

1 Pollution Control Agency

2

3 Adopted Permanent Rules Relating to Infectious Waste Management

4

5 Rules as Adopted

6 7035.9100 SCOPE.

7 Parts 7035.9100 to 7035.9150 apply to owners and operators  
8 of facilities, to commercial transporters, and to all infectious  
9 waste without regard to quantity. They do not apply to waste  
10 generated by households, farms, agricultural businesses, or,  
11 except where specified, generators.

12 7035.9110 DEFINITIONS.

13 Subpart 1. Scope. As used in parts 7035.9100 to  
14 7035.9150, the following terms have the meanings given them.

15 Subp. 2. Agency. "Agency" means the Minnesota Pollution  
16 Control Agency, its agent, or representative.

17 Subp. 3. Blood. "Blood" means waste human blood and blood  
18 products in containers, or solid waste saturated and dripping  
19 human blood or blood products. Human blood products include  
20 serum, plasma, and other blood components.

21 Subp. 4. Commercial transporter. "Commercial transporter"  
22 means a person who transports infectious or pathological waste  
23 for compensation.

24 Subp. 5. Commissioner. "Commissioner" means the  
25 commissioner of the Minnesota Pollution Control Agency.

26 Subp. 6. Decontamination. "Decontamination" means  
27 rendering infectious waste safe for routine handling as a solid  
28 waste.

29 Subp. 7. Disinfection. "Disinfection" means the use of  
30 chemical solutions to substantially reduce the number of  
31 microorganisms present on surfaces of inanimate objects.

32 Subp. 8. Facility. "Facility" means a site where  
33 infectious waste is stored, disposed, or decontaminated,  
34 including incineration.

35 Subp. 9. Generator. "Generator" means a person whose

1 activities produce infectious waste. Generator does not include  
2 a person who produces sharps as a result of administering  
3 medication to oneself, an ambulance service licensed under  
4 Minnesota Statutes, section 144.802, an eligible board of  
5 health, community health board, or public health nursing agency  
6 as defined in Minnesota Statutes, section 116.78, subdivision  
7 10, or a program providing school health service under Minnesota  
8 Statutes, section 123.35, subdivision 17.

9 Subp. 10. **Infectious waste.** "Infectious waste" means  
10 laboratory waste, blood, regulated body fluids, sharps, and  
11 research animal waste that have not been decontaminated.

12 Subp. 11. **Laboratory waste.** "Laboratory waste" means  
13 waste cultures and stocks of agents that are generated from a  
14 laboratory and are infectious to humans; discarded contaminated  
15 items used to inoculate, transfer, or otherwise manipulate  
16 cultures or stocks of agents that are infectious to humans;  
17 wastes from the production of biological agents that are  
18 infectious to humans; and discarded live or attenuated vaccines  
19 that are infectious to humans.

20 Subp. 12. **Management plan.** "Management plan" means a  
21 written and implemented system, as described in part 7035.9130,  
22 for the safe handling of infectious or pathological waste  
23 through collection, disinfection, transport, storage, and  
24 disposal.

25 Subp. 13. **Offsite.** "Offsite" means a land area and  
26 appurtenances for the decontamination, storage, or disposal of  
27 infectious waste that is not on the generator's site.

28 Subp. 14. **Operator.** "Operator" means the person or  
29 persons responsible for the operation of a facility.

30 Subp. 15. **Owner or facility owner.** "Owner or facility  
31 owner" means the person or persons who own a facility or part of  
32 a facility.

33 Subp. 16. **Pathological waste.** "Pathological waste" means  
34 human tissues and body parts removed accidentally or during  
35 surgery or autopsy intended for disposal. Pathological waste  
36 does not include teeth.

1 Subp. 17. **Person.** "Person" means an individual,  
2 partnership, association, public or private corporation, or  
3 other legal entity, the United States government, an interstate  
4 body, the state, and an agency, department, or political  
5 subdivision of the state.

6 Subp. 18. **Putrefaction.** "Putrefaction" means the  
7 decomposition of organic matter by microorganisms, producing  
8 foul-smelling matter.

9 Subp. 19. **Regulated human body fluids.** "Regulated human  
10 body fluids" means cerebrospinal fluid, synovial fluid, pleural  
11 fluid, peritoneal fluid, pericardial fluid, and amniotic fluid  
12 that are in containers or that drip freely from body fluid  
13 soaked solid waste items.

14 Subp. 20. **Research animal waste.** "Research animal waste"  
15 means carcasses, body parts, and blood derived from animals  
16 knowingly and intentionally exposed to agents that are  
17 infectious to humans for the purpose of research, production of  
18 biologicals, or testing of pharmaceuticals.

