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(5) The total number of incinerators at the facility that incinerate regulated medical waste and information concerning each incinerator.

(b) Each report must contain the following certification, signed by the facility owner or his authorized representative: I certify that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete.

(c)(1) *Dates.* The first report is due February 6, 1990, and must contain information from the first six months of the demonstration program.

(2) The second report is due February 6, 1991, and must contain information from the thirteenth through the eighteenth month of the demonstration program.

Subpart H—Transporter Requirements

§ 259.70 Applicability.

(a) These requirements apply to transporters, including generators who transport their own waste, and owners and operators of transfer facilities engaged in transporting regulated medical waste generated in a Covered State.

(b) These regulations do not apply to on-site transportation of regulated medical waste, nor to shipments exempted under § 259.51 (a), (b), or (c) of this part.

(c) A transporter of regulated medical waste must also comply with Subpart F of this part when he consolidates two or more shipments of regulated medical waste onto a single tracking form.

(d) Transporters must also comply with Subpart E of this part if they:

(1) Store regulated medical waste in the course of transport; or

(2) Remove regulated medical waste from a reusable container; or

(3) Modify packaging of regulated medical waste.

§ 259.71 Transporter acceptance of regulated medical waste.

(a) Transporters must not accept for transport any regulated medical waste generated in a Covered State unless the outer surface of the container is labeled and marked in accordance with Subpart E of this part.

(b) Transporters must not accept a shipment of regulated medical waste from a generator unless accompanied by a properly completed tracking form as required under Subpart F of this part, unless the generator is exempt from the use of the tracking form under either § 259.50(e)(2)(i) or § 259.51 of this part.

(c) *Marking (identification).* When regulated medical waste is handled by more than one transporter, each subsequent transporter must attach a water resistant identification tag below the generator's marking on the outer surface of the packaging, that does not obscure the generator's or previous transporter's markings. The transporter taking possession of the shipment must ensure that the tag contains the following information:

(1) Name of transporter taking possession (receiving) of the regulated medical waste;

(2) Transporter State permit or identification number. If the State does not issue permit or identification numbers, then the transporter's address; and

(3) Date of receipt.

§ 259.72 Transporter notification.

(a)(1) Transporters (including owners or operators of transfer facilities) are prohibited from transporting regulated medical waste generated in a Covered State unless they have notified EPA and the Covered State in writing as provided in this Section.

(2) Transporters who accept regulated medical waste that was generated in a Covered State, or who transport regulated medical waste that was generated in a Covered State, must submit a separate notification form for each Covered State in which the regulated medical waste was generated.

(3)(i) The original and one copy of the transporter notification must be sent to: Chief, Waste Characterization Branch (OS-332), EPA Office of Solid Waste, 401 M Street, SW., Washington, DC 20460.

(ii) An additional copy must be sent to the Director of the waste management agency in the Covered State for which the transporter is notifying.

(b) Each transporter notification must contain the following information:

(1) Transporter's name, mailing address, and EPA hazardous waste identification number (if any);

(2) Name, address and telephone number for each transportation or transfer facility (by site) that the transporter will operate from for each Covered State for which the transporter is notifying;

(3) Identifications (State permit or license numbers) required to handle medical or infectious waste; and

(4) The following statement signed by a corporate official or the owner or operator: I certify, under penalty of criminal or civil prosecution for making or submission of false statements, representations, or omissions, that I have read, understand, and will comply with the regulations at 40 CFR Part 259, issued under authority of Subtitle J of the Resource Conservation and Recovery Act.

Note paragraph (b): The Agency has published a suggested form for transporter notification in Appendix IV of this part which may be utilized by transporters notifying EPA.

(c) EPA will issue transporters, who notify under this section, a unique EPA Medical Waste Identification Number for each Covered State for which they have notified. This identification number will apply to all transporter sites identified in paragraph (b)(2) of this section, that relate to each Covered State. Transporters may accept regulated medical waste after notifying under this section. Upon receipt of an EPA Medical Waste Identification Number the transporter must include it on Box 5 of the Medical Waste Tracking Form found in Appendix I of this part.

