

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 335
Department or Agency: Alabama Department of Environmental Management Land Division - Medical Waste Program
Rule No.: Chapter 335-17-2
Rule Title: Medical Waste Generators
Intended Action: Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer

Jeffery W. Kitchens
Jeffery W. Kitchens

Date

Tuesday, March 18, 2025

REC'D & FILED

MAR 18, 2025

LEGISLATIVE SVC AGENCY

APA-2

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT LAND DIVISION - MEDICAL
WASTE PROGRAM

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Environmental Management

RULE NO. & TITLE: Chapter 335-17-2 Medical Waste Generators

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

Changes are being proposed to 335-17-2 to add requirements for generator registrations, and update and clarify provisions for Medical Waste Management Plans and storage requirements.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Comments may be submitted in writing or orally at a public hearing to be held at 2:00 p.m., May 6, 2025, in the ADEM Main Hearing Room, 1400 Coliseum Boulevard, Montgomery, Alabama 36110. Attendance at the hearing is not necessary to present such data, views, arguments, or comments. All comments should be received by 5:00 p.m., May 6, 2025. Written submissions and other inquiries should be directed to: ADEM Hearing Officer, Office of General Counsel, Alabama Department of Environmental Management, P.O. Box 301463, Montgomery, AL 36130-1463 (street address: 1400 Coliseum Boulevard, Montgomery, AL 36110-2400) or by e-mail at hearing.officer@adem.alabama.gov.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Tuesday, May 6, 2025

CONTACT PERSON AT AGENCY:

Lynn T. Roper, 334-271-7728

Jeffery W. Kitchens

Jeffery W. Kitchens

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT LAND DIVISION -
MEDICAL WASTE PROGRAM
ADMINISTRATIVE CODE

CHAPTER 335-17-2
MEDICAL WASTE GENERATORS

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335-17-2-.01 Generators

335-17-2-.01 Generators.

(1) ~~Within 90 days from the effective date~~A facility which generates medical waste shall register with the Department according to the requirements found at 335-17-8.

(2) ~~Generators of medical waste of this Division, each generator~~ shall prepare, maintain and update as necessary a written plan to ensure proper management of medical waste. This plan must be made available to the Department upon request. This plan shall address the following ~~if~~as applicable to the generators:

(a) The type of medical waste generated;

(b) Proper ~~segregation~~collection, packaging and labeling procedures of untreated and treated medical waste intended for off-site transportation should meet the requirements found at 335-17-3;

(c) Treatment method to be utilized on-site;

(d) Transporter to be utilized for the transport of any untreated medical waste~~of any untreated medical waste transported~~ off-site;

1. Name of transporter, address and telephone number of a responsible person; and

2. ADEM permit number;

(e) Storage facilities utilized ~~both on-site and~~ off-site;

1. Name of storage facility, address and telephone number of a responsible person for all off-site storage facilities; and

2. ADEM permit number for all off-site facilities.

(f) All treatment/processing facilities utilized;

1. Name, address and telephone number of all treatment/processing facilities; and facilities.

2. ADEM permit number for all off-site facilities.

(g) All disposal facilities utilized if on-site treatment occurs;

1. Name of disposal facility as it appears on their permit;

2. Permittee of disposal facility; and

3. ADEM permit number.

(h) Frequency medical waste is removed off-site from medical waste generator's facility.

(i) Training of employees~~1. Steps that will be taken to minimize the exposure of their employees to infectious agents.~~ Facility personnel whose duties have a direct effect

~~2. Name of the individual who is responsible for training.~~

~~(2) Each generator shall notify the Department in writing, within 90 days from the effective date of this Division. This notification shall address the following:~~

~~(a) Name and mailing address of generator;~~

~~(b) Name and telephone number of responsible person;~~

~~(c) Street address, including nearest city, of generator's facility.~~

~~A person who will begin the generation of medical waste after the effective date of this Division must submit the above notification and prepare a written Medical Waste Management Plan prior to initiating any waste generation, treatment, transportation or disposal activity~~on medical waste management and/or medical waste accumulation, whether by direct contact with medical waste or through medical waste management activities, shall receive appropriate training.

(3) StorageMedical waste shall be maintained in a non-putrescent state during accumulation.

(4) Accumulation of untreated medical waste shall meet the following criteria:

(a) ~~Storage as used in this rule would~~ Accumulation as used in this rule shall begin after a shipping container is prepared for shipment to a storage or treatment facility.

(b) Accumulation of medical waste by generators who generate 220 pounds or more per month of medical waste shall not exceed thirty (30) calendar days from the accumulation date as described in 335-17-2-.01(4) (a). Generators ~~Storage of medical waste by the generator shall not exceed seven calendar days from the date initial storage begins unless waste is refrigerated at a temperature less than 45 degrees Fahrenheit. This requirement shall not apply to generators~~ who generate less than 220 pounds per month of medical waste may accumulate medical waste for up to six (6) months.

(c) Accumulation areas shall be conspicuously identified with signs which contain either the phrase "Medical Waste," "Infectious Waste", "Biohazardous", or display the International Biological Hazard Symbol.

~~(4)~~ (d) Surfaces of accumulation areas which may come into contact with untreated medical waste shall be constructed of smooth, easily cleanable materials that are impervious to liquids.

(e) Accumulation areas shall be operated in such a manner to minimize entry by rodents or vectors.

(5) Medical waste, such as liquids which are amenable to disposal by sanitary sewer, may be discharged subject to the following conditions:

(a) Sanitary sewer system must provide secondary treatment;

(b) Solid and liquid waste removed from systems which do not provide secondary treatment (e.g., holding tanks) must be further processed in a sanitary sewer system that provides secondary treatment. Prior approval for sewer systems not regulated by the Water Division of the Department must be obtained from the Local Health Officer.

(c) Sanitary sewer system shall be operated in such a manner that medical waste will not bypass the treatment facility during normal operating conditions.

Author: James L. Bryant. Ashley S. Powell

Statutory Authority: Code of Ala. 1975, §§22-27-9, 22-27-12.

History: New Rule: Filed December 12, 2011; effective January 16, 2012. **Amended:** Published December 31, 2024; effective February 14, 2025. Amended: Published ; effective .