

ADOPTED

**Amendments
To
Delaware
Regulations Governing Solid Waste**

Effective: August 21, 2004

Delaware Department of Natural Resources and Environmental Control
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AMENDMENTS TO

DELAWARE REGULATIONS GOVERNING SOLID WASTE

NOTE: For the purposes of this amendment package only those sections of the solid waste regulations shown herein are affected. All other sections of the Delaware Regulations Governing Solid Waste are not affected and remain unchanged.

Proposed additions are indicated with underlines, and deletions are indicated with ~~strikethroughs~~.

Amendment 1. Table of Contents is reinserted at the beginning of DRGSW:

TABLE OF CONTENTS

SECTION 1: DECLARATION OF INTENT 1-1

SECTION 2: SCOPE AND APPLICABILITY 2-1

SECTION 3: DEFINITIONS 3-1

SECTION 4: PERMIT REQUIREMENTS AND ADMINISTRATIVE PROCEDURES

A. General provisions 4-1

B. Application procedures for sanitary and industrial landfills. 4-12

C. Reserved

D. Application procedures for resource recovery facilities. 4-15

E. Application procedures for transfer stations. 4-19

F. Application procedures for facility for infectious waste management. 4-22

G. Application procedures for solid waste transporters. 4-25

SECTION 5: SANITARY LANDFILLS

A. Siting. 5-1

B. Design. 5-2

C. Liner 5-3

D. Leachate collection, treatment, disposal, and monitoring. ... 5-8

E. Gas control 5-12

F. Surface water management. 5-13

G. Ground water monitoring and corrective action. 5-14

H. Capping system. 5-21

I. Landfill operation and maintenance standards. 5-22

J. Closure 5-26

K. Post-closure care. 5-28

SECTION 6: INDUSTRIAL LANDFILLS

A. Siting. 6-1

B. Design. 6-1

C. Liner 6-2

D. Leachate collection, treatment, disposal, and monitoring. .. 6-7

E. Gas control 6-10

F. Surface water management. 6-11

G. Ground water monitoring and corrective action. 6-12

H. Capping system. 6-15

I.	<u>Landfill operation and maintenance standards.</u>	<u>6-16</u>
J.	<u>Closure</u>	<u>6-19</u>
K.	<u>Post-closure care.</u>	<u>6-21</u>

SECTION 7: TRANSPORTERS

A.	<u>General provisions</u>	<u>7-1</u>
B.	<u>Provisions applicable to transporters required to have a solid waster permit.</u>	<u>7-1</u>
C.	<u>Provisions applicable to transporters of only dry waste.</u>	<u>7-5</u>

SECTION 8: RESERVED 8-1

SECTION 9: RESOURCE RECOVERY FACILITIES

A.	<u>Applicability.</u>	<u>9-1</u>
B.	<u>Siting</u>	<u>9-1</u>
C.	<u>Design and construction.</u>	<u>9-1</u>
D.	<u>Operation and maintenance standards</u>	<u>9-2</u>
E.	<u>Closure.</u>	<u>9-6</u>

SECTION 10: TRANSFER STATIONS

A.	<u>General provisions</u>	<u>10-1</u>
B.	<u>Siting</u>	<u>10-1</u>
C.	<u>Design.</u>	<u>10-2</u>
D.	<u>Leachate collection and disposal</u>	<u>10-2</u>
E.	<u>Operation and maintenance standards</u>	<u>10-3</u>
F.	<u>Cessation and closure.</u>	<u>10-6</u>

SECTION 11: SPECIAL WASTES MANAGEMENT

PART 1 - INFECTIOUS WASTE

A.	<u>General provisions</u>	<u>11-1</u>
B.	<u>Siting</u>	<u>11-1</u>
C.	<u>Definitions</u>	<u>11-1</u>
D.	<u>Exemptions.</u>	<u>11-4</u>
E.	<u>Small quantity generator requirements.</u>	<u>11-5</u>
F.	<u>Permit requirements.</u>	<u>11-6</u>
G.	<u>Prohibitions</u>	<u>11-6</u>
H.	<u>Packaging, labeling, and storage requirements</u>	<u>11-7</u>
I.	<u>Management of spills.</u>	<u>11-9</u>
J.	<u>Closure requirement.</u>	<u>11-9</u>
K.	<u>Methods of treatment and disposal.</u>	<u>11-9</u>
L.	<u>Recordkeeping and reporting requirements.</u>	<u>11-10</u>

M. Evidence of effectiveness of treatment 11-10
N. Transportation 11-15
O. Sterilization 11-17
P. Manifest requirements 11-18

PART 2 - MUNICIPAL WASTE ASH

A. General provisions 11-25
B. Sampling 11-25
C. Analysis 11-26
D. Quality assurance and quality control 11-27
E. Data evaluation 11-27

SECTION 12: SEVERABILITY 12-1

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Amendment 2: Section 3 is amended by adding, in alphabetical order, the following definition:

SECTION 3: DEFINITIONS

“GROSS VEHICLE WEIGHT RATING (GVWR)” or gross vehicle weight means the value specified by the manufacturer as the loaded weight of a single vehicle.

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Amendment 3: Sections 4.A.2, and 4.A.6 are revised to read as follows:

SECTION 4: PERMIT REQUIREMENTS AND ADMINISTRATIVE PROCEDURES

A. GENERAL PROVISIONS

1. ***
2. Public notice; hearing

Within 60 days after receipt of a completed application and all other required information, the Department will give public notice and the opportunity for a public hearing as provided in 7 Del. C., Chapter 60. The cost of the advertisement ~~may~~ shall be borne by the applicant. A 15 day comment period will follow the publication date of each public notice. If no meritorious adverse public comments are received during this period, and the Secretary does not deem a public hearing to be in the best interest of the State, the Department will enter into the permit approval/denial phase. If a meritorious request for a hearing is received during the comment period, or if the Secretary deems a hearing to be in the best interest of the State, a public hearing will be held as provided in 7 Del. C., Chapter 60, Sections 6004 and 6006.

* * * *

6. Permit renewal

Any person wishing to renew an existing permit that is to expire shall, not less than ~~90~~ 180 days prior to the expiration date of ~~that~~ the existing permit, submit to the Department, a permit renewal application form with all supporting documentation and appropriate fees as required by these regulations ~~provided by the Department.~~

In the event that the permittee submits a timely application, ~~(i.e.,~~ not less than ~~90~~ 180 days prior to the expiration date of the existing permit ~~expiration date)~~ ~~application for permit renewal~~, and the Department, through no fault of the permittee, is unable to make a final determination on the application before the expiration date of the ~~current~~ existing permit, the Department may, at its discretion, grant an extension of ~~the~~ *that* permit. If the Department issues an extension, all conditions of the permit, ~~and all modifications previously requested by the Department~~, will remain in effect, for a period of time which will be determined by the Department.