19 Subp. 21. **Sharps.** "Sharps" means:

20 A. discarded items that can induce subdermal  
21 inoculation of infectious agents, including needles, scalpel  
22 blades, pipettes, and other items derived from human or animal  
23 patient care, blood banks, laboratories, mortuaries, research  
24 facilities, and industrial operations; and

25 B. discarded glass or rigid plastic vials containing  
26 infectious agents.

27 Subp. 22. **Spill.** "Spill" means the release of infectious  
28 waste to the environment.

29 Subp. 23. **Storage.** "Storage" means the offsite holding of  
30 infectious waste for more than 48 hours, except when such waste  
31 is accepted on a Friday, provided that any waste so accepted  
32 must be disposed of not later than the following Monday.

33 7035.9120 REQUIRED PRACTICES FOR FACILITY OWNERS AND OPERATORS  
34 AND COMMERCIAL TRANSPORTERS.

35 Subpart 1. **Packaging and labeling requirements.** No

1 commercial transporter shall receive any infectious waste that  
2 is not packaged according to items A to G. No facility owner or  
3 operator shall receive for offsite decontamination, storage, or  
4 disposal, any infectious waste that is not packaged according to  
5 items A to G.

6           A. Sharps must be in rigid, puncture-resistant  
7 containers that have lids or caps that are designed to preclude  
8 loss or leakage of the contents.

9           B. Sharps must remain packaged throughout collection,  
10 storage, decontamination, and any handling processes that  
11 precede disposal, unless the sharps have been treated by a  
12 process that renders them incapable of inducing subdermal  
13 inoculation. This item does not prevent the use of sharps  
14 containers that are designed to be reusable if parts 7035.9100  
15 to 7035.9150 are complied with.

16           C. Sharps containers, or infectious waste containers  
17 that include sharps containers, that will be transported to an  
18 offsite facility must be labeled, on the outer container, with  
19 "Sharps" in letters at least one inch high with a stroke width  
20 of one-eighth inch and with either the international biohazard  
21 symbol, at least three inches by three inches, or the words  
22 "Infectious Waste" in letters at least one inch in height with a  
23 stroke width of one-eighth inch.

24           D. Infectious waste, except for sharps, must be  
25 contained in plastic bags that are impervious to moisture, and  
26 of sufficient strength to preclude ripping, tearing, or bursting  
27 under normal conditions of use and handling. Each plastic bag  
28 must be constructed of material of sufficient single thickness  
29 and strength to pass the 165-gram dropped dart impact resistance  
30 test as prescribed by ASTM Standard D 1709-75, which is  
31 incorporated by reference, and is not subject to frequent  
32 change. The standard appears in the Annual Book of ASTM  
33 Standards, issued by the American Society of Testing and  
34 Materials (Philadelphia, 1975), and is available at the  
35 Minnesota State Law Library or through the statewide  
36 interlibrary loan system. The bags must be secured to prevent

1 leakage of waste during handling, decontamination, storage,  
2 transport, or disposal.

3 E. Plastic bags of infectious waste that will be  
4 shipped offsite must be packaged for storage or handling by  
5 placement in corrugated fiberboard boxes or equivalent rigid  
6 containers such as reusable pails, cartons, or portable bins.  
7 Containers must have tight-fitting covers and be securely sealed.

8 F. Boxes and rigid containers of infectious waste  
9 must be conspicuously labeled with the words "Infectious Waste"  
10 in letters at least one inch high, with a stroke width of  
11 one-eighth inch, or the international biohazard symbol, at least  
12 three inches by three inches.

13 G. Containers that have been in direct contact with  
14 infectious waste must be disinfected before further use. The  
15 disinfection methods in subpart 6, item C, must be used.

16 Subp. 2. **Storage requirements.** Offsite facility owners  
17 and operators must store waste according to items A to E.

18 A. Infectious or pathological waste must be  
19 segregated from other wastes in a storage area designed to  
20 prevent the entry of vermin. Storage areas for infectious or  
21 pathological waste must be secured to deny access by  
22 unauthorized persons and must be prominently marked with the  
23 international biohazard symbol and with the words "Infectious  
24 Waste" on or adjacent to the exterior of entry doors and access  
25 gates.

26 B. Interior surfaces of storage areas must be  
27 constructed of materials that are easily cleaned.

28 C. Offsite storage areas must be designed to contain  
29 spills.

30 D. Infectious or pathological waste must not be  
31 allowed to become putrescent during storage or at any time.

32 E. Storage facility owners and operators must comply  
33 with the spill response requirements in subpart 6.

34 Subp. 3. **Decontamination requirements.** Facility owners  
35 and operators may use incineration, autoclaving, or other  
36 decontamination methods that have been approved by the

1) commissioner for the decontamination of infectious waste.  
2 Facility owners and operators shall use handling and storage  
3 practices that comply with subparts 1 and 2, and decontamination  
4 methods that comply with items A to C and subpart 6.

