

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 335-17-7

Rule Title: Disposal 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 335-17-7 Disposal of Medical Waste

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

Revisions are being proposed to 335-17-7 to update disposal requirements for treated and untreated medical waste.

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 335-17-7
DISPOSAL OF MEDICAL WASTE

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335-17-7-.01	Disposal Of Untreated <u>Medical</u> Waste
335-17-7-.02	Disposal Of Treated <u>Medical</u> Waste

335-17-7-.01 Disposal Of Untreated Medical Waste.

~~Medical waste shall be treated on-site at the point of generation or off-site at an approved treatment facility prior to delivery to a solid waste disposal facility. If the Department determines that the generator or treater of medical waste cannot comply with this requirement, a variance may be granted. Rules relating to collection, storage and transportation must be addressed in the variance request. In addition, the request must address why treatment facilities within a reasonable distance cannot handle their waste if temporary storage was utilized.~~Disposal of untreated medical waste is not allowed in the State of Alabama.

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 .

335-17-7-.02 Disposal Of Treated Medical Waste.

~~All treated medical waste intended~~(1) Disposal of treated medical waste must be in accordance with 335-13. Treated medical waste must be processed and packaged to meet the requirements of 335-17-6-.01 before disposal.

~~(2) Treated medical waste sent for disposal shall be accompanied for disposal in a sanitary landfill shall be disposed of in an approved facility.~~

~~(1) Requirements for disposal in an approved solid waste disposal facility is as follows~~by:

~~(a) Medical waste containing liquids must be further processed to eliminate free liquids and further reduce the liquid consistency~~

~~to the point where the waste would be considered bladeable by disposal facility personnel.~~

~~(b) Written certification to the effect~~Written certification from the medical waste treater certifying that the medical waste has been properly treated ~~shall be provided to the permittee or his designee~~ in accordance with 335-17-6-.01.

1. The minimum frequency for providing this certification shall be annually. The treater shall be responsible for providing this certification.

2. The ~~permittee~~disposal facility or the Department may require more frequent certification.

(i) Certifications provided on a per-load basis shall be made available to the ~~permittee or his~~disposal facility or the designee prior to unloading.

(ii) Certifications required more frequently than yearly, but less frequently than a per-load basis, shall be provided as required by the ~~permittee~~disposal facility or the Department.

~~(e)~~(3) Requirements for disposal in an approved solid waste disposal facility shall include the following:

(a) Each permittee of a solid waste disposal facility shall maintain records in a format approved by the Department for each transporter of medical waste who utilizes their facility.

~~(d)~~(b) All records shall be maintained by the permittee for at least three (3) years and shall be available upon request for review by the Department.

~~(e) No untreated medical waste shall be accepted for disposal without Departmental approval~~(c) No untreated medical waste shall be accepted for disposal.

1. Packaging, as required in 335-17-3-.01~~2~~, shall not be accepted for disposal without a variance, as outlined in 335-17-9, being granted by the Department.

2. Containers showing signs of leakage or spillage shall not be accepted.

~~(f)~~(d) Medical waste properly treated shall be placed directly in the active face for putrescibles and managed accordingly.

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 _____.