknowledging acceptance of the regulated medical waste;

ii. Return a signed copy of the tracking form to the non-rail transporter;

iii. Forward at least three copies of the tracking form to:

(1) The next non-rail transporter, if any; or

(2) The intermediate handler or destination facility, if the shipment is delivered to that facility by rail; or

(3) The last rail transporter designated to handle the waste in the United States; and

iv. Retain one copy of the tracking form and rail shipping paper in accordance with *N.J.A.C. 7:26-3A.34*.

2. Rail transporters shall ensure that a shipping paper containing all the information required on the tracking form (excluding permitting or licensing numbers, generator certification, and signatures) accompanies the shipment at all times. Intermediate rail transporters are not required to sign either the tracking form(s) or shipping paper(s).

3. When delivering regulated medical waste to an intermediate handler or destination facility, a rail transporter shall:

i. Obtain the date of delivery and handwritten signature of the owner or operator of the facility on the tracking form or the shipping papers (if the tracking form has not been received by the facility); and

ii. Retain a copy of the tracking form or signed shipping paper in accordance with *N.J.A.C. 7:26-3A.34*.

4. When delivering regulated medical waste to a non-rail transporter, a rail transporter shall:

i. Obtain the date of delivery and the handwritten signature of the next non-rail transporter on the tracking form; and

ii. Retain a copy of the tracking form in accordance with *N.J.A.C. 7:26-3A.34*.

5. Upon accepting regulated medical waste generated or to be treated, destroyed or disposed of in New Jersey from a rail transporter, a non-rail transporter shall sign and date the tracking form (or the shipping papers if the tracking form has not been received by the transporter) and provide a copy to the rail transporter.

7:26-3A.47 Alternative or innovative technology authorization

(a) Any alternative or innovative technology for the treatment and/or destruction of regulated medical waste, and any modification thereof, shall be authorized by the Department and DHSS prior to any marketing, sale or use in New Jersey, in accordance with the following:

1. Persons seeking to market, sell or use an alternative or innovative technology shall submit an application to the Bureau of Resource Recovery and Technical Programs in the Department at the address given at *N.J.A.C. 7:26-3A.8(f)*4 for authorization and pay the alternative technology review fee in accordance with *N.J.A.C. 7:26-3A.8*. The application shall be on forms provided by the Department and shall include the following:

i. A description of the proposed method of operation;

ii. Actual performance data;

iii. Vendor and independently verified treatment efficacy data;

iv. Information on parametric monitoring and controls;

v. Limits on waste acceptance;

vi. Information on residuals produced;

vii. Potential environmental impacts, including emissions and noise impacts;

viii. Occupational exposures;

ix. Safety procedures; and

x. Installation and operating costs, including data on energy efficiency.

2. The DHSS may require additional information concerning the ability of the technology to effectively treat regulated medical waste.

3. The information provided in the application and all other information of any nature provided to or obtained by the Department and DHSS in their administration of this section, shall be available to the public for review, unless a specific claim of confidentiality is submitted pursuant to in *N.J.A.C. 7:26-17.1*.

4. The Department and DHSS may use the information and recommendations of the State and Territorial Association on Alternative Treatment Technologies, and other sources as needed, in evaluating regulated medical waste alternative or innovative technologies.

5. An alternative or innovative technology authorization to operate shall specify general operating conditions and other applicable requirements, such as, but not limited to, requirements for general operation; maintenance and housekeeping; injury reporting; emergency management and reporting; media; fugitive emissions and equipment performance monitoring and control; equipment operation; design; pollution control; data reporting; a DHSS protocol to monitor treatment efficacy or other conditions of operation or performance; periodic technology evaluation progress reports as required by the Department and DHSS and other reports as needed; financial assurance; and operation termination and remedial action; and other applicable requirements as shall be determined by the Department and DHSS on a case-by-case basis. At a minimum, authorization shall include a DHSS protocol to monitor treatment efficacy.

6. An alternative or innovative technology authorization shall be issued only for the specific technology applied for. Any modifications to the technology shall be submitted to the Department and DHSS for review and approval pursuant to (a)1 through 5 above before introduction and use in New Jersey.

(b) Any alternative or innovative technology for the treatment and/or destruction of regulated medical waste authorized pursuant to (a) above:

1. May be marketed or sold for use in New Jersey;

2. Shall be authorized on a case-by-case basis at each facility intending to operate the alternative or innovative technology; and

3. Shall be installed and operated in compliance with all applicable Federal, State and local statutes and regulations.

(c) For the purposes of expediting development, demonstration, evaluation or implementation of alternative or innovative technologies and for the purpose of obtaining operational data and information on which the application for authorization to operate can be reviewed pursuant to (a) above, the Department may, in consultation with the DHSS, exempt any regulated medical waste alternative or innovative technology research, development or demonstration project from applicable waste management regulations in accordance with the procedures at *N.J.A.C. 7:26-1.7(f)*.

7:26-3A.48 Requirements for generators using out-of-State facilities disposing of regulated medical waste from New Jersey

(a) A generator using an out-of-State intermediate handler, destination facility, transfer facility, or other medical waste disposal facility operating for any purpose that uses the U.S. Postal Service or other parcel delivery service in New Jersey and uses the U.S. Postal Service or other authorized mail or parcel delivery service to transport regulated medical waste from New Jersey to the out-of-State facility, shall request a certification from the out-of-State facility, which shall include copies of any state and local authorizations and/or permits. Copies of this certification shall be sent by the generator to the Bureau of Resource Recovery and Technical Programs at the address given at *N.J.A.C. 7:26-3A.8(f)*4. This information shall be provided by the generator prior to sending any RMW out-of-State for disposal.