5           A. Incinerators must be operated in compliance with  
6 chapters 7001 and 7005.

7           B. Offsite decontamination of infectious waste by  
8 autoclaving must be achieved in the following manner:

9                   (1) Infectious waste must be autoclaved at 250  
10 degrees Fahrenheit at 15 pounds per square inch of gauge  
11 pressure for one hour or at least equivalent settings.

12                   (2) Loading of infectious waste must not exceed  
13 the design capacity of the autoclave.

14                   (3) An operating log for each load of infectious  
15 waste decontaminated must be kept onsite for three years and  
16 must contain the date, time, temperature, pressure, and operator  
17 name.

18           C. Other methods for decontaminating infectious waste  
19 offsite, such as grinding, microwaving, or disinfecting  
20 technologies must receive commissioner approval. To obtain  
21 approval, the facility owner or operator proposing the  
22 decontamination method must submit to the commissioner  
23 information demonstrating that the proposed method  
24 decontaminates the waste. The commissioner may request  
25 additional information to determine whether the method is  
26 effective. In making this decision, the commissioner shall  
27 consult with the Centers for Disease Control and the Minnesota  
28 Department of Health.

29           Subp. 4. Commercial transporter requirements.

30           A. A commercial transporter must possess a valid  
31 transporter registration as described in part 7035.9140, subpart  
32 3.

33           B. The commercial transporter's management plan  
34 required in part 7035.9130 must be kept at the address  
35 identified as the commercial transporter's principal place of  
36 business.

1 C. A commercial transporter who transports infectious  
2 waste offsite and facilities that receive the waste must be in  
3 compliance with subitems (1) to (9).

4 (1) A commercial transporter must not accept  
5 infectious waste from a generator who does not have a management  
6 plan acknowledgment card issued by the Minnesota Department of  
7 Health or a storage facility or treatment facility that does not  
8 have a management plan as described in part 7035.9130.

9 (2) Infectious waste must be transported in a  
10 fully enclosed vehicle compartment.

11 (3) Infectious waste must be delivered for  
12 decontamination, storage, or disposal only to a facility owner  
13 or operator that has an approved management plan onsite or to a  
14 facility owner or operator that is exempt from the requirements  
15 for a management plan.

16 (4) A commercial transporter must not deliver  
17 infectious waste to a facility owner or operator prohibited from  
18 accepting the waste.

19 (5) Surface areas of equipment used to transport  
20 infectious waste must be smooth and easily cleaned.

21 (6) Infectious waste must not be compacted during  
22 transport. Sharps containers, or infectious waste containers  
23 that include sharps containers, must never be compacted, whether  
24 or not the sharps have been decontaminated. Containers must be  
25 secured to prevent movement during transport.

26 (7) Infectious waste must not be allowed to  
27 become putrescent during transportation.

28 (8) A person must not transport or receive for  
29 transport infectious waste that is not packaged and labeled  
30 according to subpart 1.

31 (9) Commercial transporters must comply with  
32 subpart 6.

33 D. Commercial transporter vehicles must bear labels  
34 or placards that comply with subitems (1) and (2).

35 (1) Vehicles transporting infectious waste must  
36 be identified on each side of the vehicle, and on the access

1 doors to any area holding infectious waste, with the name of the  
2 transporter and the words "Infectious Waste" in letters six  
3 inches high with a stroke width of three-fourths inch or with  
4 the international biohazard symbol, eight inches by eight inches.

5 (2) The vehicle identification number that is  
6 issued by the commissioner under part 7035.9140, subpart 3, must  
7 be displayed on the single unit vehicle or trailer to which it  
8 is assigned in letters and numbers at least four inches in  
9 height with a stroke width of one-half inch.

10 Subp. 5. Generator transport requirements.

11 A. Generators who transport their own infectious  
12 waste to an offsite decontamination, storage, or disposal  
13 facility must comply with the packaging, labeling, and storage  
14 requirements of subparts 1 and 2.

15 B. Generators who provide not-for-compensation or at  
16 cost infectious waste collection and transport services for  
17 other generators or groups of generators that provide  
18 not-for-compensation infectious waste collection and transport  
19 service for the group must comply with the packaging, labeling,  
20 and storage requirements of subparts 1 and 2 and the commercial  
21 transporter requirements of subpart 4, item C.

22 C. Generator transport vehicles that exceed 7,000  
23 pounds gross vehicle weight must be identified on each side of  
24 the vehicle, and on the access doors to any area holding  
25 infectious waste, with the name of the transporter and the words  
26 "Infectious Waste" in letters six inches high with a stroke  
27 width of three-fourths inch or with the international biohazard  
28 symbol, eight inches by eight inches. Magnetic placards that  
29 meet these specifications are acceptable.