Note to the section: States may impose or may presently have in place additional licensing, permitting or other requirements that apply to transporters of regulated medical waste.

§ 259.73 Vehicle requirements.

(a) Transporters must use vehicles to transport regulated medical waste that meet the following requirements:

(1) The vehicle must have a fully enclosed, leak-resistant cargo-carrying body;

(2) The transporter must ensure that the waste is not subject to mechanical stress or compaction during loading and unloading or during transit;

(3) The transporter must maintain the cargo-carrying body in good sanitary condition; and

(4) The cargo-carrying body must be secured if left unattended.

(b) The transporter must use vehicles to transport regulated medical waste that have the following identification on the two sides and back of the cargo-carrying body in letters a minimum of 3 inches in height:

(1) The name of the transporter;

(2) The transporter's State permit or license number, if any; and

(3) A sign or the following words imprinted:

(i) MEDICAL WASTE; or

(ii) REGULATED MEDICAL WASTE.

(c) A transporter must not transport regulated medical waste in the same container with other solid waste unless the transporter manages both as regulated medical waste in compliance with this subpart.

§ 259.74 Tracking form requirements.

(a) *General.* A transporter may not accept a shipment of regulated medical waste in excess of 50 pounds from a generator in a Covered State or from a generator in a Covered State who generates more than 50 pounds per month, unless it is accompanied by a tracking form completed in accordance with Appendix I of this part and signed by the generator in accordance with the provisions of § 259.52 of this part. In the case where a transporter intends to deliver regulated medical waste generated in a Covered State to another Covered State, the latter of which supplies its own tracking form and requires its use, the transporter must provide the generator with the form of the Covered State to which the waste is to be sent.

(b) *Acceptance.* Before accepting for transport or transporting any regulated medical waste that is accompanied by a tracking form, the transporter must:

(1) Certify that the tracking form accurately reflects the number and total weight of the packages being transported by signing and dating the tracking form acknowledging acceptance of the regulated medical waste from the generator; and

(2) Return a signed copy of the tracking form to the generator before leaving the generator's site.

(c) *In transit.* The transporter must ensure that the tracking form accompanies the regulated medical waste while in transit.

(d) *Delivery of regulated medical waste in the United States.* A transporter, upon delivery of the regulated medical waste to another transporter (including a transfer facility) or to an intermediate handler or destination facility located in the United States, must:

(1) Obtain the date of delivery and the handwritten signature of the transporter, or the owner or operator of the intermediate handling facility, or destination facility on the tracking form;

(2) Retain one copy of the tracking form in accordance with § 259.77 of this part; and

(3) Give the remaining copies of the tracking form to the accepting transporter, intermediate handler, or destination facility.

(e) *Delivery of regulated medical waste outside the United States.* Any transporter who transports regulated medical waste across an international border, or who delivers regulated medical waste to a transporter or treatment, destruction, or destination facility located in a foreign country (e.g., Canada) must:

(1) Sign the tracking form and verify that the waste has been delivered to the next (foreign) transporter, or treatment, destruction, or destination facility;

(2) Retain one copy of the signed tracking form for his records; and

(3) Return all remaining copies of the tracking form by mail to the generator.

(f) *Rail shipment.* For shipments involving rail transportation, the requirements of § 259.91 of this part apply to rail transporters in lieu of the requirements of paragraphs (b), (c), and (d) of this section.

(g) *Special requirements for waste from generators of less than 50 pounds/month.* A transporter accepting a shipment of less than 50 pounds of regulated medical waste from a generator who generates less than 50 pounds per month need not comply with the requirements of paragraphs (a) through (f) of this section provided that:

(1) The transporter compiles a log, containing the following information for each shipment of regulated medical waste:

(i) The generator's name and State permit or identification number, or, if the generator's State does not issue permit or identification numbers, then the generator's address.

