

## Code of Virginia defining and regulating Medical Waste

### 9 VAC 20-120-10. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise. Chapter 14 (§ 10.1-1400 et seq.) of Title 10.1 of the Code of Virginia defines words and terms that supplement those in this chapter. The Virginia Solid Waste Management Regulations, 9 VAC 20-80-10 et seq., define additional words and terms that supplement those in the statutes and this chapter. When the statutes, as cited, and the solid waste management regulations, as cited, define a word or term differently *conflict*, the definitions of the statutes are controlling.

**"Act" or "regulations"** means the federal or state law or regulation last cited in the context, unless otherwise indicated.

**"Alternative treatment method"** means a method for the treatment of regulated medical waste that is not incineration or steam sterilization (autoclaving).

**"Approved sanitary sewer system"** means a network of sewers serving a facility that has been approved in writing by the Virginia Department of Health, including affiliated local health departments. Such sewer systems may be approved septic tank/drain field systems and on-site treatment systems, or they may be a part of a collection system served by an NPDES permitted treatment works.

**"Associated"** mean two or more firms that share staff members, management, directors, *and* assets or engage in joint ventures. Holding companies and part owners are associated parties.

**"Ash"** means the residual waste material produced from an incineration process or any combustion.

**"ASTM"** means the American Society For Testing and Materials.

**"Autoclave tape"** means tape that changes color or becomes striped when subjected to temperatures that will provide sterilization of materials during treatment in an autoclave or similar device.

**"Blood"** means human blood, human blood components, and products made from human blood.

**"Board"** means the Virginia Waste Management Board.

**"Body fluids"** means any liquid emanating or derived from humans or animals and not limited to including blood; cerebrospinal, synovial, pleural, peritoneal and pericardial fluids; and semen and vaginal secretions; *amniotic fluid; urine; saliva in dental procedures; and any other body fluids that are contaminated with blood, and any other liquids emanating from humans that may be mixed or combined with body fluids.*

**"Closure"** means the act of securing a regulated medical waste management facility pursuant to the requirements of these regulations.

**"Closure plan"** means the plan for closure prepared in accordance with the requirements of this chapter.

**"Commonwealth"** means the Commonwealth of Virginia.

**"Conflict"** means that provisions of two documents, such as regulations or a permit, do not agree and both provisions cannot be complied with simultaneously. If it is possible for both provisions to be complied with, no conflict exists.

**"Container"** means any portable enclosure in which a material is stored, transported, treated, disposed of, or otherwise handled.

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

**"Contaminated"** means the presence or the reasonably anticipated presence of blood or other body fluids on an item or surface, or within an item.

**"Contingency plan"** means a document setting out an organized, planned and coordinated course of action to be followed in the event of a fire, explosion, or release of regulated medical waste or regulated medical waste constituents that could threaten human health or the environment.

**"CWA"** means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act), 33 USC § 1251 et seq.; PL 92-500, PL 93-207, PL 93-243, PL 93-592, PL 94-238, PL 94-273, PL 94-558, PL 95-217, PL 95-576, PL 96-148, PL 96-478, PL 96-483, PL 96-510, PL 96-561, PL 97-35, PL 97-117, PL 97-164, PL 97-216, PL 97-272, PL 97-440, PL 98-45, PL 100-4, PL 100-202, PL 100-404, and PL 100-668.

**"Decontamination"** means the use of physical or chemical means to remove, inactivate, or destroy human pathogens on a surface or item to the point where they are no longer capable of transmitting disease and the surface or item is rendered safe for handling, use, or disposal.

**"Department"** means the Virginia Department of Environmental Quality.

**"Director"** means the Director of the Department of Environmental Quality or his designee.

**"Discard"** means to throw away or reject. When a material is soiled, contaminated or no longer usable and it is placed in a waste receptacle for disposal or treatment prior to disposal, it is considered discarded.

**"Discharge" or "waste discharge"** means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of regulated medical waste into or on any land or state waters.

