



Infectious Waste

Management guidance for storage and decontamination facilities

What is infectious waste?

Infectious waste is waste that poses an environmental danger due to its *biological* risk. **Pathological** waste also poses a *biological* risk and is regulated the same as infectious waste in Minnesota. Both are different from **hazardous** waste, which poses an environmental danger due to its *chemical* risk. All three types of waste are regulated by the Minnesota Pollution Control Agency (MPCA).

For a detailed discussion of exactly what is and isn't regulated as infectious waste in Minnesota, see MPCA fact sheet #w-sw4-30, [Infectious Waste – Management guidance for generators](http://www.pca.state.mn.us/publications/w-sw4-30.pdf), at <http://www.pca.state.mn.us/publications/w-sw4-30.pdf>.

Who else regulates infectious waste?

This document is intended to provide guidance only on MPCA requirements under Minnesota Infectious Waste Statutes and Rules found at Minnesota Statutes, § Chapter 116, and Minnesota Rules Chapter 7035. Infectious waste may also be regulated as:

- Regulated waste, also known as *biohazardous waste*, under the Federal Bloodborne Pathogens Standard (BBP) found at 29 CFR 1910.1030 and administered by the Minnesota Department of Labor and Industry, Occupational Safety & Health Division (MNOSHA).
- Regulated Medical Waste (RMW) under the Federal Hazardous Materials Regulations (HMR) found at 49 CFR 173.134, administered by the U.S. Department of Transportation (DOT).

What is a regulated infectious waste facility in Minnesota?

Regulated infectious waste facilities include business or government sites that store or decontaminate regulated infectious waste generated by another party. Regulated infectious waste facilities in Minnesota must obtain MPCA certification of their infectious waste management plan before beginning operations.

- **Storage:** Holding regulated infectious waste for more than 48 hours (72 hours if over a weekend) at a site not operated by the original generator of the waste.
- **Decontamination:** Treating regulated infectious waste to render it safe to manage as an industrial solid waste. Contaminated sharps, however, remain regulated until disposed unless rendered incapable of penetrating human skin.

MPCA fact sheet #w-sw4-34, [Infectious Waste – Approved waste management vendors and systems](http://www.pca.state.mn.us/publications/w-sw4-34.pdf), at <http://www.pca.state.mn.us/publications/w-sw4-34.pdf> provides a list of certified infectious waste facilities.

What is not a regulated infectious waste facility in Minnesota?

The following sites are not regulated infectious waste facilities in Minnesota:

- Infectious waste generators storing or decontaminating only their own regulated infectious waste at a site they operate. MPCA fact sheet #w-sw4-30, [Infectious Waste – Management guidance for generators](http://www.pca.state.mn.us/publications/w-sw4-30.pdf), at <http://www.pca.state.mn.us/publications/w-sw4-30.pdf> provides guidance on generator requirements.
- Household sharps and household infectious waste collection, storage, or decontamination sites.

- Wastewater treatment facilities that treat wastewater containing liquid infectious waste under a National Pollutant Discharge Elimination System (NPDES) permit issued by the MPCA.

How is an infectious waste management plan certified?

Submit a copy of the facility's infectious waste management plan to the MPCA for certification. The MPCA no longer provides a standardized application form. Plans may be in hard copy or electronic format. If submitted electronically, include an image of the designated responsible individual's signature. Contact the MPCA to identify the current infectious waste review staff. The MPCA is currently waiving certification fees.

All information in a submitted plan is considered public data unless the facility does all of the following:

- Requests that specific information in the plan remain nonpublic.
- Identifies the particular statutory grounds allowing the specified information to remain nonpublic.
- Demonstrates how the specified information meets the eligibility criteria of the statutory grounds.

Plan certifications are valid until revoked by the MPCA. However, you must submit a revised plan whenever there is a substantive change to the previously certified plan, or upon request of the MPCA or county authority.

What must a facility's infectious waste management plan include?

All facilities:

- Corporate identity of the facility owner registered with the Minnesota Secretary of State to do business in Minnesota. If the facility operator is different than the owner, the same information for the operator.
- Facility street and mailing address.
- Types of infectious waste intended to be handled.
- Method of receiving waste that ensures infectious wastes are properly identified and packaged and not comingled with other wastes, such as hazardous waste. For example, list waste acceptance criteria for customers and reference contract terms requiring compliance with those criteria.
- Description of how infectious waste will be packaged and labeled at the facility.
- BBP exposure control plan, or the steps taken to minimize potential employee exposure during handling.
- Methods used to disinfect reusable containers and facility equipment.
- Systems to prevent putrefaction of infectious waste.
- Employee training.
- Spill response procedures and equipment, including how the facility will notify the MPCA immediately after any fire or explosion at the facility or release of infectious waste to the environment.
- Identity, location, and contact staff for all infectious waste storage, decontamination, and infectious or solid waste disposal facilities to be used.
- Name of the designated individual responsible for implementing the management plan.
- Authorized signature of the designated individual or the facility operator's chief executive officer.
- Date of the version of the plan submitted.
- Maximum length of time that infectious waste may be held at the facility before being decontaminated or shipped off-site. If this time could be more than 48 hours (72 hours over a weekend), then the additional information in the *Storage facilities* section below must also be included.

