

(f) Each generator, transporter, intermediate handler, collection facility, transfer station and destination facility shall register with the Department on regulated medical waste registration forms prescribed by and available from the Department at the address listed below and shall state such information as necessary and proper to the enforcement of this subchapter, as the Department may require. No pro rata adjustment or refund for prior registration year payment of fees shall be made by the Department. Fees shall be payable to the Department 30 days after the beginning of each respective registration year in accordance with the following schedule:

1. The registration year for generators shall extend from July 22 through July 21 of each calendar year and fees shall be payable by August 20 of each calendar year;
2. The registration year for transporters shall extend from May 1 through April 30 of each calendar year and fees shall be payable by May 30 of each calendar year;
3. The registration year for intermediate handlers, collection facilities and destination facilities shall extend from January 1 through December 30 of each calendar year and fees shall be payable by January 29 of each calendar year; and
4. The Department's address for regulated medical waste is:

Bureau of Technical Assistance
 Division of Solid and Hazardous Waste
 New Jersey Department of Environmental Protection
 CN 414
 Trenton, New Jersey 08625-0414

(g) The Department shall charge fees for regulated medical waste program services as follows:

1. Any person not registered for regulated medical waste activities in accordance with the requirements of this subchapter that requests a written interpretation of any solid waste regulation from the Department shall submit a fee of \$150.00 with the request for interpretation.
2. Any person that requests the authorization of an alternative or innovative technology pursuant to N.J.A.C. 7:26-3A.47(a) shall submit a fee of \$1,500 with the request for the authorization; and
3. Any person that requests the authorization of an alternative or innovative technology demonstration program pursuant to N.J.A.C. 7:26-3A.47(c) shall submit a fee of \$2,000 with the request for authorization of the demonstration program.

(h) The omission of any type of Department service from the fee schedule set forth in (f) above shall not prevent the Department from assessing a reasonable fee for such service. Any person that requests a Department service not

listed at (f) above shall request an initial review of the service for purposes of determining the fee for performing such service.

1. If the Department determines that the service is of a type listed in (g)1 through 3 above, the fee shall be the applicable fee specified at (g) above.

2. If the Department determines that the service is not one of those listed in (g)1 through 3 above, the fee shall be equal to the Department's estimate of the number of person-hours required to perform such activity, multiplied by the hourly rate of \$74.73.

(i) The Department shall charge an excess fee at the hourly rate of \$55.88 for excess person-hours required to perform any service for which a fee is established pursuant to (a) through (g) above. The Department shall notify the applicant or permittee of such excess fee in writing before performing the additional work.

(j) The determination of a fee pursuant to (h) above shall expire 90 days after the date such determination was issued, unless the applicant or permittee has paid such fee to the Department in full before expiration. If the applicant or permittee desires to continue to pursue the request for services for which the fee determination has expired, such applicant or permittee shall request a redetermination of the fee in writing, and the Department shall redetermine the fee in accordance with (h) above, as applicable.

(k) The Department may refrain from commencing work on the service for which a fee is established pursuant to (g) through (i) above until the Department receives full payment of such fee. If the Department has commenced work on the service the Department may suspend such work until it receives full payment of such fee.

(l) Any generator that fails to register pursuant to this section and that submits the annual fee pursuant to (a) above later than August 20 of each calendar year shall pay a late fee in the amount of 25 percent of the annual fee up to 15 days, 50 percent up to six months, and 100 percent up to one year, in addition to the annual fee. Neither the assessment of a late fee nor the payment of a late fee shall prevent the Department from taking any appropriate enforcement action.

(m) Any generator that submits the annual generator report required by N.J.A.C. 7:26-3A.21(d), 30 or more days after such report is due shall pay a late fee of \$50.00. Neither the assessment nor the payment of a late fee shall prevent the Department from taking any appropriate enforcement action.

Amended by R.1990 d.358, effective July 16, 1990.
 See: 22 N.J.R. 1478(a), 22 N.J.R. 2145(a).

Generator categories expanded to 5; fees restructured.
 Amended by R.1996 d.578, effective December 16, 1996.
 See: 28 N.J.R. 2114(a), 28 N.J.R. 5248(a).

In (a)1, amended base fees; in (a)1i, inserted "annual" preceding "regulated medical waste" and inserted reference to discharged fluids and blood; substantially amended (b) and (c), inserted new (d); recodified former (d) as (f); in (f), inserted references to collection facilities and transfer stations, and to refunds for prior years; in (f)2, deleted reference to 1989 registration year; rewrote (e) and (g) through (h); and added (i) through (m).