(b) A generator using the out-of-State facility described in (a) above shall also submit a certification of any and all changes to the out-of-State facilities authorizations or permits within 30 days of such changes.

(c) A generator of regulated medical waste in this State shall not send regulated medical waste by the U.S. Parcel Service or other parcel delivery service to an out-of-State facility that has not submitted a certification to the Department in accordance with this section.

7:26-3A.49 Duration of the letter of authorization; letter of authorization renewal requirements; continuation of an expiring letter of authorization and transfer of an existing letter of authorization for commercial collection facilities

(a) A letter of authorization issued pursuant to this subchapter shall be effective for a fixed term not to exceed five years except as provided in (c) and (d) below. A letter of authorization may be renewed in accordance with (b) below only for the duration of the facility's inclusion in the applicable District Solid Waste Management Plan and provided that the waste processing rate, as specified in the letter of authorization is not exceeded.

1. The term of a letter of authorization shall not be extended by modification beyond the maximum duration specified in this section.

2. Nothing in this section shall be construed to allow the bearer of a letter of authorization to exceed the maximum waste processing rate of the facility as set forth in the letter of authorization for the facility at any time during the term of the letter of authorization. Any expansion, extension, enlargement or other increase beyond the letter of authorization waste processing rate shall be considered a new facility and shall require submittal of an application to the Department for approval of a new letter of authorization.

3. The Department may issue any letter of authorization for a duration that is less than the full allowable term under this section.

(b) Commercial collection facility letter of authorization renewal submission requirements and procedures shall be as follows:

1. The bearer of a letter of authorization of an authorized commercial collection facility shall apply for a letter of authorization renewal at least 90 days prior to the expiration date of the existing letter of authorization provided the facility is included in the applicable District Solid Waste Management Plan.

2. As an application to renew the letter of authorization for a commercial collection facility, the bearer of the letter of authorization for the facility, or the owner or operator of the facility shall submit all fees required by *N.J.A.C. 7:26-3A.8(d)*2, a letter requesting renewal of the letter of authorization for the facility and the following additional documents, if necessary to update the facility's operations:

i. An updated registration statement on forms provided by the Department;

ii. An updated engineering design for the facility;

iii. An updated Operations and Maintenance Manual for the facility; and

iv. An amendment to the disclosure statement as required pursuant to *N.J.A.C. 7:26-16.6*.

3. The Department shall publish notice in the DEP Bulletin and shall notify all parties as specified in *N.J.A.C. 7:26-2.4(g)*6 and 7 of the letter of authorization renewal application.

4. The Department shall review the application for completeness in accordance with the procedures set forth at *N.J.A.C. 7:26-2.4(g)*.

(c) The conditions of an expired letter of authorization are continued in force pursuant to the Administrative Procedure Act, *N.J.S.A. 52:14B-1*, until the effective date of a new letter of authorization if:

1. The bearer of the letter of authorization has submitted a timely and complete application for a renewal pursuant to (b) above; and

2. The Department, through no fault of the bearer of the letter of authorization, does not issue a new letter of authorization with an effective date on or before the expiration date of the previous letter of authorization, due to time or resource constraints.

(d) Letters of authorization continued under this section remain fully effective and enforceable. If the bearer of a letter of authorization is not in compliance with any one of the conditions of the expiring or expired letter of authorization during the continuance, the Department may do any or all of the following:

1. Initiate enforcement action based upon the letter of authorization which has been continued;

2. Issue a notice of intent to deny the new letter of authorization under *N.J.A.C. 7:26-2.4*. If the letter of authorization is denied, the owner or operator shall immediately cease activities authorized by the continued letter of authorization or be subject to enforcement action for operating a commercial collection facility without an approved letter of authorization;

3. Issue a new letter of authorization under *N.J.A.C. 7:26-2.4* with appropriate conditions; or

4. Take such other actions as are authorized by these regulations or the Solid Waste Management Act, *N.J.S.A. 13:1E-1* et seq.

(e) A bearer of a letter of authorization shall not transfer the letter of authorization directly to a new owner or operator without the Department's approval.

1. Any transfer of a letter of authorization shall be pre-approved by the Department and a written request for permission to allow such transfer shall be received by the Department at least 180 days in advance of the proposed transfer of ownership or operational control of the facility. The request for approval shall include the following:

i. A registration statement completed by the prospective new bearer of the letter of authorization on forms provided by the Department;

ii. A disclosure statement as required by *N.J.A.C. 7:26-16.4* completed by the proposed transferee; and

iii. A written agreement between the bearer of the existing letter of authorization and the proposed bearer of the new letter of authorization containing a specific future date for transfer of ownership or operations.

2. A new owner or operator may commence operations at the facility only after the existing letter of authorization has been revoked and a new letter of authorization is issued pursuant to *N.J.A.C. 7:26-3A.39*.

3. The bearer of a letter of authorization of record remains liable for ensuring compliance with all conditions of the letter of authorization unless and until the existing letter of authorization is revoked and a new letter of authorization is issued in the name of the new owner or operator.

4. Compliance with the transfer requirements set forth in this subsection shall not relieve the bearer of the letter of authorization to be transferred from the separate responsibility of providing notice of such transfer pursuant to the requirements of any other statutory or regulatory provision which may apply.