Storage facilities. In addition to the information in the *All facilities* section above:

- Maximum volume of infectious waste that may be stored at the facility.
- Estimated closure cost of the facility. Include a per-unit cost for transport, decontamination, and disposal by another vendor of the maximum volume of infectious waste that may be stored. Identify the potential vendor(s) and the market rate for this management.

- One of the following financial assurance instruments in an amount equal or greater than the estimated closure cost:
 - Currency or acceptable securities deposited with the State of Minnesota for this purpose.
 - Surety bond from an accepted surety company.
 - Letter of credit from a federally-regulated or Minnesota-regulated institution.

Surety bond and letter of credit language must conform to Minn. R. 7035.9150.

Government-owned and operated storage facilities that will store less than 100 pounds of regulated infectious waste do not need to estimate closure cost or provide financial assurance.

Decontamination facilities. In addition to the information in the *All facilities* section above:

- Decontamination method used to treat the infectious waste. Autoclave treatment must consist of at least one-hour exposure of the waste at 250° Fahrenheit and 15 pounds per square inch gauge pressure or its equivalent. All other methods must demonstrate verified decontamination.

Decontamination must be verified by standard biological indicators, such as *Geobacillus stearothermophilus* and *Bacillus atrophaeus* spores. Enclosing an infectious waste within a container or binding it into a matrix is not decontamination.

- Contingency plan of alternate decontamination off-site facilities or on-site methods to be used during an unplanned shutdown of the primary decontamination process.

Are other permits required?

Certified infectious waste storage and decontamination facilities do not need to obtain a solid waste permit or permit-by-rule from the MPCA for their infectious waste operations.

All facilities are subject to any normal air quality permits for emissions from heating, autoclave, or incineration activities.

Municipal waste combustors (MWCs), including waste-to-energy incineration facilities (WTEs), with a capacity smaller than 250 tons per day may also be subject to additional emission or permit requirements as Hospital/Medical/Infectious Waste Incinerators (HMIWI) if more than 10% of their feed consists of regulated infectious waste from any business or of any other waste from an inpatient hospital. MWCs and WTEs larger than 250 tons per day are not subject to the HMIWI limits or requirements.

Counties, townships, and municipalities may also require specific zoning, conditional use permits, or operating licenses separate from the MPCA.

What are facility operating requirements?

Comply with the certified plan.

Submit a revised plan whenever there is a substantive change to the previously certified plan. Keep a log of the volume of regulated infectious waste handled at the facility in the preceding two years.

Do not treat hazardous waste.

In the event of an emergency involving infectious waste at a facility:

- Take all reasonable measures to ensure that fires, explosions, and releases do not occur, recur, or spread.
- Contain, recover, and treat liquids that come in contact with infectious waste during an emergency.
- Submit a written report to the MPCA within two weeks of the emergency. Include any revisions to the plan to minimize the potential for recurrence of the emergency.

Do not dispose of waste from an emergency until it has been decontaminated or you receive prior MPCA approval.

Are there additional facility requirements for Ebola-contaminated waste?

The MPCA will allow Ebola-contaminated waste to be stored or decontaminated at certified facilities equivalent to other regulated infectious wastes without additional requirements.

Additional requirements from the DOT may apply to transport of Ebola-contaminated waste to a certified facility. See MPCA fact sheet #w-sw4-31, [Infectious Waste – Management guidance for transporters](#), at <http://www.pca.state.mn.us/publications/w-sw4-31.pdf> for more information.

More information

Guidance and requirements in this fact sheet were compiled from Minnesota Statutes, Chapter § 116, and Minnesota Rules, Chapter 7035, and incorporates regulatory interpretation decisions made by the MPCA on May 21, 2010; September 20, 2010; April 15, 2011; May 3, 2011; March 8, 2012; February 5, 2015; and February 10, 2015. Visit the Office of the Revisor of Statutes at <https://www.revisor.mn.gov/pubs> to review statutes and rules.

For more information on hazardous and dual waste, see the MPCA hazardous waste publications website at <http://www.pca.state.mn.us/waste/pubs/business.html>.

Address questions regarding the BBP to MNOSHA. Address questions regarding the Federal HMR to the U.S. DOT or Minnesota DOT. Free, confidential, non-enforcement compliance assistance is also available from the MPCA's Small Business Environmental Assistance Program (SBEAP).

Immediately report all releases of infectious waste to the environment to the Minnesota Duty Officer.

Minnesota Pollution Control Agency

Toll free (outstate only) 1-800-657-3864
Metro 651-296-6300
Website..... <http://www.pca.state.mn.us>

Minnesota Technical Assistance Program

Toll free (outstate only) 1-800-247-0015
Metro 612-624-1300
Website..... <http://www.mntap.umn.edu/>

Small Business Environmental Assistance Program

Toll free 1-800-657-3938
Metro 651-282-6143
Website..... <http://www.pca.state.mn.us/sbeap/>

Minnesota Duty Officer

Toll free (statewide) 1-800-422-0798
Metro 651-649-5451

Minnesota OSHA

Toll free (statewide)..... 1-800-342-5354
Metro 612-284-5005
Website.. <http://www.dli.mn.gov/mnosha.asp>

Minnesota Department of Transportation

Hazardous materials 651-215-6330
Website..... <http://www.dot.state.mn.us/cvo/>

U.S. Department of Transportation

Hazardous materials 1-800-467-4922
Website.. <http://www.phmsa.dot.gov/hazmat>