Amendment 4: Section 4.E is amended to read as follows:

E. APPLICATION PROCEDURES FOR TRANSFER STATIONS

1. Application

Any person desiring to construct or operate a transfer station must submit a letter of intent to the Department. *For proposed facilities, ~~the letter should indicate~~ shall narrate the projected design and usage of the ~~proposed~~ facility; provide a tentative schedule for construction and startup, and summarize the applicant's experience and training with transfer station operations. For existing facilities, the letter shall state the reason for the application submittal and include a narration about design, usage, and schedule only if new construction is proposed. ~~The letter of intent shall be followed by the submission, by the applicant, of the following additional information~~ After submitting the letter of intent, the applicant shall submit the following:*

- a. A Solid Waste Management Facility Application, provided by the Department. All information provided by the applicant is certified to be true, accurate, and complete by the applicant's signature on the provided application.
- b. Proof of ownership of the property. If the applicant does not own the property, a copy of the lease agreement and the owner's permission to conduct the proposed activity on the property must be submitted.
- c. A plan of operation

~~This shall be include~~The applicant shall submit a plan of operation in a format that includes a dated title page (title, name/location of facility, author, permittee name), a table of contents, numbered pages, labeled chapters and subsections, and numbered paragraphs. Content of the plan shall include the following:

- (1) A narrative description of the type of facility and of the solid waste handling procedures to be used.
- (2) A narrative explaining the methods and schedule for operation, modification, use, and maintenance of the various components of the facility.
- (3) A description of the proposed methods for controlling noise, litter, odors, insects, rodents, dust, leachate, and facility washdown water.
- (4) A description of the methods that will be used to prevent unauthorized

wastes from entering the facility.

- (5) A contingency plan to be implemented in case of emergency (e.g., a fire, explosion, or spill that threatens public health and safety or the environment.)

d. An engineering report

This report shall be prepared and signed by a Professional Engineer registered in Delaware and shall include the following:

- (1) Descriptions, plans, and specifications of all proposed design features.
- (2) A description of the proposed installation methods and procedures.
- (3) A schedule of events for construction of the facility.
- (4) Proposed design capacity in both tons and cubic yards per day.

e. A hydrogeological assessment, if deemed necessary by the Department.

A hydrogeological investigation of the proposed site may be required before the Department will issue a permit. This investigation shall include a series of test borings and wells, constructed to a depth and in a number sufficient to identify:

- (1) The occurrence and characteristics of the water table aquifer.
- (2) Ground water flow directions.
- (3) Ambient ground water quality.
- (4) Potential pathways of contaminants to points of ground water discharge.

This investigation and report shall be signed by a Professional Geologist registered in Delaware.

f. An environmental assessment.

The environmental assessment shall provide a detailed analysis of the potential impact of the proposed facility on the environment. Factors to be considered include:

Air quality
Water quality

Water uses
Land use
Soil quality
Traffic
Public health and safety
Cultural, recreational, and natural areas
Historic sites
Social and economic factors.

If the applicant or the Department determines that the proposed facility may cause a threat to human health or the environment, the applicant must provide a written explanation of how he or she plans to mitigate the potential harm.

g. Topographical and site maps

This shall include a topographical map or series of maps on a scale satisfactory to the Department but in no case less than one inch equal to 400 feet, showing topographic elevations surveyed with reference to mean sea level, and any necessary narrative descriptions, including but not limited to the following:

- (1) The legal boundaries of the property as determined by a survey performed by a surveyor registered in Delaware; the names of the present owners of the proposed site and of all adjacent lands; and a description of all title, deed, or usage restrictions and all easements affecting the proposed permit area.
- (2) The boundaries of land where solid waste will be stored at any time over the estimated total life of the proposed operation.
- (3) The locations and names of all water supply wells or surface water intakes within 1/4 mile of the handling site boundaries.

h. Proof that all applicable zoning approvals have been obtained and that application has been made for all other appropriate federal, state, and local environmental permits.

i. A conceptual closure plan. This shall address the items listed in Section 10.F.3 to the extent possible at the time of initial permit application and shall be revised and updated as necessary to reflect changes in plans that will affect the cost of closure.

j. Proof of financial responsibility for closure, as described in Section 4.A.11.b.

- k. Proof that the facility meets the siting criteria required by Section 10.B.
 - l. Any other related reports, data, maps, or information that the Department reasonably requires.
2. Construction and operation
- a. The applicant shall not commence construction of a new transfer station or operate an existing transfer station until the applicant has received a permit from the Department in accordance with these regulations.
 - b. After the construction of a new transfer station has been completed, and prior to the receipt of solid waste, the permittee shall submit a final report for the Department's approval. The final report shall certify that the construction of the transfer station was completed in accordance with the permit requirements. The final report shall be certified correct by a Professional Engineer registered in Delaware. The permittee shall not commence operations, store or receive solid waste until the Department has provided its written notification that the construction and the final report meet the requirements of the permit and the Delaware Regulations Governing Solid Waste.

~~3. Closure~~

~~Any person desiring to close a transfer station shall, at least 60 days before the date on which the facility will stop accepting waste, submit the following to the Department:~~

- ~~a. Written notification of intent to close.~~
- ~~b. Updated closure plan.~~
- ~~c. Closure schedule.~~

~~If the Department approves the closure plan and closure schedule, it will modify the facility's permit to allow closure to take place.~~

* * * * *

Amendment 5: Section 4.G is revised to read as follows:

G. APPLICATION PROCEDURES FOR SOLID WASTE TRANSPORTERS

Any person required to obtain a permit to transport solid waste must submit a

completed application to the Department. The application shall ~~be on a form prescribed by the Department and shall~~ be accompanied by all applicable supporting documentation and ~~the~~ appropriate application fees as required by these regulations. All information provided by the applicant ~~shall be~~ is certified to be true, accurate, and complete by the applicant's signature on the provided application.

~~Prior to Public Notice of proposed changes to these Regulations which would affect holders of transporter permits, the Department shall attempt, by reasonable means, to individually notify transporter permit holders of such proposed changes and of the date of the upcoming Public Hearing.~~

Amendment 6: Section 5.I.2.c is amended to read as follows:

SECTION 5: SANITARY LANDFILLS

I. LANDFILL OPERATION AND MAINTENANCE STANDARDS

1. General

- a. Sanitary landfills shall be operated so as to create an aesthetically desirable environment and to prevent degradation of land, air, surface water, or ground water.
- b. Sanitary landfills shall be maintained and operated to conform with the approved Plan of Operation.

2. Details of operation and maintenance

a. Spreading and compacting

The working face shall be confined to the smallest practical area, as is consistent with the proper operation of trucks and equipment.