30 D. Generators who transport infectious waste in  
31 vehicles that exceed 7,000 pounds gross vehicle weight must  
32 comply with subpart 8, items B and C, in addition to providing  
33 the name and title of the individual responsible for the  
34 implementation of infectious waste activities that are  
35 consistent with parts 7035.9100 to 7035.9150.

36 Subp. 6. Spill response plan. Spill response plans must



1 comply with items A to C.

2 A. A spill cleanup kit must be available for use in  
3 areas used for the ~~transport storage~~, decontamination,  
4 or ~~offsite-storage disposal~~ of infectious wastes waste and also  
5 on each transport vehicle. The cleanup kit must include at  
6 least:

- 7 (1) absorbent material for spilled liquids;
- 8 (2) one gallon of hospital grade disinfectant or  
9 disinfectant made of a formula listed in item C;
- 10 (3) packaging and labeling, as required in  
11 subpart 1 ~~in-quantities-sufficient-to-accommodate-the-quantity~~  
12 ~~of-waste-present; and~~
- 13 (4) scoop shovel, push brooms, and plastic  
14 buckets; and
- 15 (5) disposable coveralls, latex and neoprene  
16 gloves, surgical type face mask, and goggles.

17 B. Response to a spill must include the following  
18 minimum procedures:

- 19 (1) access to the spill area by unauthorized  
20 personnel must be prevented;
- 21 (2) broken containers and spillage must be  
22 packaged and labeled as required in subpart 1;
- 23 (3) absorbent material must be applied to surface  
24 areas that have been contaminated with infectious waste; and
- 25 (4) reusable items must be cleaned and  
26 disinfected using the procedures in item C.

27 C. Procedures for disinfecting contaminated surfaces  
28 include, but are not limited to, agitation to remove visible  
29 soil and application of one of the following chemical sanitizers  
30 for the contact time required by the manufacturer's label:

- 31 (1) hypochlorite solution (500 ppm available  
32 chlorine);
- 33 (2) phenolic solution (500 ppm active  
34 ingredient);
- 35 (3) iodoform solution (100 ppm active  
36 ingredient); or

1 (4) other chemical sanitizer solutions of  
2 equivalent disinfectant strength.

3 Subp. 7. Financial assurance. As a condition of  
4 management plan approval, an offsite storage facility owner or  
5 operator shall provide to the agency evidence of financial  
6 assurance according to items A, B, or C.

7 A. An offsite storage facility owner or operator may  
8 satisfy the requirements of this subpart by depositing  
9 acceptable securities with the state treasurer in accordance  
10 with subitems (1) to (9). The value of the securities to be  
11 deposited shall at least equal the estimated costs of final  
12 waste disposal that is approved in the management plan.

13 (1) Acceptable securities, for the purposes of  
14 this item, are:

15 (a) United States government bonds;

16 (b) bonds or securities that are issued by  
17 the state of Minnesota and that are secured by the full faith  
18 and credit of this state; and

19 (c) certificates of deposit issued by a bank  
20 that has deposits insured by the Federal Deposit Insurance  
21 Corporation.

22 (2) An offsite storage facility owner or operator  
23 must send a copy of the state treasurer's receipt to the  
24 commissioner within ten days after the deposit is made.

25 (3) Securities must be assigned to the state of  
26 Minnesota. The assignment of securities must be signed by an  
27 officer, partner, or owner of the offsite storage facility. The  
28 assignment must state: "Assigned to the state of Minnesota for  
29 the purpose of providing financial assurance required by  
30 Minnesota Rules, part 7035.9120, under the Infectious Waste  
31 Control Act."

32 (4) All securities shall be deposited with the  
33 state treasurer. The commissioner and the state treasurer shall  
34 be authorized to sell and collect, if stored wastes are allowed  
35 to putresce, as much of the deposited securities as is needed to  
36 pay for final waste disposal. The commissioner's order to sell

1 securities must be approved by the agency.

2 (5) Interest accruing on any securities deposited  
3 under this item shall be collected and transmitted to the  
4 depositor, provided that the depositor has not allowed stored  
5 wastes to putresce.

6 (6) All deposits shall remain in the custody of  
7 the state treasurer until three months after the facility  
8 operator stops accepting infectious waste.

9 (7) Any securities deposited with the state  
10 treasurer may be exchanged or replaced by the depositor with  
11 other acceptable securities so long as the market value of the  
12 securities equals the amount of deposit required.

13 (8) No securities on deposit with the state  
14 treasurer may be released without a written order from the  
15 commissioner. The commissioner shall refuse to release  
16 securities on deposit if the offsite storage facility owner or  
17 operator fails to dispose properly of any infectious wastes  
18 remaining after the facility permanently stops accepting waste.

