

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 335-17-4

Rule Title: Storage of Medical Waste

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 335-17-4 Storage of Medical Waste

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

Changes to 335-17-4 are being proposed to add provisions for Storage Facility permitting requirements and Medical Waste Management Plans.

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, 334-271-77258

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 335-17-4
STORAGE OF MEDICAL WASTE

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335-17-4-.01	Storage Of Untreated <u>Medical</u> Waste
335-17-4-.02	Storage Of Treated <u>Medical</u> Waste

335-17-4-.01 Storage Of Untreated Medical Waste.

Persons engaged in the permitted storage of untreated medical waste shall comply with the following:

(1) No person shall operate or maintain a facility for storage of untreated medical waste without ~~a valid permit granted by the Department. Storage facilities~~ having first obtained an Alabama Medical Waste Storage Permit with the requirements defined in 335-17-4 and 335-17-8. Accumulation areas that are an integral part of the generator's facility will not be required to obtain a permit.

(2) Storage facilities shall be fully enclosed.

(3) Designated storage facilities shall not be utilized for other purposes.

(4) Surfaces of storage facilities which may come into contact with medical waste shall be constructed of smooth, easily cleanable materials that are impervious to liquids.

(5) Storage facilities must be conspicuously identified with signs which contain either the phrase "Medical Waste," "Infectious Waste," "Biohazardous," or display the International Biological Hazard Symbol.

(6) Storage facilities must be adequately secured to prevent entry of unauthorized persons.

(7) Storage facilities must be operated in such a manner to minimize entry by rodents and vectors.

(8) The operation of storage facilities must minimize or prevent objectionable odors as determined by the Department from migrating off-site.

(9) If a container is damaged ~~or~~, leaking, spilling or improperly labeled, the storage facility may accept the container provided the damaged container is overpacked into another container or is properly labeled in accordance with the requirements of 335-17-3-.01(1).

(10) Persons manually handling untreated medical waste at the storage facility shall wear impermeable gloves and protective clothing to minimize exposure.

(11) The permittee or his designee shall allow inspection of the storage facility by Department Personnel during normal working hours.

(12) The permittee shall maintain records as required by the Department for a period of three (3) years. Records shall, at a minimum, include the following years. Records shall contain the following as minimum requirements:

(a) The ~~name and location of any generator or transporter who utilize the storage facility.~~ legal names and physical addresses of all generators and transporters who utilize the storage facility

~~1. Generators shall provide name and street address of business, name and telephone number of a contact person.,~~ together with the names and telephone numbers of the contact

~~2. Transporters shall provide name and street address of business, name and telephone number of a contact person and list of any permits obtained for the transportation of untreated medical waste from a regulatory agency or~~ persons for each generator and transporter facility.

(b) The quantity of medical waste ~~stored~~ received from each generator or transporter per month. The quantity may be recorded in tons, pounds, cubic yards, cubic feet, or gallons.

(c) The date the waste was accepted from the generator or transporter for storage and the date it was removed from the storage facility.

(d) The name and telephone number of ~~a contact person for the transporter removing the waste to another facility and any~~

~~permits which have been issued to that transporter~~ the contact person for the transporter removing the waste to another facility together with the transporter name and permit number.

(e) The quantity of medical waste removed from the storage facility per month. The quantity may be recorded in tons, pounds, cubic yards, cubic feet, or gallons.

(f) Training records for current personnel shall be kept until closure of the facility. Training records on former employees shall be kept for at least three (3) years from the date the employee last worked at the facility. Employee training records may accompany personnel transferred within the same company.

(13) The ~~Permittee of a medical waste~~ owner or operator of each storage facility shall prepare, maintain, and update as necessary, a Medical Waste Management Plan for the medical waste handled and stored at their facility. ~~Multiple locations covered by a single permit may be included in one overall plan if each facility is adequately addressed.~~

(a) The Medical Waste Management Plan shall describe ~~Management Plan must address to the extent the information is applicable to the storage facility:~~

1. The types of medical waste handled;
2. ~~Storage~~ Unloading, handling, and storage procedures that will be followed;
3. Treatment facilities that will be utilized;
4. ~~Steps that will be taken to minimize the exposure of employees to untreated medical waste;~~ Employee Training. Facility personnel whose duties have a direct effect on medical waste management, whether by direct contact with the medical waste or through medical waste management activities, shall receive training.
5. Name of the individual responsible for the storage facility;
6. Receiving and recordkeeping procedure;
7. Emergency preparedness and response plan; and
8. Spill contingency plan.

(b) The Medical Waste Management Plan must be kept at the permittee's principal place of business;

(c) The Medical Waste Management Plan must be made available to the Department upon request~~†~~.

~~(d)~~ (14) Medical waste shall not be held for more than thirty (30) days at the storage facility without refrigeration at temperatures less than 45 degrees Fahrenheit. Refrigerated medical waste may be held at the storage facility for no longer than one (1) year after the date on which the facility received the waste. Medical waste at the storage facility shall be managed to prevent it from becoming putrescible at any time.

(15) Notification of closure of the facility.

(a) Prior to closure. A medical waste storage facility which closes or ceases to store medical waste, shall notify the Department in writing no less than thirty (30) days prior to the expected date of beginning relocation or closure activities. The storage facility shall be thoroughly cleaned and disinfected once closure and/or relocation has been completed.~~The Management Plan~~

(b) After closure. Within thirty (30) days after completion of closure or the cessation of medical waste storage, the medical waste storage facility must provide documentation, which includes certification signed by the owner or operator, to the Department demonstrating that all regulated medical waste was transported off-site to a permitted medical waste storage or treatment facility~~must be updated as needed.~~

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 .

335-17-4-.02 Storage Of Treated Medical Waste.

(1) Containerized treated medical waste that meets the requirements of 335-17-6-.01 may be mixed with other solid waste for storage prior to transportation to an approved disposal facility.

(2) When written certification is required on a per load basis, storage facilities shall provide transporters the certification~~, provided by the person who treated the waste, to be delivered to the permittee or his~~ from the treatment facility, to be delivered to the permittee or the designee of the disposal facility utilized at the time of delivery.

(3) Pursuant to the provisions of Code of ~~Ala.~~Alabama 1975, §22-22A-4(i), additional regulations addressing the storage of solid waste remain within the function of the State Health Department pursuant to Code of ~~Ala.~~Alabama 1975, §22-22A-5~~and,~~ §22-22A-8, and §22-27-9.

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 _____ ; effective _____ .