The waste shall be spread in layers and compacted by repeated passes of the compacting equipment to obtain the degree of compaction specified in the Solid Waste permit.

b. Lift depth

The lift depth shall not exceed the limit specified in the Solid Waste permit.

c. Cover

~~(1) Daily cover: A layer of suitable cover material shall be placed over all solid waste by the end of each working day. This layer shall be of such depth that when compacted it produces a cover layer at least six inches in depth.~~

~~(2) Intermediate cover: Any area that receives daily cover and is not expected to receive either additional solid waste or a capping system within six months shall receive intermediate cover consisting of at least six inches of suitable compacted cover material (in addition to the daily cover). Intermediate cover may be required more frequently if deemed necessary by the Department.~~

~~(3) Cover material: The soil used as daily and intermediate cover material shall be of such character that it can be compacted to minimize percolation of water through the cover, does not crack excessively when dry, and is free of putrescible materials and large objects.~~

~~(4) Alternate cover materials: The Department may approve the use of other materials as daily and intermediate cover if they can be shown to be at least as effective as the required depths of compacted soil at preventing migration of the waste and controlling flies, rodents, and fires.~~

(1) Daily cover shall be placed over all solid waste by the end of the working day or, at more frequent intervals if necessary.

(a) Daily cover shall control odors, disease vector breeding, animal attraction, blowing litter, scavenging, and reduce the potential for fires.

(b) Daily cover shall consist of six inches of earthen material or an alternate material or thickness approved by the Department in accordance with Section 5.1.2.c.(4) of these regulations.

(c) The daily cover layer which remains in place under waste shall not preclude leachate flow downwards towards the leachate collection system.

(d) Exposed daily cover which remains in place for more than two days shall be inspected at least weekly and shall be maintained as necessary to control odors, disease vector breeding, animal attraction, blowing litter, scavenging, and fires.

(2) Intermediate cover shall be placed over any area that received daily cover and did not receive additional solid waste within 180 days. Intermediate cover may be required more or less frequently if deemed necessary by the Department.

(a) Intermediate cover shall control odors, disease vector breeding, animal attraction, blowing litter, scavenging, and reduce the potential for fires.

Intermediate cover shall prevent leachate from entering storm water management systems or surface waters.

- (b) Intermediate cover shall consist of 12 inches of earthen material, which may include daily cover. Intermediate cover consisting of alternate materials or thickness may be used as approved by the Department in accordance with Section 5.I.2.c.(4) of these regulations.
 - (c) Intermediate cover placement and maintenance shall be consistent with the operations plan and leachate control design of the landfill. If the intermediate cover has been placed to reduce infiltration of water into the landfill, it must be removed or otherwise modified to allow leachate to move downwards towards the leachate collection system prior to placement of additional solid waste.
 - (d) Intermediate cover shall be inspected at least weekly and shall be maintained as necessary to control odors, disease vector breeding, animal attraction, blowing litter, scavenging, fires, and to prevent leachate from entering storm water management systems or surface waters.
- (3) Daily or intermediate cover shall not contain putrescible materials or large objects.
- (4) Alternate cover materials. The Department may approve alternate materials or material thickness as daily and intermediate cover once the owner or operator:
- (a) provides written request to the Department, demonstrating that the material and supporting operations meet the performance criteria for daily and intermediate covers specified in these regulations without presenting an increased threat to human health or the environment.
 - (b) prescribes in the operations plan, any unique requirements for placement, maintenance, and inspection of the alternate material and for any additional conditions, equipment, or staff required.

d. Control of nuisances and hazards

- (1) Odor: The operation of the landfill shall not result in odors associated with solid waste being detected off site.
- (2) Litter: The scattering of refuse and wind-blown litter shall be controlled by the use of portable fences, natural barriers, or other suitable methods. No refuse or litter shall be allowed to migrate off site.
- (3) Vectors, dust, fires: The operation of the landfill shall be conducted in a

manner which eliminates to the extent possible insect and rodent breeding, dust problems, and fires.

e. Bulky waste

Adequate provision shall be made for the handling and compaction of bulky wastes when such wastes are not excluded from the site. Tires in quantities greater than ten per truckload shall be sliced or shredded before being landfilled.

f. Special solid wastes

The permittee may make provision for the limited disposal of specified special solid wastes. Disposal of these wastes shall be conducted pursuant to a plan submitted to and approved by the Department.

g. Access

Access roads to the point of waste discharge shall be designed, constructed, and maintained so that traffic will flow smoothly and will not be interrupted by inclement weather.

Access to the site shall be limited to those times when an attendant is on duty and to those persons authorized to use the site for the disposal of solid waste. This section shall not be construed to limit right of entry pursuant to 7 Del. C., Section 6024.

Access to the site by unauthorized persons shall be prevented by the use of barriers, fences and gates, or other suitable means.

h. Salvaging

Salvage operations shall be so organized that they will not interfere with the proper disposal of any solid waste. No salvage operation shall be allowed which creates unsightliness, nuisances, health hazards, or potential safety hazards.

i. Personnel

Sufficient numbers and types of personnel shall be available at the site to insure capability for operation in accordance with these regulations.

j. Equipment

Adequate numbers and types of equipment commensurate with the size of the

operation shall be available at the site to insure operation of the landfill in accordance with the provisions of these regulations and the plan of operation. Substitute equipment shall be obtained when maintenance or breakdown renders normal operating equipment inoperative for more than 24 hours. All refuse moving equipment shall be cleaned routinely and maintained according to the manufacturer's recommendations.

k. Employee health and safety

Employees at the site shall work under all appropriate health and safety guidelines established by the Occupational Safety and Health Administration.

The owner or operator of the landfill shall provide suitable shelter, sanitary facilities, and safe drinking water for personnel at the site.

A reliable telephone or radio communication system shall be provided for site personnel.

First aid equipment shall be available at the site.

l. Procedures for excluding the receipt of hazardous waste

(a) Owners or operators of all sanitary landfill cells must implement a program at the facility for detecting and preventing the disposal of regulated hazardous wastes and polychlorinated biphenyls (PCB) wastes. This program must include, at a minimum:

- (1) Random inspections of incoming loads unless the owner or operator takes other steps to ensure that incoming loads do not contain regulated hazardous wastes or PCB wastes;
- (2) Records of any inspections;
- (3) Training of facility personnel to recognize regulated hazardous waste and PCB wastes; and
- (4) Notification of the Department if a regulated hazardous waste or PCB waste is discovered at the facility.

3. Recordkeeping

The following information must be recorded, as it becomes available, and retained by the owner or operator of any new or existing sanitary landfill until the end of the post-closure care period of the landfill:

- a. Records demonstrating that liners, leachate control systems, gas control systems, capping systems, and all monitoring systems are constructed or installed in accordance with the design criteria required in Section 5, Subsections C, D, E, F, G, and H.
- b. Monitoring, testing, or analytical data where required by Section 5, Subsections D, E, F, G, and H.
- c. Volume and/or weight of wastes received quarterly.
- d. Types of waste received quarterly (industrial waste, asbestos-containing waste, and other wastes which require Department approval prior to being landfilled).
- e. Location of any monofilled waste.
- f. Any additional records specified by the Department.