19 (9) The offsite storage facility owner or  
20 operator may request that deposited securities be returned.  
21 Such requests must be submitted in writing by certified mail.  
22 The commissioner shall direct the state treasurer to return the  
23 securities to the depositor if:

24 (a) the offsite storage facility owner or  
25 operator has stopped taking waste and no wastes remain on the  
26 site;

27 (b) the offsite storage facility owner or  
28 operator has substituted other securities of equal or greater  
29 value for the securities that are requested; or

30 (c) another person has received approval to  
31 operate the offsite storage facility.

32 The commissioner shall refuse to order return of the  
33 securities if the conditions for return have not been met. The  
34 commissioner shall have 60 days in which to determine whether to  
35 order return of the securities. If the commissioner does not  
36 order return of the securities, the commissioner shall, within

1 30 days of the decision, provide the offsite storage facility  
2 owner or operator with written reasons for not ordering return  
3 of the securities.

4 B. An offsite storage facility owner or operator may  
5 satisfy the requirements of this subpart by sending to the  
6 commissioner a surety bond that conforms to the requirements of  
7 subitems (1) to (8). The surety company issuing the bond must  
8 be among those listed as acceptable sureties on federal bonds in  
9 Circular 570, issued by the United States Department of the  
10 Treasury, as published annually in the Federal Register on July  
11 1.

12 (1) The penal sum of the bond shall at least  
13 equal the estimated costs of final waste disposal that is  
14 approved in the management plan.

15 (2) The wording of the surety bond must be  
16 identical to the wording specified in part 7035.9150, subpart 1.

17 (3) The bond must guarantee that the offsite  
18 storage facility owner or operator will:

19 (a) properly dispose of all stored wastes  
20 after the offsite storage facility has stopped accepting wastes;

21 (b) provide alternate financial assurance as  
22 specified in this subpart; and

23 (c) obtain the commissioner's written  
24 approval of the assurance provided within 90 days after receipt  
25 by the commissioner of a notice of cancellation of the bond from  
26 the surety.

27 (4) Under the terms of the bond, the surety must  
28 become liable on the bond obligation when the offsite storage  
29 facility owner or operator fails to perform as guaranteed by the  
30 bond. Following a determination by the commissioner that the  
31 offsite storage facility owner or operator has failed to  
32 properly dispose of all stored wastes after the offsite storage  
33 facility has stopped accepting wastes or has not provided  
34 alternate financial assurance as specified in this subpart and  
35 obtained the commissioner's written approval of the assurance  
36 provided, within 90 days after receipt by the commissioner of a

1 notice of cancellation of the bond from the surety, under the  
2 terms of the bond the surety shall pay the amount of the penal  
3 sum to the agency.

4 (5) Whenever the estimated costs of final waste  
5 disposal become greater than the penal sum, the offsite storage  
6 facility owner or operator, within 60 days after the increase,  
7 shall either increase the penal sum to equal the new cost  
8 estimate, or obtain other financial assurance as specified in  
9 this subpart. Whenever the estimated costs of final waste  
10 disposal decrease, the penal sum shall be reduced to equal the  
11 new cost estimate following written approval by the commissioner.

12 (6) Under the terms of the bond, the surety may  
13 cancel the bond by sending notice of cancellation by certified  
14 mail to the offsite storage facility owner or operator and to  
15 the commissioner. However, cancellation is not effective until  
16 120 days after the commissioner has received the notice of  
17 cancellation, as evidenced by the return receipt.

18 (7) The offsite storage facility owner or  
19 operator may cancel the bond if the commissioner has given prior  
20 written approval. The commissioner shall approve cancellation  
21 if:

22 (a) the offsite storage facility owner or  
23 operator properly disposes of all stored wastes after the  
24 offsite storage facility has stopped accepting wastes; or

25 (b) the offsite storage facility owner or  
26 operator provides alternate financial assurance as specified in  
27 this subpart.

28 (8) The surety shall not be liable for  
29 deficiencies in the performance of final waste disposal after  
30 the commissioner releases the offsite storage facility owner or  
31 operator from the requirements of this subpart.

32 C. An offsite storage facility owner or operator may  
33 satisfy the requirements of this subpart by sending to the  
34 commissioner a letter of credit that conforms to the  
35 requirements of subitems (1) to (8). The issuing institution  
36 must be an entity which has the authority to issue letters of

1 credit. Its letter-of-credit operations must be regulated and  
2 examined by a federal or Minnesota state agency.

3 (1) The letter of credit must be issued in an  
4 amount that is at least equal to the estimated costs of final  
5 waste disposal that is approved in the management plan.