7:26-3A.9 Education

The supervisory personnel of all transporters, except generators that transport their own regulated medical waste and satisfy the requirements of N.J.A.C. 7:26-3A.17(a), collection facilities, intermediate handlers and destination facilities shall attend education and training sessions provided by the Department, and shall also be required to disseminate the information obtained at the sessions to all employees.

Amended by R.1996 d.578, effective December 16, 1996.

See: 28 N.J.R. 2114(a), 28 N.J.R. 5248(a).

Inserted reference to collection facilities.

7:26-3A.10 Segregation requirements

(a) Generators shall segregate regulated medical waste intended for transport off-site to the extent practicable prior to placement in containers according to (b) below.

(b) Generators shall segregate regulated medical waste into:

1. Sharps (Classes 4 and 7 as defined at N.J.A.C. 7:26-3A.6(a)) including sharps containing residual fluid;
2. Fluids (quantities greater than 20 cubic centimeters); and
3. Other regulated medical waste.

(c) Other regulated medical waste described at (b)3 above may be included in sharps containers. Such containers shall be managed at all times as sharps containers in accordance with N.J.A.C. 7:26-3A.11. The waste in these containers shall not be allowed to putrefy or be malodorous in any detectable manner.

(d) If other nonregulated medical waste and/or solid waste is placed in the same container(s) as regulated medical waste, or if regulated medical waste cannot be initially segregated from other solid waste, then the generator shall package, label, and mark the container(s) and manage its entire contents according to the requirements for regulated medical waste in this subchapter.

Amended by R.1996 d.578, effective December 16, 1996.

See: 28 N.J.R. 2114(a), 28 N.J.R. 5248(a).

Inserted new (c) and recodified former (c) as (d) and substantially amended.

7:26-3A.11 Packaging requirements

(a) Generators shall ensure that all of their regulated medical waste is packaged in accordance with the requirements of (b) through (d) below, before transporting or offering such regulated medical waste for transport off-site. Generators may use one or more containers to meet these requirements for regulated medical waste packaging.

(b) Generators shall ensure that all regulated medical waste is placed in a container or containers that are:

1. Rigid;
2. Leak-resistant;
3. Impervious to moisture;
4. Sufficiently strong to prevent tearing or bursting under normal conditions of use and handling; and
5. Sealed to prevent leakage during transport.

(c) In addition to the requirements above, generators shall:

1. Package sharps and sharps with residual fluids in packaging or containers that are puncture-resistant; and
2. Package fluids (quantities greater than 20 cubic centimeters) in packaging or containers that are break-resistant and tightly lidded or stoppered.

(d) Generators need not place oversized regulated medical waste in containers. Generators shall note any special handling instructions for these items in Box 14 of the medical waste tracking form.

(e) Solid waste that is not being managed as regulated medical waste shall not be packaged for shipment inside a regulated medical waste container or in containers attached to, or part of, a regulated medical waste container.

Amended by R.1996 d.578, effective December 16, 1996.

See: 28 N.J.R. 2114(a), 28 N.J.R. 5248(a).

In (c)1 and (c)2, inserted reference to containers; and added (e).

Case Notes

Fact issue: cleaning employee's fear that she would develop acquired immune deficiency syndrome (AIDS) after she was pricked by lancet while cleaning medical office precluded summary judgment in action for negligent infliction of emotional distress; it could not be said as matter of law that person who receives puncture wound from medical waste reacts unreasonably in suffering serious psychic injury from fear of AIDS. *Williamson v. Waldman*, 291 N.J.Super. 600, 677 A.2d 1179 (A.D.1996).

7:26-3A.12 Storage of regulated medical waste prior to transport, treatment, destruction, or disposal

(a) Any person who stores regulated medical waste prior to treatment or disposal on-site (for example, interment, treatment and destruction, or incineration), or transport off-site, shall comply with the following storage requirements:

1. Store the regulated medical waste in a manner and location that maintains the integrity of the packaging and provides protection from water, rain and wind;
2. Maintain the regulated medical waste in a nonputrescent state, using refrigeration when necessary;

3. Lock the outdoor storage areas containing regulated medical waste (for example, dumpsters, sheds, tractor trailers, or other storage areas) to prevent unauthorized access;

4. Limit access to on-site storage areas to authorized employees; and

5. Store the regulated medical waste in a manner that affords protection from animals and does not provide a breeding place or a food source for insects and rodents.