(ii) The quantity of waste accepted (number of packages and total weight by waste category (i.e., "untreated" and "treated")); and

(iii) The date the waste is accepted;

(2) The transporter carries this log in the vehicle while transporting such regulated medical waste to a second transporter;

(3) The transporter dates and signs the generator's log required under § 259.54(b) of this part; and

(4) The transporter complies with § 259.76(a) of this subpart.

§ 259.75 Compliance with the tracking form.

(a) Except as provided in paragraph (b) of this section, the transporter must deliver the entire quantity of regulated medical waste that he has accepted from a generator or another transporter to:

(1) The intermediate handler or destination facility listed on the tracking form; or

(2) The next transporter.

(b) If the regulated medical waste cannot be delivered in accordance with paragraph (a) of this section, the transporter must contact the generator for further directions, revise the tracking form according to the generator's instructions, and deliver the entire quantity of regulated medical waste from that generator according to the generator's instructions.

§ 259.76 Consolidating or remanifesting waste to a new tracking form.

(a) Transporters must complete a tracking form for all regulated medical waste received from generators who meet the conditions of § 259.50(e)(2)(i) of this part (in shipments of less than 50 pounds that are not accompanied by a tracking form).

(b) A transporter may choose to consolidate or remanifest to a single tracking form all shipments of regulated medical waste less than 220 pounds.

Note to paragraph (b): EPA strongly recommends that, to minimize bookkeeping errors, transporters consolidate or remanifest those shipments from generators who are required to originate the tracking form separately from those shipments by generators who are not required to originate the tracking form.

(c) When the transporter receives the signed tracking form that he initiated from the destination facility, and the regulated medical waste was accompanied by a tracking form originated by a generator, the transporter must:

(1) Attach a copy of the tracking form signed by the destination facility to the generator's original tracking form; and

(2) Retain a copy of each tracking form in accordance with § 259.77 of this subpart; and

(3) Return a copy of each tracking form to the generator within 15 days of receipt of the tracking form from the destination facility.

(4) For each tracking form initiated, either by accepting waste from generators who meet the condition of § 259.50(e)(2)(i) of this part or by consolidating tracking forms onto a new one, the transporter must maintain a consolidation log indicating all shipments consolidated or remanifested on that form. The log must accompany the tracking form and include the following information:

(i) Name of each generator;

(ii) Generator's State permit or identification number. If the generator's State does not issue permit or identification numbers, then the generator's address;

(iii) Date the regulated medical waste was originally shipped by the generator;

(iv) Quantity of regulated medical waste (number of containers and/or weight in pounds) by waste category (i.e., "untreated" or "treated") shipped by each generator; and

(v) The names, State permit or identification numbers of all previous transporters or, if not applicable, the transporters' addresses.

§ 259.77 Recordkeeping.

(a) A transporter of regulated medical waste must keep a copy of the tracking form signed by the generator, himself, the previous transporter (if applicable), and the next party, which may be one of the following: another transporter; or the owner or operator of an intermediate handling facility; or destination facility. The transporter must retain a copy of this form for a period of three (3) years from the date the waste was accepted by the next party.

(b) For regulated medical waste that is not accompanied by a generator-initiated tracking form, the transporter must retain a copy of all transporter-initiated tracking forms and consolidation logs for a period of three (3) years from the date the waste was accepted by the transporter.

(c) For any regulated medical waste that was received by the transporter accompanied by a tracking form and consolidated or remanifested by the transporter to another tracking form, the transporter must:

(1) Retain a copy of the generator-initiated tracking form signed by the transporter for three (3) years from the date the waste was accepted by the transporter; and

(2) Retain a copy of the transporter-initiated tracking form signed by the intermediate handler or destination facility for three (3) years from the date the waste was accepted by the intermediate handler or destination facility.

(d) Retain a copy of each transporter report required by § 259.78 of this subpart for three (3) years after the date of submission.

§ 259.78 Reporting.

(a)(1) A transporter who accepts regulated medical waste generated in a Covered State must submit reports describing the source and disposition of the waste. The reports must be submitted using the form in Appendix III of this part.