6 (2) The wording of the letter of credit must be  
7 identical to the wording specified in part 7035.9150, subpart 2.

8 (3) The letter of credit must be accompanied by a  
9 letter from the offsite storage facility owner or operator  
10 referring to the letter of credit by number, issuing  
11 institution, and date, and providing the following information:

12 (a) the identification number;

13 (b) the name and address of the facility;

14 and

15 (c) the amount of funds assured by the  
16 letter of credit for final disposal of wastes at the facility.

17 (4) The letter of credit must be irrevocable and  
18 issued for a period of at least one year. The letter of credit  
19 must provide that the expiration date will be extended  
20 automatically for a period of at least one year unless, at least  
21 120 days before the current expiration date, the issuing  
22 institution notifies both the offsite storage facility owner or  
23 operator and the commissioner by certified mail of a decision  
24 not to extend the expiration date. Under the terms of the  
25 letter of credit, the 120 days must begin on the date when the  
26 commissioner has received the notice, as evidenced by the return  
27 receipt.

28 (5) Whenever the estimated costs of final waste  
29 disposal become greater than the amount of the letter of credit,  
30 the offsite storage facility owner or operator, within 60 days  
31 after the increase, shall either increase the amount of the  
32 letter of credit to equal the new cost estimate, or obtain other  
33 financial assurance as specified in this subpart. Whenever the  
34 estimated costs of final waste disposal decrease, the amount of  
35 the letter of credit shall be reduced to equal the new cost  
36 estimate following written approval by the commissioner.

1                   (6) Following a determination by the commissioner  
 2 that the offsite storage facility owner or operator has failed  
 3 to properly dispose of all stored wastes after the offsite  
 4 storage facility has stopped accepting wastes, the commissioner  
 5 shall draw on the letter of credit.

6                   (7) The commissioner shall draw on the letter of  
 7 credit if the offsite storage facility owner or operator does  
 8 not establish alternate financial assurance as specified in this  
 9 subpart and obtain written approval of the alternate financial  
 10 assurance from the commissioner within 90 days after the  
 11 commissioner receives notice from the issuing institution that  
 12 it has decided not to extend the letter of credit beyond the  
 13 current expiration date. The commissioner may delay the drawing  
 14 if the issuing institution grants an extension of the term of  
 15 the credit. During the last 30 days of any extension the  
 16 commissioner shall draw on the letter of credit if the offsite  
 17 storage facility owner or operator has failed to provide  
 18 alternate financial assurance as specified in this subpart and  
 19 obtain written approval of the alternate financial assurance  
 20 from the commissioner.

21                   (8) The commissioner shall return the letter of  
 22 credit to the issuing institution for termination if:

23                                 (a) the offsite storage facility owner or  
 24 operator properly disposes of all stored wastes after the  
 25 offsite storage facility has stopped accepting wastes; or

26                                 (b) the offsite storage facility owner or  
 27 operator provides alternate financial assurance as specified in  
 28 this subpart.

29           **Subp. 8. Reporting and record keeping.** Facility owners  
 30 and operators and commercial transporters must maintain records  
 31 for a minimum of three years. If the three-year period expires  
 32 during an unresolved enforcement action, the period is  
 33 automatically extended until resolution of the pending  
 34 enforcement action. Facility owners and operators and  
 35 commercial transporters shall report the following information  
 36 annually to the commissioner on the anniversary date of

1 management plan approval:

2 A. the title and name of the individual responsible  
3 for implementation of the management plan as specified in part  
4 7035.9130, item A;

5 B. the incidences in which infectious waste is  
6 released to the environment; and

7 C. the amounts of infectious waste managed; storage  
8 and decontamination facility owners and operators must submit  
9 the following information for the management of infectious waste  
10 that is generated both in and outside of Minnesota; commercial  
11 transporters must submit the following information only for the  
12 transport of infectious waste that is generated in Minnesota:

13 (1) the weight or number and size of containers  
14 of infectious waste transported, decontaminated, stored, and  
15 disposed of, giving the decontamination and disposal methods  
16 used; and

17 (2) the weight or number and size of containers  
18 of sharps transported, decontaminated, stored, and disposed of,  
19 giving the decontamination and disposal method used.

20 7035.9130 MANAGEMENT PLAN.

21 Each facility owner or operator and commercial transporter  
22 must develop and submit to the commissioner for approval a  
23 management plan that meets the requirements of this part. A  
24 copy of the management plan must also be submitted to the county  
25 solid waste officer. The management plan must be updated and  
26 resubmitted at least once every two years to the commissioner  
27 and to the county solid waste officer. A current copy of the  
28 management plan must be maintained onsite. For the management  
29 plan to be approved, all information in the management plan must  
30 be consistent with the requirements established in part  
31 7035.9120 and must include the information required in Minnesota  
32 Statutes, section 116.79, and in items A to L. Storage facility  
33 owners and operators must submit the additional information  
34 required in item M.