**"Disposal"** means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any regulated medical *solid* waste into or on any land or water so that such regulated medical *solid* waste or any constituent of it may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

**"Disposal facility"** means a facility or part of a facility at which regulated medical *solid* waste is intentionally placed into or on any land or water, and at which the regulated medical *solid* waste will remain after closure.

**"Domestic sewage"** means untreated sanitary wastes that pass through a sewer system.

**"Empty"** means wastes have been removed from a container using the practices commonly employed to remove materials of that type. In all such cases liquid blood and body fluids shall be removed.

**"EPA"** means the U.S. Environmental Protection Agency.

**"Etiologic agents"** means *the specific* organisms defined to be etiologic agents in 49 CFR 173.134 42 CFR 72.3. In general, etiologic agents as defined in 42 CFR 72.1 means a viable microorganism or its toxin which causes or may cause human disease.

**"Federal agency"** means any department, agency, or other instrumentality of the federal government, any independent agency, or establishment of the federal government including any government corporation and the Government Printing Office.

**"Generate"** means to cause waste to become subject to regulation. When regulated medical waste is first discarded, it must be appropriately packaged in accordance with this regulation. At the point a regulated medical waste is discarded it has been generated.

*Note: Timeframes associated with storage and refrigeration are no longer linked to the "date of generation."*

**"Generator"** means any person, by site location, whose act or process produces regulated medical waste identified or listed in Part III (9 VAC 20-120-80 et seq.) of this chapter or whose act first causes a regulated medical waste to become subject to this chapter.

**"Hazardous material"** means a substance or material that has been determined by the United States Secretary of Transportation to be capable of posing an unreasonable risk to health, safety, and property **when transported in commerce and that has been so designated under 49 CFR 171 and 173.**

**"Hazardous waste"** means any solid waste defined as a "hazardous waste" by the Virginia Hazardous Waste Management Regulations.

**"Health Care Professional"** means a medical doctor or nurse practicing under a license issued by the Department of Health Professions.

**"Highly leak resistant"** means that leaks will not occur in the container even if the container receives severe abuse and stress, but remains substantially intact.

**"Highly puncture resistant"** means that punctures will not penetrate the container even if the container receives severe abuse and stress, but remains substantially intact.

**"Limited small clinic"** means an office where fewer than 10 health care professionals practice, no surgical procedures are performed, and is under the total administrative control of one or more of those practitioners. A person practicing under a license issued by the Department of Health Professions is a health care professional.

**"Motor vehicle"** means a vehicle, machine, roll off container, tractor, trailer, or semi-trailer, or any combination of them, propelled or drawn by mechanical power and used in transportation or designed for such use.

**"Nonstationary health care providers"** means those persons who routinely provide health care at locations that change each day or frequently. This term includes traveling doctors, nurses, midwives, and others providing care in patients' homes, first aid providers operating from emergency vehicles, and mobile blood service collection stations.

**"NPDES" or "National Pollutant Discharge Elimination System"** means the national program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits pursuant to §§ 307, 402, 318, and 405 of CWA *the Clean Water Act*. The term includes any state or interstate program that has been approved by the Administrator of the United States Environmental Protection Agency.

**"Off-site"** means any site that does not meet the definition of on-site as defined in this part, *including areas of a facility that are not on geographically contiguous property or outside of the boundary of the site.*

**"On-site"** means the same or geographically contiguous property, which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along, the right-of-way *to the facility are controlled by the owner or the operator of the facility.* Noncontiguous properties owned by the same person but connected by a right-of-way that he controls and to which the public does not have access, *is are also considered on-site property.*

**"Owner"** means the person *or persons* who owns *own* a regulated medical waste management facility or part of a regulated medical waste management facility.

**"Package" or "outside package"** means a package plus its contents.

**"Packaging"** means the assembly of one or more containers and any other components necessary to assure compliance with minimum packaging requirements under VRGTHM or this chapter.

**"Permit by rule"** means provisions of this chapter stating that a facility or activity is deemed to have a permit if it meets the requirements of the provision.

**"Permitted waste management facility" or "permitted facility"** means a regulated medical waste treatment, or storage, or disposal facility that has received a permit in accordance with the requirements of the chapter.