(2) Transporters who accept regulated medical waste directly from a generator in a Covered State, or who transport regulated medical waste that was generated in a Covered State, must submit a separate report for each Covered State's waste they have transported.

(b) Each report must be submitted as follows:

(1) One copy must be submitted to: Chief, Waste Characterization Branch (OS-332), Office of Solid Waste, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; and

(2) A second copy must be submitted to the Director of the waste management agency in the State for which the transporter has compiled the report.

(c)(1) Each report must contain the following information in the format provided by Appendix III of this part:

(i) The transporters name, address, and EPA medical waste identification number;

(ii) The name and telephone number of a contact person;

(iii) Total number of generators from whom the transporter accepted regulated medical waste;

(iv) The name, address, and type of each generator from whom the transporter accepted regulated medical waste;

(v) The amount by weight and waste category (untreated or treated) of regulated medical waste accepted from each generator;

(vi) The total, by weight and waste category, of regulated medical waste from all generators in the Covered State that the transporter delivered to an intermediate handler or to a destination facility; and

(vii) The total, by weight and waste category, of regulated medical waste from all generators in the Covered State that the transporter delivered to a second transporter or to a transfer facility.

(viii) The certification signed by the owner or operator, or his authorized representative.

(2) Transporters who transport or deliver regulated medical waste to an intermediate handler or to a destination facility must also provide the following information:

(i) The name and address of each intermediate handler and destination facility to which waste from that Covered State was delivered;

(ii) The amount, by waste category, that was delivered;

(iii) The total number of intermediate handlers and destination facilities to which waste was delivered.

(d) The transporter must submit reports covering the following periods:

(1) A report covering the 180 day period from June 23, 1989, to December 19, 1989.

(2) A report covering the 180 day period from December 20, 1989, to June 17, 1990.

(3) A report covering the 180 day period from June 18, 1990, to December 14, 1990.

(4) A report covering the 180 day period from December 15, 1990, to June 12, 1991.

(e) Transporters must submit the reports required in paragraph (d) of this section on or before the date 45 days after the end of the reporting period.

(f) Each transporter who initiates a tracking form must meet the requirements of § 259.55 of this part, exception reporting, except that the 35 and 45 day periods begin on the day the transporter accepted the waste from the generator.

§ 259.79 Additional reporting.

The Administrator may require transporters to furnish additional information concerning the quantities and management methods of regulated medical waste as he deems necessary under RCRA section 11004.

Subpart I—Treatment, Destruction, and Disposal Facilities

§ 259.80 Applicability.

(a) These regulations apply to owners and operators of facilities that receive regulated medical waste generated in a Covered State, including facilities located in non-Covered States that receive regulated medical waste generated in a Covered State. Facilities that are subject to this subpart include:

(1) Destination facilities (i.e., treatment and destruction facilities, a facility that causes the regulated medical waste to meet the conditions of § 259.30(b)(1) (iii) or (iv) of this part including incineration facilities, and disposal facilities); and

(2) Intermediate handlers (i.e., facilities that either treat or destroy the regulated medical waste, but do not cause it to meet the conditions of § 259.30(b)(1) (iii) or (iv) of this part).

(b)(1) Except as provided by paragraph (b)(2) of this section, this subpart does not apply to generators who incinerate regulated medical waste on-site.

(2) This subpart does apply to generators who receive regulated medical waste required to be accompanied by a tracking form.

§ 259.81 Use of the tracking form.

(a) *Destination Facility.* When a destination facility receives regulated medical waste accompanied by a tracking form, the owner or operator must:

(1) Sign and date each copy of the tracking form to certify that the regulated medical waste listed on the tracking form was received;

(2) Note any discrepancies as defined in § 259.82(a) of this subpart on the tracking form;

(3) Immediately give the transporter at least one copy of the signed tracking form;

(4) Send a copy of the tracking form to the generator (or to the transporter or intermediate handler that initiated the

tracking form) within 15 days of the delivery;

(5) Retain a copy of each tracking form in accordance with § 259.83 of this subpart.