35 A. The name and title of the individual responsible



1 for the implementation of the management plan.

2 B. A description of packaging and identification  
3 labels used for the packaging and offsite transport of  
4 infectious or pathological waste as specified in part 7035.9120,  
5 subpart 1.

6 C. Spill response plan, including personal  
7 protection, cleanup, and repackaging, as specified in part  
8 7035.9120, subpart 6.

9 D. Staff training and continuing education plan for  
10 employees who handle infectious or pathological wastes.

11 E. For facilities that decontaminate infectious  
12 waste, a contingency plan that identifies alternative management  
13 methods that will be used during shutdown.

14 F. The length of time that waste will be stored at a  
15 storage facility.

16 G. The method of receiving waste to ensure that  
17 infectious or pathological waste is handled separately from  
18 other waste until decontamination is completed and to prevent  
19 unauthorized persons from having access to or contact with the  
20 waste.

21 H. The method of unloading and processing infectious  
22 or pathological waste that limits the number of employees  
23 handling the waste and minimizes the possibility of exposure of  
24 employees.

25 I. The method of disinfecting emptied reusable  
26 containers, surface areas of transport vehicles, and facility  
27 equipment that has been in contact with infectious waste.

28 J. The methods used to store and transport infectious  
29 or pathological waste in a manner that prevents putrefaction.

30 K. The weight or number and size of containers of  
31 infectious waste and sharps to be stored, transported,  
32 decontaminated, or disposed of at an approved facility; storage  
33 and decontamination facility owners and operators must list the  
34 quantities of infectious waste and sharps managed that were  
35 generated both in and outside of Minnesota; commercial  
36 transporters must list quantities only for the transport of

1 infectious waste and sharps that were generated in Minnesota.

2 L. A list containing the name, location, and contact  
3 persons of the decontamination, storage, or disposal facilities  
4 that will be used.

5 M. An estimate of all costs that will be incurred  
6 after the storage facility ceases to accept infectious wastes.  
7 The estimate must include a unit cost for final disposal that is  
8 based on material weight, the name of the waste treatment or  
9 disposal facility to be used and a schedule of its rates, and  
10 unit-based transport costs from the storage facility to the  
11 waste treatment or disposal facility.

12 7035.9140 MANAGEMENT PLAN CERTIFICATION PROCEDURES.

13 Subpart 1. **Management plan application.** Persons required  
14 by part 7035.9130 to have an approved management plan shall  
15 comply with items A to E.

16 A. A management plan submitted to the commissioner  
17 for approval must provide the information listed in part  
18 7035.9130 and be signed.

19 B. An existing facility owner or operator or a  
20 commercial transporter shall submit a management plan within 45  
21 days of the adoption of parts 7035.9100 to 7035.9150.

22 C. A facility owner or operator or commercial  
23 transporter that begins the transport, storage, decontamination,  
24 or disposal of infectious waste after adoption of parts  
25 7035.9120 to 7035.9150 shall submit to the commissioner a copy  
26 of the management plan before initiating the handling of the  
27 infectious waste.

28 D. A generator that also incinerates infectious waste  
29 shall submit a management plan for incineration activities in  
30 addition to any plan required by the Minnesota Department of  
31 Health.

32 E. A facility owner or operator that has an approved  
33 management plan shall update and resubmit a plan every two  
34 years. The updated plan must be submitted at least 30 days  
35 before the expiration date of the plan.

1 Subp. 2. Certification fees. Management plans prepared by  
2 facility owners or operators that store, decontaminate, or  
3 dispose of infectious waste, other than at the facility that  
4 generates the infectious waste, or a management plan prepared by  
5 a facility owner or operator that incinerates onsite at a  
6 hospital must be submitted to the commissioner with the  
7 certification fee required under Minnesota Statutes, section  
8 116.79, subdivision 4.

9 Subp. 3. Commercial transporter registration. Commercial  
10 transporters must register with the commissioner. To obtain  
11 registration, the commercial transporter must comply with the  
12 requirements of subpart 1. Registered transporters shall  
13 receive registration cards to be kept in each single unit  
14 vehicle or trailer and at the address identified as the  
15 principal place of business. The vehicle identification number  
16 must be displayed as required in part 7035.9120, subpart 4, item  
17 D, subitem (1).