**"Physical construction"** means excavation, movement of earth, erection of forms or structures, the purchase of equipment, or any other activity involving the actual preparation of the regulated medical waste management facility.

**"Principal corporate officer"** means either:

1. A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy, or decision making function for the corporation, or
2. The manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

**"Principal executive officer"** means either:

1. For a federal agency:
  - a. The chief executive officer of the agency; or
  - b. A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., regional administrators of EPA).
2. For a state agency: The chief executive officer of a department, board, commission, hospital, educational institution, or an authority.
3. For a municipality: The chief executive officer of a county, city, or town.

**"Processing"** means preparation, treatment, or conversion of regulated medical waste by a series of actions, changes, or functions that bring about a decided result.

**"Publicly owned treatment works" or "POTW"** means any device or system used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature that is owned by a state or municipality (as defined by § 502(4) of the CWA).

**"Putrescible waste"** means regulated medical waste that contains material capable of being decomposed by microorganisms.

**"RCRA"** means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (42 USC § 6901 et seq.), *the Hazardous and Solid Waste Amendments of 1984, and any other applicable amendments to these laws.*

**"Regulated medical waste"** means solid wastes defined to be regulated medical wastes in Part III (9 VAC 20-120-80 et seq.) of this chapter.

**"Regulated medical waste management"** means the systematic administration of activities that provide for the collection, source separation, storage, transportation, transfer, processing, treatment, and disposal of regulated medical wastes whether or not such facility is associated with facilities generating such wastes or otherwise.

**"Regulated medical waste management facility"** means a solid waste management facility that manages regulated medical waste.

**"Safe sharps program"** means a program supported by a city, county, town or public authority that is intended to enhance the safe disposal of sharps discarded by private individuals.

**"Sanitary sewer system"** means a system for the collection and transport of sewage, the construction of which was approved by the Department of Health or other appropriate authority.

**"Secondary container"** means a storage device into which a container can be placed for the purpose of containing any leakage from the original container.

**"Section"** means a subpart of this chapter and when referred to all portions of that part apply.

**"Sharps"** means needles, scalpels, knives, glass, syringes *with attached needles*, pasteur pipettes and similar items having a point or sharp edge or that are likely to break during transportation and result in a point or sharp edge.

**"Shipment"** means the movement or quantity conveyed by a transporter of a regulated medical waste between a generator and a designated facility or a subsequent transporter.

**"Site"** means the land or water area upon which a facility or activity is physically located or conducted, including but not limited to adjacent land used for utility systems such as repair, storage, shipping, or processing areas, or other areas incident to the controlled facility or activity.

**"Solid waste"** means any garbage, refuse, sludge and other discarded material, including solid, liquid, semisolid or contained gaseous material, resulting from industrial, commercial, mining and agriculture operations, or community activities, but does not include (i) solid or dissolved material in domestic sewage, (ii) solid or dissolved material in irrigation return flows or in industrial discharges which are sources subject to a permit from the State Water Control Board, or (iii) source, special nuclear, or by-product material as defined by the Federal Atomic Energy Act of 1954, as amended 42 USC §§ 2011-2284. *The definition of solid waste is further clarified in the Virginia Solid Waste Management Regulations (9 VAC 20-80-140).*

**"Solid waste management"** means the systematic administration of activities that provide for the collection, source separation, storage, transportation, transfer, processing, treatment, and disposal of solid wastes whether or not such facility is associated with facilities generating such wastes or otherwise *or resource recovery*.

**"Spill"** means any accidental or unpermitted spilling *discharge*, leaking, pumping, pouring, emitting, or dumping of wastes or materials that, when spilled, become wastes.

**"Start-up" or "cold start-up"** means the beginning of a combustion operation from a condition where the combustor unit is not operating and less than 140°F. in all areas.

**"Storage"** means the holding, including during transportation, of more than 64 200 gallons of waste, at the end of which the regulated medical waste is treated, disposed, or stored elsewhere. Storage also means the transfer of a load of regulated medical waste from one vehicle to another during transportation, or the parking of a vehicle containing regulated medical waste during transport for 24 hours or more.