(b) *Intermediate Handlers.* When an intermediate handler receives regulated medical waste accompanied by a tracking form, the owner or operator must meet the following requirements:

(1) The owner or operator must meet all the requirements for generators under both subparts E and F of this part including signing the tracking form accepting the waste as specified in Box 20 and entering the new tracking form number in Box 21 when initiating a new tracking form for each shipment of regulated medical waste that has either been treated or destroyed.

(2) The owner or operator must maintain a log matching the original generator's tracking forms to the tracking form that he initiates. This log must include:

(i) Name(s) of generator(s);

(ii) Generator's State permit or identification number. If the State does not issue permit or identification numbers, then the generator's address;

(iii) The date the regulated medical waste was originally shipped by the generator or the generator's unique tracking form number;

(iv) The new tracking form number to which the waste is assigned;

(3) Within 15 days of receipt of the tracking form that he initiated and that was signed by the destination facility, the intermediate handler must:

(i) Attach a copy of the tracking form signed by the destination facility to the original tracking form initiated by the generator identified in § 259.81(b)(2)(i) above;

(ii) Send a copy of each tracking form to the generator who initiated the tracking form; and

(iii) Retain a copy of each tracking form in accordance with the requirements of § 259.83 of this subpart.

(c) *Rail shipments.* If a destination facility or intermediate handler receives from a rail transporter regulated medical waste that is accompanied by shipping papers containing the information required on the medical waste tracking form, with the exception of the generator's certification and chain of custody signatures, the owner or operator or his agent, must:

(1) Sign and date each copy of the tracking form or the shipping papers (if the tracking form has not been received);

(2) Note any discrepancies as defined in § 259.82(a) of this subpart on each copy of the tracking form or shipping papers (if the tracking form has not been received);

(3) Immediately give the rail transporter at least one copy of the tracking form or shipping papers (if the tracking form has not been received);

(4)(i) If the facility is a destination facility, send a copy of the signed and dated tracking form to the generator within 15 days after the delivery. If the owner or operator has not received the tracking form within 15 days of delivery, he must send a copy of the signed and dated shipping papers to the party initiating the tracking form;

(ii) If the facility is an intermediate handler, retain a copy of the tracking form (or the shipping papers if the tracking form has not been received), until he receives a copy of the tracking form signed by the owner or operator of the destination facility. He then must:

(A) Attach a copy of the tracking form signed by the destination facility to the original tracking form (or the shipping papers if the tracking form has not been received) initiated by another party;

(B) Send a copy of each tracking form (or each set of shipping papers) to the party who initiated the tracking form; and

(C) Retain a copy of each tracking form in accordance with the requirements of § 259.83 of this subpart.

(5) The destination facility and intermediate handlers must retain a copy of the tracking form (or shipping papers if signed in lieu of the tracking form) for at least three (3) years from the date of acceptance of the regulated medical waste.

Note to paragraph (c): Destination facilities and intermediate handlers receiving shipments by rail should expect to receive the tracking form from the generator, or the preceding non-rail transporter who will have sent the tracking form to the facility by some other means (e.g., by mail).

§ 259.82 Tracking form discrepancies.

(a) Tracking form discrepancies are:

(1) For containers, any variation in piece count such as a discrepancy of one box, pail, or drum in a truckload;

(2) For waste by categories (i.e., untreated or treated) discrepancies in number of containers for each category of regulated medical waste as described on the label imprinted or affixed to the outer surface of the package;

(3) Packaging that is broken, torn, or leaking; and

(4) Regulated medical waste that arrives at an intermediate handler or a destination facility unaccompanied by a tracking form, where the owner or operator knows such form is required, or for which the tracking form is incomplete or not signed.