(b) The storage period for regulated medical waste is limited as follows:

1. Regulated medical waste shall be disposed of immediately if it becomes putrescent or emits any odors;

2. All regulated medical waste shall be disposed of within one year of the date of generation, or sooner as determined by the generator, except that:

i. The storage period may exceed one year for regulated medical wastes that must be stored for longer periods to provide for the decay of radioactive materials in accordance with applicable Federal or State statutes and regulations.

(c) Any container that is being used to accumulate or store sharps shall be secured so that the contents are not accessible to any unauthorized person.

Amended by R.1996 d.578, effective December 16, 1996.

See: 28 N.J.R. 2114(a), 28 N.J.R. 5248(a)

Added (b) and (c).

Petition for Rulemaking: Notice of Receipt of a Petition for Rulemaking.

See: 29 N.J.R. 2481(a).

7:26-3A.13 Decontamination standards for reusable containers

(a) Generators, transporters, intermediate handlers and destination facility owners and operators shall comply with the following requirements with respect to reusing containers:

1. All non-rigid containers and inner liners shall be managed as regulated medical waste under this subchapter and shall not be decontaminated or reused;

2. Any container used for the storage and/or transport of regulated medical waste and designated for reuse once emptied, shall be decontaminated if the container shows signs of visible contamination;

3. If any container used for the storage and/or transport of regulated medical waste is for any reason not capable of being rendered free of visible signs of contamination on its outer surface in accordance with (a)2 above, the container must be managed (labeled, marked and treated and/or disposed of) as regulated medical waste under this subchapter; and

4. Decontaminated containers shall be free of all removable contaminating material from the inner and outer surfaces.

Amended by R.1996 d.578, effective December 16, 1996.

See: 28 N.J.R. 2114(a), 28 N.J.R. 5248(a).

In (a)1, substituted "containers" for "packaging"; and added (a)4.

7:26-3A.14 Labeling requirements

(a) Generators shall label each package of regulated medical waste and each individual container used at the specific location of initial generation immediately on use, to meet the packaging requirements of N.J.A.C. 7:26-3A.11, before the waste is transported or offered for transport off-site as follows:

1. Each container of untreated regulated medical waste shall have a water-resistant label affixed to or printed on the outside of the container. The label shall include the words "Medical Waste," or "Infectious Waste," or display the universal biohazard symbol. Red plastic bag(s) used as an inner container need not display a label; and

2. Packages containing treated regulated medical wastes are not required to be labeled under this section but are required to be marked in accordance with the requirements of N.J.A.C. 7:26-3A.15.

Amended by R.1996 d.578, effective December 16, 1996.

See: 28 N.J.R. 2114(a), 28 N.J.R. 5248(a).

Substantially amended (a); and in (a)1, substituted "container" for "package".

7:26-3A.15 Marking (identification) requirements

(a) Generators (including intermediate handlers) shall mark each individual container of regulated medical waste according to the following marking requirements before the waste is removed from the generator's storage area and is transported or offered for transport off-site:

1. The outermost surface of the outer container or any inner container used to meet the packaging requirements at N.J.A.C. 7:26-3A.11 shall be marked with a water-resistant identification tag of sufficient dimension to contain the following information:

i. The generator's or intermediate handler's name;

ii. The generator's or intermediate handler's address. If the generator or intermediate handler is not located in New Jersey, then use their state permit or identification number, and if their state does not issue permit or identification numbers, then use the generator's or intermediate handler's address;

iii. The transporter's name;

iv. The transporter's NJDEP solid waste registration number;

v. The date of shipment; and

vi. Identification of contents as medical waste.

2. In addition to the requirements of (a)1 above, if the generator has used inner containers, including sharps and fluid containers, each inner container shall be marked with indelible ink or imprinted with water-resistant tags. The marking or the tag shall contain the following information:

- i. The generator's or intermediate handler's name; and
- ii. The generator's or intermediate handler's address. If the generator or intermediate handler is not located in New Jersey, then use their state permit or identification number, and if their state does not issue permit or identification numbers, then use the generator's or intermediate handler's address.

Amended by R.1996 d.578, effective December 16, 1996.
See: 28 N.J.R. 2114(a), 28 N.J.R. 5248(a).