**"Training"** means formal instruction, supplementing an employee's existing job knowledge, designed to protect human health and the environment via attendance and successful completion of a course of instruction in regulated medical waste management procedures, including contingency plan implementation, relevant to those operations connected with the employee's position at the facility.

**"Transfer facility"** means any transportation related facility including loading docks, parking areas, storage areas, and other similar areas where shipments of regulated medical waste are held during the normal course of transportation.

**"Transportation" or "transport"** means the movement of regulated medical waste by air, rail, highway, or water.

**"Transport vehicle"** means any vehicle used for the transportation of cargo.

**"Vector"** means a living animal, insect or other arthropod that may transmits an infectious disease from one organism to another.

**"VRGTHM"** means Virginia Regulations Governing the Transportation of Hazardous Materials promulgated by the Virginia Waste Management Board as authorized by §§ 10.1-1450 through 10.1-1454 of the Code of Virginia.

**"Waste generation"** means the act or process of producing a regulated medical waste.

**"Waste management facility"** means all contiguous land and structures, other appurtenances, and improvements on them used for treating, storing, and *or* disposing of waste.

**"Waste management unit"** means any unit at a treatment, *or* storage or disposal facility that is seeking or possesses a permit, or that has received regulated medical waste (as defined in this chapter) at any time, including units that are not currently active.

**9 VAC 20-120-20. Authority for regulations. (Repealed.)**

These regulations are issued pursuant to the Virginia Waste Management Act, Chapter 14 (§ 10.1-1400 et seq.) of Title 10.1 of the Code of Virginia (hereinafter Code) which authorizes the Virginia Waste Management Board to promulgate and enforce such regulations as may be necessary to carry out its duties and powers and the intent of that chapter, the Virginia Waste Management Act and the federal acts.

**9 VAC 20-120-40. Administration of regulations.**

A. The Virginia Waste Management Board promulgates and enforces regulations that it deems necessary to protect the public health and safety, the environment, and natural resources.

B. The director is authorized to issue orders to require any person to comply with this chapter or to require such steps as he deems necessary to bring about compliance. Orders shall be issued in writing through certified mail and shall be issued in accordance with provisions of applicable law. Nothing contained in this chapter shall be considered to prevent or curtail the director in the exercise of any power granted to that office by statute, executive order, or separate action of the board. *The Virginia Waste Management Board and/or the director may enforce the provisions of this chapter utilizing all applicable procedures under the law.*

**9 VAC 20-120-50. Applicability of regulations.**

A. This chapter applies to all persons who manage regulated medical waste, own or operate regulated medical waste management facilities or allow regulated medical waste management facilities to be operated on their property in this Commonwealth, to those who seek approval to engage in these activities and to all persons who manage regulated medical wastes, except those specifically exempted or excluded elsewhere in this chapter.

B. All existing regulated medical waste management facilities, including those under a permit on June 29, 1994, must comply with this chapter, except as provided in this section. Any regulated medical waste management facility that is in operation on July 1, 1994, may delay until July 1, 1995, compliance with any requirement contained in this chapter that was not a requirement of "Regulated Medical Waste Management Regulations" (emergency regulations effective June 30, 1993).

*C. Within 180 days of the effective date of these regulations, all permitted regulated medical waste management facilities will place in their operating record updated design and operation information in accordance with the requirements of 9 VAC 20-120-730.*

*D. All existing regulated medical waste management facilities in possession of a permit issued by the director are now deemed to be operating under the provisions of permit by rule. Any modification, transfer, violation or termination of the permit will be in accordance with the procedures specified for permit by rule.*

**9 VAC 20-120-60. Severability.**

A. The board intends that these regulations be severable, so that if any provision or part of these regulations is held invalid, unconstitutional or inapplicable to any person or circumstances, such invalidity, unconstitutionality or inapplicability shall not affect or impair the remaining provisions of these regulations and their application.

B. This chapter supersedes and replaces all previous regulations of the Waste Management Board to the extent that those prior regulations conflict with the regulations presented here. Where there does not exist a conflict between the prior regulations and those presented here, no replacement shall be deemed to occur and the prior regulations shall remain. This chapter supersedes and replaces in their entirety *the following* previous rules of the board: "Infectious Waste Management Regulations," effective May 2, 1990 and; "Regulated Medical Waste Management Regulations," effective June 30, 1993; and "*Regulated Medical Waste Management Regulations*," effective June 29, 1994.