4. Reporting

The permittee shall submit to the Department on an annual basis a report summarizing facility operations for the preceding calendar year. The report shall describe and summarize all solid waste disposal, environmental monitoring, and construction activities conducted within the year covered by the report. The report shall include, but not necessarily be limited to, the following:

- a. The volume or tonnage of solid waste landfilled at the facility;
- b. The estimated remaining capacity of the facility, in both tonnage and years;
- c. The volumes (or tonnages) and types of specified special solid wastes landfilled at the facility;
- d. Leachate quantity and quality data as required in Section 5.D.4, and specified in the Solid Waste permit;
- e. Gas monitoring data as required in Section 5.E.3, and specified in the Solid Waste permit;
- f. An updated estimate of the cost of closure and post-closure care of the facility, as required in Section 5.J.3.d;
- g. Any intentional or accidental deviations from the approved Plan of Operation, and any unusual situations encountered during the year;
- h. All construction or corrective work conducted on the site in accordance with

approved plans or to achieve compliance with these regulations.

The permittee must also submit any additional reports specified in the Solid Waste permit.

5. Prohibitions

- a. The owner or operator of a sanitary landfill shall not knowingly accept for disposal any hazardous waste.
- b. Open burning of any solid waste is prohibited within the active portion of the sanitary landfill.
- c. Sanitary landfills are prohibited from accepting bulk or non-containerized liquid waste unless the waste is a household waste other than septic waste.
- d. Scavenging is prohibited on any landfill site.

* * * * *

Amendment 7: Section 6.I.5 is amended to read as follows:

SECTION 6: INDUSTRIAL LANDFILLS

I. LANDFILL OPERATION AND MAINTENANCE STANDARDS

1. General

- a. Industrial landfills shall be operated so as to create an aesthetically desirable environment and to preclude degradation of land, air, surface water, or ground water.
- b. Industrial landfills shall be maintained and operated to conform with the approved Plan of Operation.

2. Details of operation and maintenance

a. Spreading and compacting

The working face shall be confined to the smallest practical area, as is consistent with the proper operation of trucks and equipment.

The waste shall be spread in layers and compacted by repeated passes of the compacting equipment to obtain the degree of compaction specified in the Solid

Waste permit.

b. Cover

Approved cover material shall be applied at a frequency and thickness specified by the Department.

c. Control of nuisances and hazards

Odor: The operation of the landfill shall not result in odors associated with solid waste being detected off site.

Litter: The scattering of refuse and wind-blown litter shall be controlled by the use of portable fences, natural barriers, or other suitable methods. No refuse or litter shall be allowed to migrate off site.

Dust, fires: The landfill shall be operated in a manner which eliminates, to the extent possible, dust problems and fires.

d. Access

Access to the site shall be limited to those persons authorized to use the site for the disposal of solid waste and to those hours when an attendant is on duty. This section shall not be construed to limit right of entry pursuant to 7 Del. C., Section 6024.

Access to the site by unauthorized persons shall be prevented by the use of barriers, fences and gates, or other suitable means.

e. Salvaging

Salvage operations shall be so organized that they will not interfere with the proper disposal of any solid waste. No salvage operation shall be allowed which creates unsightliness, nuisances, health hazards, or potential safety hazards.

f. Personnel

Sufficient numbers and types of personnel shall be available at the site to insure capability for operation in accordance with these regulations.

g. Equipment

Adequate numbers and types of equipment commensurate with the size of the operation shall be available at the site to insure operation of the landfill in

accordance with the provisions of these regulations and the plan of operation. Waste handling equipment shall be cleaned routinely and maintained in accordance with the manufacturer's recommendations.

h. Employee health and safety

Employees at the site shall work under all appropriate health and safety guidelines established by the Occupational Safety and Health Administration.

The owner or operator of the landfill shall provide suitable shelter, sanitary facilities, and safe drinking water for personnel at the site.

A reliable telephone or radio communication system shall be provided for site personnel.

First aid equipment shall be available at the site.

3. Recordkeeping

The following information must be recorded, as it becomes available, and retained by the owner or operator of any new or existing industrial landfill until the end of the post-closure care period of the landfill:

- a. Records demonstrating that liners, leachate control systems, cover, capping system, and all monitoring systems are constructed or installed in accordance with the design criteria required in Section 6, Subsections C, D, E, F, G, and H,
- b. Monitoring, testing, or analytical data where required by Section 6, Subsections D, E, F, G, and H,
- c. Volume and/or weight of wastes received
- d. Any additional records specified by the Department.

4. Reporting

The permittee shall submit to the Department on an annual basis a report summarizing facility operations for the preceding calendar year. The report shall describe and summarize all solid waste disposal, environmental monitoring, and construction activities conducted within the year covered by the report. The report shall include, but not necessarily be limited to, the following:

- a. The volume or tonnage of solid waste landfilled at the facility,
- b. The estimated remaining capacity of the facility, in both tonnage and years,

- c. Leachate quantity and quality data as required in Section 6.D.4, and in the Solid Waste permit,
- d. Gas monitoring data as required in Section 6.E.3, and in the Solid Waste permit,
- e. An updated estimate of the cost of closure and post-closure care for the facility, as required in Section 6.J.3.d,
- f. Any intentional or accidental deviations from the approved Plan of Operation, and any unusual situations encountered during the year,
- g. All construction or corrective work conducted on the site in accordance with approved plans or to achieve compliance with these regulations.

The permittee must also submit any additional reports specified in the Solid Waste permit.

In addition to paper copies of reports, the Department may require all or part of any required report to be submitted on machine-readable media in a format mutually acceptable to the Department and the permittee. With approval of the Department, reports submitted on machine-readable media may be substituted for paper reports.

5. Prohibitions

- a. The owner or operator of an industrial landfill shall not knowingly accept for disposal any hazardous waste.
- ab. Open burning of any solid waste is prohibited within the active portion of the landfill.
- bc. Scavenging is prohibited on any landfill site.
- ed. No wastes other than those specified in the permit may be disposed of at the facility.

* * * * *

Amendment 8: Sections 7.A, 7.B.8, and 7.C.7 are amended to read as follows:

SECTION 7: TRANSPORTERS

A. GENERAL PROVISIONS (applicable to all persons transporting solid waste in Delaware)

1. No person shall transport solid waste, without first having obtained a permit from the Department, unless specifically exempted by these Regulations. Refer to Section 4 of these Regulations, PERMIT REQUIREMENTS AND ADMINISTRATIVE PROCEDURES.
2. Any vehicle used to transport solid waste shall be so constructed or loaded as to prevent its contents from dropping, sifting, leaking, or otherwise escaping therefrom, in accordance with Title 21, Section 4371, Del. C.
3. The transporter will be responsible for all costs of cleaning up a discharge of solid waste from the vehicle.
4. Compliance with these regulations does not release a transporter from the obligation of complying with any other applicable laws, regulations or ordinances.

Additional waste transporter regulations may apply to transporters of special wastes, e.g. infectious waste. Refer to Section 11 of these Regulations, SPECIAL WASTES MANAGEMENT.

5. Each vehicle used to transport solid waste and required to have a transporter's permit must carry a copy of the permit in the vehicle. The permit must be presented upon request to any law enforcement officer or any representative of the Department.
- ~~6. Applications to renew an existing solid waste transporter permit must be received 90 days prior to the expiration date of the current permit. Refer to Section 4.A.6 of these Regulations, PERMITTING.~~

~~7~~ 6. A written request to transfer a permit must be received 90 days prior to the date of the proposed transfer. For permit transfer procedures, refer to Section 4.A.8 of these Regulations, PERMITTING.