In (a) and (a)1, substituted references to containers for references to packages.

Case Notes

Dentist had duty to protect sanitation worker stuck in forearm by dental instrument while collecting trash; dentist consciously disregarded regulatory requirements regarding disposal of medical waste materials; sanitation worker claimed emotional distress, fearing HIV infection. *De Milio v. Schrager*, 285 N.J.Super. 183, 666 A.2d 627 (L.1995).

7:26-3A.16 General requirements for regulated medical waste generators, transporters, collection facilities, intermediate handlers and destination facilities

(a) A generator, transporter, collection facility, intermediate handler or destination facility that generates a medical waste, as defined in N.J.A.C. 7:26-3A.5 and who is located in New Jersey, or that stores, transfers, transports, treats, destroys or disposes of, or otherwise manages medical waste in New Jersey shall determine if that waste is a regulated medical waste.

(b) A generator, transporter, collection facility, intermediate handler or destination facility that either treats and/or destroys or disposes of regulated medical waste on-site (for example, incineration, burial or sewer disposal covered by Section 307(b)-(d) of the Clean Water Act,) or any person that disposes of regulated medical waste via sewer disposal in compliance with all applicable Federal, State, county and local statutes, rules and ordinances is not subject to tracking requirements for that waste but is subject to all other applicable requirements, including, but not limited to, the generator reporting, registration, all fee requirements of this subchapter and the following conditions:

1. Bulk blood, body fluids and small amounts of pathological wastes that are liquefied or suspended in liquids, or have passed through the filters in alternative or innovative technologies may be disposed of in sanitary sewer, septic or municipal sewer system in accordance with Section 307(b) through (d) of the Clean Water Act.

2. Nonbiological regulated medical waste (for example, plastic blood bags, gauze bandages and similar substances) shall not be disposed of in a sanitary sewer, septic or municipal sewer system except for very minute amounts of such wastes that may escape retention on filters in alternative or innovative technologies designed to capture the insoluble waste particles in order to prevent their disposal into the sewer system.

(c) Vessels at port in New Jersey are subject to the requirements of this subchapter for those regulated medical wastes that are transported ashore in New Jersey. The owner or operator of the vessel and the person(s) removing or accepting waste from the vessel are considered co-generators of the waste.

(d) Any person offering regulated medical waste for transport shall use transporters that meet the requirements of N.J.A.C. 7:26-3A.27(c), unless the transporter is a generator meeting the requirements of N.J.A.C. 7:26-3A.17(a) or unless the transporter is the U.S. Postal Service and the requirements of N.J.A.C. 7:26-3A.17(b) are met.

(e) Persons shall dispose of regulated medical waste only with a registered intermediate handler, at a registered destination facility, a regulated medical waste sanitary landfill permitted in accordance with N.J.A.C. 7:26-3A.18, a resource recovery facility authorized to accept such waste and permitted in accordance with N.J.A.C. 7:26-2, or a facility in another state authorized to accept such wastes by such state. Shipments to out-of-State facilities shall be made in accordance with N.J.A.C. 7:26-3A.28 and 3A.46.

(f) A generator receiving regulated medical waste from other generators for transfer to a facility for treatment, destruction or disposal is considered a collection facility for the purposes of this section, except:

1. Any generator generating regulated medical wastes in the ordinary course of business and receiving home self-care medical waste for management in accordance with N.J.A.C. 7:26-3A.16(h).

(g) Any generator generating regulated medical waste in the ordinary course of business and operating a noncommercial collection facility, an intermediate handler facility or a destination facility registered pursuant to this chapter, is not subject to the requirements at N.J.A.C. 7:26-16 or 16A.

(h) A generator generating regulated medical waste in the ordinary course of business, transporters, collection facilities, intermediate handlers or destination facilities may accept home self-care medical waste for management in accordance with the following requirements:

1. The generator, transporter, collection facility, intermediate handler or destination facility receiving the home self-care medical waste shall maintain a list of all persons delivering the home self-care medical waste, including such person's name, address, and telephone number, and the dates and the number of the medical waste containers received.

2. Containers shall meet the packaging requirements for regulated medical waste at N.J.A.C. 7:26-3A.11. Coffee cans, glass or soft thin-walled plastic bottles are not acceptable containers for collection and transportation of

used or unused syringes. All containers shall be clearly labeled with the universal biohazard symbol or the words, "Home Self-Care Medical Waste."