C. This chapter shall remain in effect until *unless amended, rescinded, or otherwise altered* by the Virginia Waste Management Board shall amend, rescind or otherwise alter them. Where there appears to be a conflict between this chapter and other regulations adopted at a future date, and such future regulations do not specifically clarify this chapter, this chapter shall be controlling.

D. These regulations are completely separate from all federal or local governmental regulations.

#### **9 VAC 20-120-70. Relationship to other bodies of regulation.**

A. The Solid Waste Management Regulations (9 VAC 20-80) address special needs *other requirements* for regulated medical waste management. Any regulated medical waste management facility must also conform to any applicable sections of the solid waste management regulations issued by the board and any special solid waste management regulations such as those defining financial assurance requirements. If there is a conflict between the details of regulations here and the others, this chapter is controlling.

B. Any Regulated medical waste management facility must also comply with any applicable sections of the Hazardous Waste Management Regulations (9 VAC 20-60) issued by the department. If there is a conflict between the details of regulations here and the hazardous waste management regulations, the latter regulations are controlling.

C. Intrastate shipment of hazardous materials are *is* subject to the *Regulations Governing the Transportation of Hazardous Materials* Transportation regulations (9 VAC 20-110) of the department. If there is a conflict between the details of regulations here and the hazardous materials transportation regulations, the latter are controlling.

D. *Generators of regulated medical waste and regulated medical waste management facilities may be subject to the general industry standard for occupational exposure to blood borne pathogens in 16 VAC 25-90-1910.1030 (29 CFR 1910.1030).*

E. *Persons transporting regulated medical waste are subject to the federal hazardous material transportation requirements in 49 CFR 171 through 178.*

D. F. If there is a conflict between the regulations here and adopted regulations of another agency of the Commonwealth, the provisions of these regulations are set aside to the extent necessary to allow compliance with the regulations of the other agency. *If neither regulation controls, the more stringent standard applies.*

E. G. Nothing here either precludes or enables a local governing body to adopt ordinances. Compliance with one body of regulation does not insure compliance with the other, and, normally, both bodies of regulation must be complied with fully.

**9 VAC 20-120-80. Purpose and scope.**

A. This part contains general provisions in 9 VAC 20-120-80 and 9 VAC 20-120-90, *provisions for recycling of regulated medical wastes in 9 VAC 20-120-100, provisions for conditional exemption from regulation in 9 VAC 20-120-110*, a description of persons exempt in all or in part from the regulations in 9 VAC 20-120-120, a description of waste and materials excluded from consideration in these regulations in 9 VAC 20-120-130, and the definition of regulated medical waste in 9 VAC 20-120-140 and 9 VAC 20-120-150.

B. The intent of 9 VAC 20-120-80 and 9 VAC 20-120-90 is to establish the part as defining regulated medical waste and to establish rules for wastes that were once regulated medical waste, but are no longer defined to be regulated medical waste because of treatment, recycling, reuse, or other reasons.

C. B. Wastes identified in *this* part III are regulated medical wastes, which *and* are subject to *this chapter, the Virginia Regulated Medical Waste Management Regulations.*

D. C. The basic definition of solid waste appears in Part I 9 VAC 20-120-10 along with other pertinent definitions and shall be referred to for the exact meaning of the terms used. Additional detailed descriptions of regulated medical wastes, exclusions and listings required to arrive at the proper classification of wastes are the subject of this part.

**9 VAC 20-120-90. Materials rendered no regulated.**

Wastes that were once regulated and were managed in accord with this chapter, and that are no longer regulated medical waste, shall be managed in accordance with such other regulations of the board that apply.

1. Packaging. Treated waste that was once regulated, but is no longer regulated medical waste, shall not be packaged as regulated medical waste. Solid waste packaged as regulated medical waste is regulated medical waste.