7. Permitted solid waste transporters shall not use agents or subcontractors who do not hold permits for transporting solid waste.

B. PROVISIONS APPLICABLE TO TRANSPORTERS (EXCEPT FOR TRANSPORTERS OF ONLY DRY WASTE) REQUIRED TO HAVE A SOLID WASTE TRANSPORTER'S PERMIT

1. Applicability

Section 7.B applies to all transportation activities in Delaware except the following:

- a. Transportation of source separated materials for reuse or recycling, provided that the materials remain separate throughout the journey and are not recombined for transport.
- b. Transportation of household waste generated in a Delaware residence and transported by the generator of the household waste.
- c. On-site transportation of solid waste (i.e., the point of generation and the point of treatment or disposal are on the same site and the vehicle transporting the solid waste will not at any time leave the site).
- d. Transportation of solid waste in a vehicle having a gross vehicle weight less than or equal of 26,000 (twenty-six thousand) pounds. (This exclusion shall not apply to the transportation of infectious waste or waste containing asbestos.) For information concerning infectious waste vehicle requirements, refer to Section 11 of these Regulations SPECIAL WASTES MANAGEMENT, Part 1, - Infectious Waste.
- e. Transportation of dry waste only (this activity is subject to the provisions of Subsection 7.C).
- f. Transportation of solid waste generated on a farm in Delaware and transported by the generator of the waste (this exclusion shall not apply to the transportation of infectious waste, petroleum-hydrocarbon contaminated soils, or waste containing asbestos).

2. Instruction and Training

All drivers of solid waste transportation vehicles, and all of the transporter's employees who may handle solid waste subject to these regulations, shall receive instruction in how to perform transportation duties in a way that ensures compliance with all applicable regulations and requirements. The instruction shall include, but not necessarily be limited to, the following:

- a. Knowledge of current DOT Motor Carrier Safety Regulations.

- b. Safe vehicle operations to avoid creating hazards to human health, safety, welfare, or the environment.
- c. Knowledge of proper handling procedures for the type of solid waste being transported.
- d. Familiarity with the approved accidental discharge containment plan.
- e. Familiarity with the conditions of the solid waste transporter's permit.

It shall be the responsibility of the transporter to ensure that all drivers and other employees that may handle solid waste receive instruction as described above as frequently as necessary to maintain a level of knowledge that will ensure safe operation of the vehicle during transportation of the solid waste and proper management of an accidental discharge. A description of the driver training program shall be included with the permit application.

3. Vehicle Requirements

- a. All vehicles used in the transportation of solid waste shall be operated and maintained so as to be in compliance with all state and federal regulations and not present a hazard to human health or the environment through unsafe vehicle conditions. The permittee is responsible for the operation and maintenance of all vehicles including leased vehicles operated under his/her permit.
- b. All vehicles must carry safety and emergency equipment in accordance with applicable DOT regulations to ensure protection of the public and the environment.
- c. All vehicles must carry spill containment materials appropriate to the type of solid waste being transported.
- d. Each vehicle engaged in the transportation of solid waste must be fully enclosed or covered to prevent the discharge or release of solid waste to the environment.
- e. The transporter's name shall be prominently displayed on both sides of the vehicle in figures at least three inches high and of a color that contrasts with the color of the vehicle.
- f. The transporters' permit number shall be prominently displayed on both sides and the rear of the vehicle in figures at least three inches high and of a color that contrasts with the color of the vehicle.

4. Proof of Financial Responsibility

Proof of financial responsibility for sudden and accidental discharges shall be maintained by the transporter. This financial responsibility may be established by any one or a combination of the following:

a. Automobile liability insurance

- (1) For-hire carriers in interstate commerce shall at all times maintain insurance coverage that is in compliance with 49 CFR Part 387 and shall submit a Certificate of Insurance with MCS-90 endorsement demonstrating compliance with this regulation.
- (2) Transporters who transport bulk liquid or bulk gaseous industrial waste, shall at all times maintain commercial automobile liability insurance with a combined single limit of at least \$750,000 with MCS-90 endorsement and shall submit a Certificate of Insurance with MCS-90 endorsement demonstrating compliance with this regulation.
- (3) Transporters who transport infectious waste in interstate commerce shall at all times maintain commercial automobile liability insurance with a combined single limit of at least \$1,000,000 with MCS-90 endorsement. Transporters who transport infectious waste in intrastate commerce shall at all times maintain commercial automobile liability insurance with a combined single limit of at least \$750,000 with MCS-90 endorsement. Infectious waste transporters shall submit a Certificate of Insurance with MCS-90 endorsement demonstrating compliance with this regulation.
- (4) All other carriers shall at all times maintain commercial automobile liability insurance with a combined single limit of at least \$350,000 and shall submit a Certificate of Insurance demonstrating compliance with this regulation.

b. Self insurance equal to or exceeding the above automobile liability insurance limits, and approved by the Department.

c. Other proof of financial responsibility approved by the Department.

5. Management of Accidental Discharges

a. All applicants for a permit to transport solid waste shall submit to the Department a plan for the prevention, control, and cleanup of accidental discharges of the solid waste. No permit will be issued to a transporter until such a plan has been submitted to and approved by the Department.

- b. A copy of the plan shall be maintained in each vehicle engaged in the transportation of solid waste.
- c. All accidental discharges of solid waste from a vehicle shall be immediately and completely remediated. If the solid waste cannot be immediately and completely remediated, or if it has the potential to cause damage to the environment or to public health, the discharge shall be immediately reported to the Department. (Accidental discharges of infectious waste are regulated under Section 11, Part 1)
- d. The transporter will be responsible for all costs of remediating a discharge of solid waste from the vehicle.

6. Recordkeeping

The following records must be retained by the transporter for at least three years:

- a. The solid waste transporter's permit.
- b. Documentation of the training provided to drivers.
- c. Insurance documents sufficient to demonstrate compliance with Section 7.B.4 of these regulations.
- d. Records of spills or releases of solid waste that exceed five (5) pounds or one (1) cubic foot that occur during the transportation of solid waste in Delaware, and descriptions of the remedial actions taken.
- e. The transporter's annual report required under Section 7.B.7.

7. Reporting and Documentation

- a. Each transporter that picks up and/or deposits solid waste in Delaware shall submit an annual report on a form provided by the Department, summarizing information from the preceding calendar year. This report shall be submitted to the Department by April 1 of the year following the year covered by the report. The information contained in the report shall include, but not be limited to, the following:
 - (1) Types and weights of solid waste transported in, into, or out of the state.
 - (2) Actual amounts of solid waste by weight and type delivered to each destination when transported to or from facilities equipped with truck scales. Amounts may be estimated only when truck scales are not

available during the waste transportation process.