(b) Upon discovering a discrepancy, the owner or operator must attempt to resolve (e.g., with telephone conversations) the discrepancy with the waste generator, the transporter and/or the intermediate handler. If the discrepancy is not resolved, the owner or operator must submit a letter, within 15 days of receiving the waste, to the EPA Regional Administrator(s) for both the State of generation and the State in which the facility is located as well as to the appropriate State agency for the Covered State in which the generator is located. The letter must describe the nature of the discrepancy and the attempts the owner or operator has undertaken to reconcile it. The owner or operator must include with the letter a legible copy of the tracking form or shipping papers in question. If the discrepancy is the type specified in paragraph (a)(4) of this section, the report must specify the quantity of waste received, the transporter, and the generator(s).

§ 259.83 Recordkeeping.

(a) The owner or operator of a destination facility or an intermediate handler receiving regulated medical waste generated in a Covered State must maintain records for a minimum of three (3) years from the date the waste was accepted. These records must contain the following information:

(1) Copies of all tracking forms required by the following paragraphs of this subpart: § 259.81(a)(5), (b)(3)(iii); and (c)(4)(ii)(C); and the logs required by § 259.81(b)(2) of this subpart;

(2) The name and State permit or identification number of each generator who delivered waste to the destination facility or intermediate handler under § 259.51(a) of this part, if the State does not issue permit or identification numbers then the generator's address; and

(3) Copies of all discrepancy reports required by § 259.82(b) of this subpart.

(b) The owner or operator of a destination facility or an intermediate handler that accepts regulated medical waste from generator(s) subject to § 259.51(a) of this part must maintain the following information for each shipment of regulated medical waste accepted:

(1) The date the waste was accepted;

(2) The name and State permit or identification number of the generator who originated shipment. If the State does not issue permit or identification numbers, then the generator's address;

(3) The total weight of the regulated medical waste accepted from the originating generator; and

(4) The signature of the individual accepting the waste.

§ 259.84 Additional reporting.

The Administrator may require owners or operators of destination facilities and intermediate handlers to furnish additional information concerning the quantities and management methods of medical waste as he deems necessary under RCRA section 11004.

Subpart J—Rail Shipments of Regulated Medical Waste

§ 259.90 Applicability.

(a) These requirements apply to persons engaged in rail transportation of regulated medical waste generated in a Covered State.

(b) Rail transporters of regulated medical waste must also comply with Subpart H of this part, Transporter Requirements, except as otherwise provided in § 259.74(f) of this part.

§ 259.91 Rail shipment tracking form requirements.

(a) The following requirements apply to all shipments of regulated medical waste involving rail transport:

(1) When accepting regulated medical waste generated in a Covered State from a non-rail transporter, the initial rail transporter must:

(i) Sign and date the tracking form acknowledging acceptance of the regulated medical waste;

(ii) Return a signed copy of the tracking form to the non-rail transporter;

(iii) Forward at least three copies of the tracking form to:

(A) The next non-rail transporter, if any; or

(B) The intermediate handler or destination facility, if the shipment is delivered to that facility by rail; or

(C) The last rail transporter designated to handle the waste in the United States; and

(iv) Retain one copy of the tracking form and rail shipping paper in accordance with § 259.77 of this part.

(2) Rail transporters must ensure that a shipping paper containing all the information required on the tracking form (excluding permitting or licensing numbers, generator certification, and signatures) accompanies the shipment at all times. Intermediate rail transporters are not required to sign either the tracking form(s) or shipping paper(s).

(3) When delivering regulated medical waste to an intermediate handler or destination facility, a rail transporter must:

(i) Obtain the date of delivery and handwritten signature of the owner or operator of the facility on the tracking form or the shipping papers (if the tracking form has not been received by the facility); and

(ii) Retain a copy of the tracking form or signed shipping paper in accordance with § 259.77 of this part.

(4) When delivering regulated medical waste to a non-rail transporter, a rail transporter must:

(i) Obtain the date of delivery and the handwritten signature of the next non-rail transporter on the tracking form; and

(ii) Retain a copy of the tracking form in accordance with § 259.77 of this part.

(5) Upon accepting regulated medical waste generated in a Covered State from a rail transporter, a non-rail transporter must sign and date the tracking form (or the shipping papers if the tracking form has not been received by the transporter) and provide a copy to the rail transporter.

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