2. Recordkeeping. If the solid waste is no longer regulated medical waste because of treatment, the generator or *and the* permitted facility shall maintain a record of the treatment for three years afterward *after treatment* to include the date and type of treatment, type and amount of regulated medical waste treated, and the individual operating the treatment *unit*. Records for on-site treatment and shipping papers from commercial carriers for off-site treatment shall be maintained by the

generator. Records for off-site treatment and shipping papers for off-site treatment shall be maintained by all permitted facilities. Generators or permitted facilities with more than one unit may maintain a centralized system of recordkeeping. All records shall be available for review *by the department* upon request.

**9 VAC 20-120-100. Recycled materials.**

A. Untreated regulated medical wastes shall not be used, reused, or reclaimed; however, wastes that have been sterilized, treated or incinerated in accord with these regulations and are no longer regulated medical waste may be used, reused, or reclaimed.

*B. Wastes that have been treated in accord with these regulations are no longer regulated medical waste and may be used, reused, or reclaimed in accordance with the provisions of the Virginia Solid Waste Management Regulations (9 VAC 20-80).*

B. C. Bed linen, instruments, medical care equipment and other materials that are routinely reused for their original purpose are not subject to these regulation *regulations* until they are discarded and are a solid waste. These items do not include reusable carts or other devices used in the management of regulated medical waste (See 9 VAC 20-120-380 9 VAC 20-120-260).

**9 VAC 20-120-120. Exemptions to the regulations.**

Exemptions to this chapter include:

1. Composting of sewage sludge at the sewage treatment plant of generation and not involving other solid wastes.
2. Land application of wastes regulated by the State Board of Health, the State Water Control Board, *the Virginia Department of Agriculture and Consumer Services*, or any other state agency with such authority.
3. Wastewater treatment or pretreatment facilities permitted by the State Water Control Board by a NPDES permit.
4. Management of hazardous waste as defined and controlled by the Virginia Hazardous Waste Management Regulations to the extent that any requirement of those regulations is in conflict with regulations here.
5. Persons who qualify under the rules of subdivision 5 of 9 VAC 20-120-120 are partially exempt from the regulations to the extent contained in subdivision 6 of 9 VAC 20-120-120. Health care professionals or microbiological laboratory managers who generate regulated medical waste in the provision of health care services in their own office, in the private home of a patient, or in a limited small clinic are exempt from those parts of the regulations listed in subdivision 6 of 9 VAC 20-120-120 provided the regulated medical waste is disposed of as authorized below:

- a. With respect to regulated medical waste other than sharps, the office, clinic or the patient's home does not accumulate sufficient regulated medical waste to create a storage facility as regulated by Part V, the regulated medical waste is packaged and labeled in accord with Part IV, and the regulated medical waste is delivered to a permitted regulated medical waste treatment or storage facility in accordance with Part VI, except as exempted by subdivision 6 of 9 VAC 20-120-120.
  - b. With respect to sharps, the sharps are packaged in rigid, highly leak resistant and highly puncture resistant containers and labeled in accord with Part IV, and before filled to capacity, such containers are delivered to a permitted regulated medical waste treatment or storage facility.
  - c. The health care professional or microbiological laboratory manager transports or arranges for the transportation of the regulated medical waste:
    - (1) Himself or herself, or by his or her employee (who is also a health care professional or microbiological laboratory manager), or
    - (2) By a transporter registered as such with the Department of Environmental Quality.
  - d. Notwithstanding any provisions to the contrary in these regulations, regulated medical waste transported pursuant to subdivision 5 c (1) of this section shall be exempt from subdivision 4 of 9 VAC 20-120-210 of these regulations.
  - e. The regulated medical waste is not held in the office, the limited small clinic, or the patient's home for more than seven days after it is generated.
6. Persons qualifying under subdivision 5 of 9 VAC 20-120-120 shall be exempt from 9 VAC 20-120-270, 9 VAC 20-120-280, 9 VAC 20-120-290, 9 VAC 20-120-310 A, and 9 VAC 20-120-400 through 9 VAC 20-120-480 unless otherwise limited by subdivision 5 of 9 VAC 20-120-120.