- b. Any vehicle transporting solid waste through Delaware shall carry documentation indicating the state in which the solid waste was picked up, the date on which it was picked up, and the state in which it will be deposited.

~~8. Sub leases and sub-contractors~~

~~Sub-leased, and sub-contracted vehicles may be included in a transporter permit, under the following conditions:~~

- ~~a. The vehicles are listed on the permit application or subsequent amendments, with owner and operator of the vehicle identified.~~
- ~~b. The permittee certifies in writing that all information provided in the application or subsequent amendments are applicable to the sub-leased and sub-contracted vehicles, including but not limited to, driver training, vehicle requirements, proof of financial responsibility, management of accidental discharges, recordkeeping, and reporting and documentation.~~
- ~~c. The permittee certifies that the sub-leased or sub-contracted vehicles will comply with all permit conditions.~~
- ~~d. Subcontractors shall carry a copy of the transporter permit that they are authorized to transport under, and a copy of the completed subcontractor form as prescribed by the Department, in the vehicle and must present proof to any law enforcement officer or representative of the Department upon request.~~
- ~~e. Transporters with denied Delaware Solid Waste Transporter Permits may not be listed as a subcontractor or sub-lease for a period of one year after their denial date.~~

C. PROVISIONS APPLICABLE TO TRANSPORTERS OF ONLY DRY WASTE REQUIRED TO HAVE A SOLID WASTE TRANSPORTERS PERMIT

1. General

No transporter granted a permit to transport only dry waste under the requirements of this Subsection (7.C.) shall transport any solid waste other than dry waste, as defined in these Regulations, without meeting the additional requirements for transporting such other solid waste contained in these Regulations.

2. Applicability

The remainder of this Subsection (7.C) applies to all transportation activities involving only dry waste in Delaware except the following:

- a. Transportation of dry waste by a solid waste transporter permittee having a permit issued under Subsection 7.B of these Regulations.
- b. Transportation of source separated materials for reuse or recycling, provided that the materials remain separate throughout the journey and are not recombined for transport.
- c. Transportation of dry waste generated in a Delaware residence and transported by the generator of the dry waste.
- d. On-site transportation of dry waste (i.e., the point of generation and the point of treatment or disposal are on the same site and the vehicle transporting the dry waste will not at any time leave the site).
- e. Transportation of dry waste in a vehicle having a gross vehicle weight less than or equal to 26,000 (twenty-six thousand) pounds. (This exclusion shall not apply to the transportation of infectious waste or of waste containing asbestos.) _For information concerning infectious waste vehicle requirements, refer to Section 11 of these Regulations, SPECIAL WASTES MANAGEMENT, Part 1 - Infectious Waste.

3. Vehicle Requirements

- a. The transporter's name shall be prominently displayed on both sides of the vehicle in figures at least three inches high and of a color that contrasts with the color of the vehicle.
- b. The transporter's permit number shall be prominently displayed on both sides and the rear of the vehicle in figures at least three inches high and of a color that contrasts with the color of the vehicle.

4. Proof of Financial Responsibility

Proof of financial responsibility for sudden and accidental discharges shall be maintained by the transporter. This financial responsibility may be established by any one or a combination of the following:

- a. Automobile liability insurance

- (1) For-hire carriers in interstate commerce shall at all times maintain insurance coverage that is in compliance with 49 CFR Part 387 and shall submit a Certificate of Insurance with MCS-90 endorsement demonstrating compliance with this regulation.
 - (2) Transporters who transport bulk liquid or bulk gaseous industrial waste, shall at all times maintain commercial automobile liability insurance with a combined single limit of at least \$750,000 with MCS-90 endorsement and shall submit a Certificate of Insurance with MCS-90 endorsement demonstrating compliance with this regulation.
 - (3) Transporters who transport infectious waste in interstate commerce shall at all times maintain commercial automobile liability insurance with a combined single limit of at least \$1,000,000 with MCS-90 endorsement. Transporters who transport infectious waste in intrastate commerce shall at all times maintain commercial automobile liability insurance with a combined single limit of at least \$750,000 with MCS-90 endorsement. Infectious waste transporters shall submit a Certificate of Insurance with MCS-90 endorsement demonstrating compliance with this regulation.
 - (4) All other carriers shall at all times maintain commercial automobile liability insurance with a combined single limit of at least \$350,000 and shall submit a Certificate of Insurance demonstrating compliance with this regulation.
- b. Self insurance equal to or exceeding the above automobile liability insurance limits, and approved by the Department.
 - c. Other proof of financial responsibility approved by the Department.
5. Recordkeeping
- The following records must be retained by the transporter for at least three years:
- a. The dry waste transporter's permit.
 - b. The transporter's Annual Report required under Section 7.C.5.
6. Reporting and Documentation
- a. Each transporter that picks up and/or deposits dry waste in Delaware shall submit an annual report on a form provided by the Department, summarizing information from the preceding calendar year. This report shall be submitted to the Department by April 1 of the following year covered by

the report. The information contained in the report shall include, but not be limited to, the following:

- (1) The weights of dry waste transported in, into, or out of the state during the year.
 - (2) Actual amounts of solid waste by weight and type delivered to each destination when transported to or from facilities equipped with truck scales. Amounts may be estimated only when truck scales are not available during the waste transportation process.
- b. Any vehicle transporting dry waste through Delaware shall carry documentation indicating the state in which the dry waste was picked up, the date on which it was picked up, and the state in which it will be deposited.

~~7. Sub-lease and sub-contractors~~

~~Sub-leased and sub-contracted vehicles may be included in a transporter permit, under the following conditions:~~

- ~~a. The vehicles are listed on the permit application or subsequent amendments, with owner and operator of the vehicle identified.~~
- ~~b. The permittee certifies in writing that all information provided in the application or subsequent amendments are applicable to the sub-leased and sub-contracted vehicles, including but not limited to, driver training, vehicle requirements, proof of financial responsibility, management of accidental discharges, recordkeeping, and reporting and documentation.~~
- ~~c. The permittee certifies that the sub-leased or sub-contracted vehicles will comply with all permit conditions.~~
- ~~d. Subcontractors shall carry a copy of the transporter permit that they are authorized to transport under, and a copy of the completed subcontractor form as prescribed by the Department, and must present proof to any law enforcement officer or representative of the Department upon request.~~
- ~~e. Transporters with denied Delaware Solid Waste Transporter Permits may not be listed as a subcontractor or sub-lease for a period of one year after their denial date.~~

* * * * *

Amendment 9: Section 9.E.2.b is amended to read as follows:

SECTION 9: RESOURCE RECOVERY FACILITIES

E. CLOSURE

1. General

When a resource recovery facility ceases accepting solid waste, all of the solid waste on site shall be removed and the facility shall be closed in a manner that will eliminate the need for further maintenance at the site.