**9 VAC 20-120-130. Exclusions.**

- A. Materials described in this section may be partially or totally excluded from these regulations because they are not solid waste, not regulated medical waste or *are* regulated medical waste the board excludes from this chapter.
- B. The following materials are not solid wastes for the purposes of this part:
  1. Domestic sewage, including wastes that are not stored and are disposed of in a sanitary sewer system (with or without grinding);
  2. Any mixture of domestic sewage and other wastes that pass through a sewer system to a wastewater treatment works permitted by the State Water Control Board or the State Department of Health;
  3. Human remains under the control of a licensed physician or dentist, when the remains are being used or examined for medical purposes and are not solid wastes; and

4. Human remains properly interred in a cemetery or in preparation by a licensed funeral director or embalmer for such interment or cremation.; *and*

5. *Dead or diseased animals subject to regulation by the Virginia Department of Agriculture and Consumer Services.*

C. The following solid wastes are not regulated medical wastes:

1. Meat or other food items being discarded because of spoilage or contamination, and not included in 9 VAC 20-120-150.

2. Garbage, trash, and sanitary waste from septic tanks and sewage holding tanks *that has been generated at any of the following locations:* single or multiple residences, hotels, motels, bunkhouses, ranger stations, crew quarters, campground, picnic grounds and day-use recreation areas, except for regulated medical waste generated by *resulting from* the provision of professional health care services on the premises, provided that all medical sharps shall be *discarded at those locations* are placed in a opaque container with a high degree of puncture resistance *and labeled "do not recycle, medical sharps" or otherwise managed in accordance with a local "safe sharps" program* before being mixed with other wastes or disposed.

D. The following regulated medical wastes are not subject to the requirements of this chapter when dispersed among other wastes and not accumulated separately:

1. 3. Used products for personal hygiene, such as diapers, facial tissues and sanitary napkins, *underpads and adult incontinence products, unless a health care professional has determined these items to be regulated medical wastes in accordance with 9 VAC 20-120-140.*

2. Material, not including sharps, containing small amounts of blood or body fluids, but containing no free flowing or unabsorbed liquid.

4. *The following discarded items, when they are empty: urine collection bags and tubing, suction canisters and tubing, IV solution bags and tubing, colostomy bags, ileostomy bags, urostomy bags, plastic fluid containers, enteral feeding containers and tubing, hemovacs, and urine specimen cups.*

5. *The following discarded items: urinary catheters, suction catheters, plastic cannula, IV spikes, nasogastric tubes, oxygen tubing and cannula, ventilator tubing, enema bags and tubing, enema bottles, thermometer probe covers, irrigating feeding syringes, and bedpans/urinals.*

6. *Items such as bandages, gauze, or cotton swabs or other similar absorbent materials unless at any time following use they are saturated or would release human blood or human body fluids in a liquid or semiliquid state if compressed. Items that contain dried human blood or human body fluids and are capable of releasing these materials during handling are regulated medical waste. An item would be considered caked if it could release flakes or particles when handled.*

**9 VAC 20-120-150. Lists of controlled regulated medical wastes.**

In addition to wastes described by the characteristics set forth in 9 VAC 20-120-140, each solid waste or solid waste stream on the following lists is subject to this chapter, unless exempted in 9 VAC 20-120-120 or excluded in 9 VAC 20-120-130.

1. Cultures and stock of microorganisms and biologicals. Discarded cultures, stocks, specimens, vaccines and associated items likely to have been contaminated by them are regulated medical wastes if they are likely to contain organisms likely to be pathogenic to healthy humans. Discarded etiologic agents are regulated medical waste. Wastes from the production of biologicals and antibiotics likely to have been contaminated by organisms likely to be pathogenic to healthy humans are regulated medical wastes.
2. *Human blood and blood products human body fluids.* Wastes consisting of human blood, or human blood products (includes serum, plasma, etc.) and *body fluids* or items contaminated by *with human blood* are regulated medical waste *or human body fluids.*
3. Tissues and other anatomical wastes. All human anatomical wastes and all wastes that are human tissues, organs, *or body parts*, or body fluids are regulated medical waste.
4. Sharps. Sharps likely to be contaminated with organisms that are pathogenic to healthy humans, and all sharps used in patient care or veterinary practice *needles, syringes with attached needles, suture needles, and scalpels* are regulated medical wastes.
5. Animal carcasses, body parts, bedding and related wastes. When animals are intentionally infected with organisms likely to be pathogenic to healthy humans for the purposes of research, in vivo testing, production of biological materials or any other reason; the animal carcasses, body parts, bedding material and all other wastes likely to have been contaminated are regulated medical wastes when discarded, disposed of or placed in accumulated storage.
6. Any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill of any regulated medical waste.
7. Any solid waste contaminated by or mixed with regulated medical waste.

**9 VAC 20-120-160. Permit required.**

No person who is subject to this chapter shall treat, store, or dispose of regulated medical waste without a permit from the department to engage in those activities. *Any person required to have a permit for the management of regulated medical waste shall submit an application for a permit in accord with Part X (9 VAC 20-120-680 et seq.) of this chapter, with the exception that certain facilities deemed to have an on-site permit by rule in accordance with 9 VAC 20-120-180.*

**9 VAC 20-120-170. Persons required having a permit Exemptions from permitting.**

Any person required to have a permit for facilities for the management of regulated medical waste shall make an application for a permit in accord with Part X of this chapter, with the exception that certain facilities may be deemed to have an on-site permit by rule in accord with 9 VAC 20-120-180. A. The

accumulation *holding* of regulated medical waste in bulk transport containers or on loading docks or areas designated for loading shall not require the operator to hold either an on-site permit by rule or a permit under Part X (9 VAC 20-120-680 et seq.) of this chapter if:

1. *The regulated medical wastes are packaged, marked, and labeled for transport in accordance with applicable requirements of 9 VAC 20-120-210 D.*

1. Those facilities 2. *The facility merely facilitate facilitates transportation and do does not involve holding of regulated medical waste for more than seven days, and 24 hours.*

2. 3. *No more than 25% of the regulated medical waste received at the loading dock is generated off-site or the site is exclusively a collection point for no stationary health care providers and is not owned or operated by a vendor of waste management services.*

This exemption of permitting requirements does not include or imply any exemption from the design and operation standards contained in Part V or elsewhere in this chapter.

4. *While regulated medical waste is present, the area is secure from unauthorized access, and means are provided to prevent damage to the packaging by the elements or other factors.*

B. *Facilities generating 100 gallons per week or more of regulated medical waste shall not be required to hold an on-site permit by rule for storage or a permit for storage under Part X of this chapter if:*

1. *A designated storage area is provided for all areas of the facility accumulating in excess of 200 gallons of regulated medical waste. Designated storage areas shall meet the special requirements for storage facilities in Part V (9 VAC 20-120-330 et seq.) of this chapter.*

2. *All regulated medical waste stored in a designated storage area is properly packaged in accordance with the provisions of 9 VAC 20-120-210 and labeled in accordance with the provisions of 9 VAC 20-120-220.*

3. *While regulated medical waste is in storage, the first date the RMW is placed in storage is affixed to the outer packaging.*

4. *No more than 25% of the regulated medical waste received at the facility is generated off-site.*

5. *Regulated medical waste is not treated on-site.*

C. *Facilities generating less than 100 gallons per week of regulated medical waste shall not be required to hold an on-site permit by rule for storage or a permit for storage under Part X of this chapter or maintain records as required under 9 VAC 20-120-310 if:*

1. *Regulated medical waste is not held on-site in quantities greater than 200 gallons.*

2. *Regulated medical waste is accumulated and held in a safe and secure manner ensuring the waste cannot spill, or contact workers or the general public.*

3. *When regulated medical waste is ready to be discarded, the generator complies with the provisions for loading docks or areas designated for loading in 9 VAC 20-120-170 A.*

4. *Regulated medical waste is not treated on-site.*

D. *If a facility does not meet the above requirements for the storage of regulated medical waste, that facility is required to obtain an on-site permit by rule for on-site storage in accordance with the provisions of 9 VAC 20-120-180.*