2. Required submittals; notification

- a. An owner or operator of a resource recovery facility must submit a conceptual closure plan at the time of initial application for a Solid Waste Management Facility Permit.
- b. At least 180 days prior to the projected date when solid waste will no longer be accepted at the facility, the owner or operator shall submit to the Department all of the items listed in Section ~~4.D.1.b~~ 4.D.3. Closure activities shall not commence until the Department has:
 - given public notice regarding the closure activity and the opportunity for a public hearing as provided in 7 Del. C., Chapter 60,
 - approved in writing an updated closure plan and closure schedule.

For additional information on the public notice procedure see section 4.A.2 of these regulations.

- c. A copy of the closure plan must be maintained at the facility or at some other location designated by the owner or operator until closure has been completed.

3. Closure plan contents

The closure plan for a resource recovery facility must include, as a minimum, the following:

- a. A description of the methods, procedures, and processes that will be used to close the facility, including provisions that will be made for the proper disposal of all solid waste that is on the site when operations cease.
- b. An estimate of the cost of closing the facility. This estimate shall be updated yearly and submitted to the Department as a part of the annual report described

in Section 9.D.4.

c. A description of the planned post-closure use of the property.

4. Minimum closure requirements

a. Closure shall be carried out in accordance with the approved closure plan.

b. Closure must be complete within one year after the date on which the Department issued the approved closure plan and closure schedule.

c. When closure is completed, the owner or operator must submit to the Department certification by a Professional Engineer registered in Delaware that the facility has been closed in accordance with the specifications in the approved closure plan.

d. When closure has been completed to the satisfaction of the Department, the Department will issue a letter indicating that closure has occurred in accordance with the closure plan.

e. After closure has been completed, the Department may require that the permittee conduct monitoring and/or maintenance activities at the site to prevent or detect and mitigate any adverse environmental or health impacts.

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Amendment 10: Section 10.A.2 is amended to read as follows:

SECTION 10: TRANSFER STATIONS

A. GENERAL PROVISIONS

1. ***

2. Exclusions

The following types of facilities are not considered to be transfer stations:

a. Facilities that accept only source separated materials for the purpose of recycling those materials.

b. Facilities permitted as Mmaterials recovery facilities.

c. Small load collection areas located at permitted landfill sites.

- d. Individual dumpsters used for waste generated on site (e.g., at shopping centers, apartment complexes or commercial establishments).
- e. Compaction equipment being used exclusively for solid waste generated on site (e.g., in office or apartment complexes, industrial facilities, or shopping centers).
- f. Temporary debris collection and reduction sites established by Delaware Emergency Management Authority (DEMA) as the result of a natural or man-made disaster event. The exclusion shall apply provided the sites are established in accordance with the applicable DEMA Debris Management Plan, and meet the substantive requirements of this section. The exclusion shall last no longer than ninety (90) days from the start of accumulation of wastes at the temporary debris collection and reduction site. A written record shall be required to document accumulation of debris at each site.

* * * *

Amendment 11: Section 10.F is amended to read as follows:

F. CESSATION AND CLOSURE

1. General

When a transfer station ceases accepting solid waste, all of the waste on site shall be removed and the facility shall be closed in a manner that will eliminate the need for further maintenance at the site.

2. Required submittals; notification

- a. An owner or operator of a new transfer station must submit a conceptual closure plan at the time of initial permit application. Any person desiring to close a transfer station shall, at least 90 days before the date on which the facility will stop accepting waste, submit the following to the Department:

(1) Written notification of intent to close,

(2) Updated closure plan, and

(3) Closure schedule.

- b. At least ~~60~~ 90 days prior to the date when waste will no longer be accepted at the facility, the owner or operator shall submit to the Department all of the items listed in Section ~~4.E.1.b~~ 10.F.2.a. Closure activities shall not commence until the Department has:

- (1) certified in writing that the closure plan and schedule are complete in accordance with the requirements of these regulations;
- (2) given public notice regarding the closure activity and the opportunity for a public hearing as provided in 7 Del. C., Chapter 60;
- (3) approved in writing an updated closure plan and closure schedule;
- (4) if a hearing has been requested, considered any comments received concerning the closure plan;
- (5) modified the permit to allow closure to take place.

For additional information on the public notice procedure see section 4.A.2 of these regulations.

- c. A copy of the approved closure plan must be maintained at the facility or at some other location designated by the owner or operator until closure has been completed.

3. Closure plan contents

The closure plan for a transfer station must include, as a minimum, the following:

- a. A description of the methods, procedures, and processes that will be used to close the transfer station, including provisions that will be made for the proper disposal of all waste that is on the site when operations cease.
- b. An estimate of the cost of closing the facility. This estimate shall be updated yearly and submitted to the Department as a part of the annual report described in Section 10.E.4.a (6).
- c. A plan for post-closure care of the facility if such care would be necessary to protect human health and the environment.
- d. A description of the planned post-closure use of the property.
- e. A copy of the approved closure plan must be maintained at the facility or at some other location designated by the owner or operator until closure has been completed.

4. Minimum closure requirements

- a. Closure shall be carried out in accordance with the approved closure plan and

the modified permit.

- b. Closure must be complete within six months after the date on which the Department issued the approved closure plan and closure schedule.
- c. When closure has been completed to the satisfaction of the Department, the Department will issue a letter indicating that closure has occurred in accordance with the closure plan.
- d. After closure has been completed, the Department may require that the permittee conduct monitoring and/or maintenance activities at the site to prevent or detect and mitigate any adverse environmental or health impacts.

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Amendment 12: Sections 11.A.1 and 11.C (Part 1) are amended to read as follows:

SECTION 11: SPECIAL WASTES MANAGEMENT

PART 1 - Infectious Waste

A. GENERAL PROVISIONS

- 1. All generators of infectious waste shall obtain an Infectious Waste Identification Number ~~by registering with the Department~~ for each site or location that generates infectious waste. When more than one person (i.e., physicians with separate medical practices) is located in the same building, each individual business entity shall be considered a separate generator for purpose of these regulations. Registration shall be submitted on a form provided by the Department.
- 2. No person shall engage in the construction, operation, material alteration, or closure of a facility to be used in the treatment, storage, or disposal of infectious wastes, unless specifically exempted from the regulations within Section 2.C., without first having obtained the proper permits from the Department.
- 3. All infectious waste must be packaged in accordance with these regulations.

* * * *

C. DEFINITIONS

In addition to the definitions in Section 3 of these regulations ~~the~~ the following definitions are specific to the management of infectious waste as used in this part: ~~For general~~

~~definitions relating to other types of solid waste and the management of solid waste, refer to Section 3 of these regulations.~~

"6-LOG REDUCTION" means a 6 decade reduction or a millionth (.000001) survival probability in a microbial population, i.e., a 99.9999% reduction.

"ATCC" means American Type Culture Collection.

"AUTOCLAVE TAPE" means tape that demonstrates an evidentiary visible physical change when subjected to temperatures that will provide evidence of sterilization of materials during treatment in an autoclave or similar device.

"CFU" means colony-forming unit.

"CHALLENGE LOADS" means an infectious waste load that has been constructed by composition (i.e., organic content, moisture content, or other physical or chemical composition).

"CLASS 4 ETIOLOGIC AGENT" means a pathogenic agent that is extremely hazardous to laboratory personnel or that may cause serious epidemic disease. Class 4 etiologic agents include the following viral agents:

- Alastrim, Smallpox, Monkey pox, and Whitepox (when used for transmission or animal inoculation experiments).
- Hemorrhagic fever agents (including Crimean hemorrhagic fever (Congo), Junin, and Machupo viruses, and others not yet defined).
- Herpesvirus simiae (Monkey B virus)
- Lassa virus
- Marburg virus
- Tick-borne encephalitis virus complex (including Absettarov, Hanzalova, HYPR, Kumlinge, Russian spring-summer encephalitis, Kyasanur forest disease, Omsk hemorrhagic fever and Central European encephalitis viruses)
- Venezuelan equine encephalitis virus (epidemic strains, when used for transmission or animal inoculation experiments)
- Yellow fever virus (wild, when used for transmission or animal inoculation experiments)

"CONTAINER" means any portable enclosure in which a material is stored, managed or transported.

"CONTAMINATION" means the degradation of naturally occurring water, air or soil quality either directly or indirectly as a result of the transfer of diseased organisms, blood or other matter that may contain disease organisms from one material or object to another.

"ETIOLOGIC AGENTS": see "INFECTIOUS SUBSTANCE"

"GENERATOR" means ~~hospital, in or out patient clinics, laboratories, medical offices, dental offices, nursing homes, and in patient residential facilities serving persons with diseases which may be transmitted through contact with infectious waste as well as veterinary facilities and research laboratories operating within the State of Delaware.~~ any person whose act or process produces infectious waste as defined in these regulations, or whose act first causes an infectious waste to become subject to regulation. The universe of infectious waste generators includes, but is not limited to, hospitals, physicians' offices, dental offices, veterinary practices, funeral homes, research or medical laboratories, and nursing homes.

"INCINERATOR" means any enclosed device used to destroy waste material by using controlled flame combustion.

"INDICATOR MICROORGANISM SPORES" means those microorganism spores listed in Appendix A, Table B of Section 11, Part 1.

"INFECTIOUS SUBSTANCE" (formerly called "ETIOLOGIC AGENTS") means a viable microorganism, or its toxin, which causes or may cause disease in humans or animals, and includes any agent that causes or may cause severe, disabling, or fatal disease. The terms *infectious substance* and *etiologic agent* are synonymous.

"INFECTIOUS WASTE" means those solid wastes which may cause human disease and may reasonably be suspected of harboring human pathogenic organisms, or may pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed. Types of solid wastes designated as infectious include but are not necessarily limited to the following:

1. **Biological wastes:**

- a. **Biological liquid wastes** means blood and blood products, excretions, exudates, secretions, suctionings and other body fluids including liquid wastes from renal dialysis.
- b. **Pathological wastes** means all human tissues and anatomical remains, including human fetal remains, which emanate from surgery, obstetrical procedures, autopsy, and laboratory procedures.
- c. **Cultures and stocks of etiologic agents and associated biological wastes** means, but is not limited to, specimen cultures, cultures and stocks of infectious substances, and wastes from production of biologicals and serums.
- d. **Laboratory wastes** means those wastes which have come in contact with pathogenic organisms or blood or body fluids. Such wastes include, but are

- not limited to, disposable materials, culture dishes, devices used to transfer, inoculate and mix cultures, paper and cloth which has come in contact with specimens or cultures which have not been sterilized or rendered noninfectious; or laboratory wastes, including cultures of infectious substances, which pose a substantial threat to health due to their volume and virulence.
- e. **Animal tissue, bedding and other waste** from animals known or suspected to be infected with a pathogen which also causes human disease, provided that prevailing evidence indicates that such tissue, bedding or other waste may act as a vehicle of transmission to humans.
 - f. **Human dialysis waste materials** including blood lines and dialysate membranes.
2. **Sharps** means any discarded article that may cause puncture or cuts. Such wastes include, but are not limited to, needles, intravenous (IV) tubing with needles attached, scalpel blades, glassware and syringes that have been removed from their original sterile containers. For the purpose of these regulations, only sharps from human or animal health care facilities, human or animal research facilities or human or animal pharmaceutical manufacturing facilities shall be regulated as sharps.
 3. **Discarded Biologicals** means serums and vaccines produced by pharmaceutical companies for human or veterinary use. These products may be discarded because of a bad manufacturing lot (i.e., off-specification material that does not pass quality control or that is recalled), out-dating or removal of the product from the market or other reasons. Because of the possible presence of infectious substances in these products, the discarded material constitutes infectious waste.
 4. **Isolation Wastes** means discarded materials contaminated with blood, excretions, exudates and/or secretions from humans who are isolated to protect others from highly communicable diseases (those diseases identified as caused by Class 4 etiologic agents).
 5. **Other infectious wastes** means any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill of any infectious waste.

"LARGE INCINERATOR" means an incinerator which has a capacity of greater than 1000 pounds per hour.

["LARGE QUANTITY GENERATOR" means generators of infectious waste who generate 50 pounds or more of infectious waste per month.](#)

"LOG KILL" (L) means the difference between the logarithms of viable test microorganisms or indicator microorganism spores before and after treatment.

"MANIFEST" means a tracking document designed to record the movement of solid waste from the generator through its trip with a transporter to an approved off-site treatment or disposal facility.

"NONINFECTIOUS" means a state in which potentially harmful microorganisms are absent, free of pathogens.

"RED BAG" means an impermeable, 3-mil polyethylene bag or equivalent, red in color, for the collection, storage, and transport of infectious or regulated medical waste, which meets the following minimum performance requirements:

1. Appearance: opaque, red. Each bag must carry the words "INFECTIOUS WASTE" or "REGULATED MEDICAL WASTE" or "BIOHAZARD" in one-inch (minimum) letters and carry the Biological Hazard Symbol.
2. Dart Impact, F₅₀: 100 grams minimum.
3. Elmendorf Tear: 380 grams minimum (any direction).
4. Heavy metals: 100 ppm maximum combined total.

"REGULATED MEDICAL WASTE" means "INFECTIOUS WASTE".

"SHIPMENT" means that waste which is conveyed by a transporter between a generator and a designated facility or a subsequent transporter.

"SMALL INCINERATOR" means an incinerator which has a capacity equal to or less than 1000 pounds per hour.

"SMALL QUANTITY GENERATOR" means ~~a private practice physician, dentist, veterinarian and any other generator of infectious waste in which three or fewer professionals are in the practice and generates less than 50 pounds per month; or a generator who can demonstrate that their facility generates less than 50 pounds per month of infectious waste~~ generators of infectious waste who generate less than 50 pounds of infectious waste per month.

"STORAGE AREA" means an area designated for the holding of waste for a temporary period, at the end of which time the waste is treated, disposed of, or stored elsewhere.

"TEST MICROORGANISMS" means those microorganisms listed in Appendix A, Table B of Section 11, Part 1.

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2003 SW_ Proposed Amendments_Pub Hearing Version
11/10/03
Revised 4/12/2004