18 Subp. 4. Exemption from commercial transporter  
19 registration. Exemption from registration does not include  
20 exemption from the packaging and labeling requirements of part  
21 7035.9120, subpart 1. The following are exempt from commercial  
22 transporter registration requirements:

23 A. generators that transport their own infectious  
24 waste to an approved facility;

25 B. a generator that provides ~~not-for-profit~~  
26 not-for-compensation or at cost infectious waste collection and  
27 transport services for other generators;

28 C. groups of generators that provide ~~not-for-profit~~  
29 not-for-compensation infectious waste collection and transport  
30 services for the group; and

31 D. persons who provide collection and transportation  
32 of sharps for households as part of the feasibility study  
33 required by Laws 1989, chapter 337, section 10.

34 Subp. 5. Transporter registration fees. Management plans  
35 prepared by commercial transporters of infectious waste must be  
36 submitted to the commissioner with the registration fee required

1 under Minnesota Statutes, section 116.80, subdivision 3.

2 Subp. 6. Signatories to management plans. All management  
3 plans must be signed by the following persons:

4 A. for corporations, by an executive officer, or an  
5 agent or representative of the executive officer if the agent or  
6 representative is responsible for the implementation and  
7 evaluation of the management plan; and

8 B. for a municipality, or state, federal, or other  
9 public agency, either an executive officer or a ranking elected  
10 official and the individual responsible for the implementation  
11 and evaluation of the management plan.

12 Subp. 7. Duration of management plan. A management plan  
13 is effective for two years after the date of plan approval  
14 unless enforcement actions result in the revocation of the plan.

15 Subp. 8. Review and approval or denial of management plans.

16 A. All management plans shall be reviewed for  
17 completeness by the commissioner. If the management plan is  
18 incomplete, the commissioner shall promptly advise the signatory  
19 of the incompleteness. Further processing of the management  
20 plan may be suspended until the necessary information is  
21 supplied.

22 B. A management plan shall be approved if the plan is  
23 determined to be complete and consistent with these parts. A  
24 letter of approval signed by the commissioner shall be sent to  
25 the applicant upon approval of the plan. Part 7001.0100,  
26 subparts 4 and 5; and 7001.0110 do not apply to these approvals.  
27 Approval under this part is not a permit under chapter 7001.  
28 Nothing in this part exempts facilities or generators from  
29 applicable agency permit requirements and compliance with agency  
30 rules.

31 C. Approval shall be denied if the plan does not  
32 comply with these parts and other applicable state or federal  
33 laws or rules.

34 7035.9150 FORMS.

35 Subpart 1. Surety bond. A surety bond as specified in

1 part 7035.9120, subpart 7, must be worded as specified in this  
2 part, except that the instructions in brackets must be replaced  
3 with the relevant information and the brackets deleted.

4 PERFORMANCE BOND

5 Date bond executed: .....

6 Effective date: .....

7 Principal: [legal name and business address of owner or  
8 operator]

9 Type of organization: [insert "individual," "joint venture,"  
10 "partnership," or "corporation"]

11 State of incorporation: .....

12 Surety(ies): [name(s) and business address(es)]

13 Identification number, name, address, and estimated costs of  
14 final waste disposal for each facility guaranteed by this bond:  
15 \$.....

16 Total penal sum of bond: \$.....

17 Surety's bond number: .....

18 The Principal and Surety(ies) hereto are firmly bound to  
19 the Minnesota Pollution Control Agency (hereinafter called  
20 Agency), in the above penal sum for the payment of which we bind  
21 ourselves, our heirs, executors, administrators, successors, and  
22 assigns jointly and severally; provided that, where the  
23 Surety(ies) are corporations acting as co-sureties, we, the  
24 Sureties, bind ourselves in the sum "jointly and severally" only  
25 for the purpose of allowing a joint action or actions against  
26 any or all of us and for all other purposes each Surety binds  
27 itself, jointly and severally with the Principal, for the  
28 payment of the sum only as is set forth opposite the name of the  
29 Surety, but if no limit of liability is indicated, the limit of  
30 liability shall be the full amount of the penal sum.

31 The Principal is required to provide financial assurance  
32 for the final disposal of wastes accepted at the facility(ies)  
33 named above.

34 The conditions of this obligation are such that if the  
35 Principal properly disposes of all wastes accepted at the  
36 facility(ies), in accordance with the Principal's approved

1 infectious waste management plan and all applicable laws,  
2 statutes, rules, and regulations, as these laws, statutes,  
3 rules, and regulations may be amended,

4 Or, if the Principal provides alternate financial assurance  
5 as specified in Minnesota Rules, part 7035.9120, subpart 7, and  
6 obtains the Agency Commissioner's written approval of the  
7 financial assurance, within 90 days after the date notice of  
8 cancellation is received by both the Principal and the Agency  
9 Commissioner from the Surety(ies), then this obligation shall be  
10 null and void, otherwise it is to remain in full force and  
11 effect.

12 The Surety(ies) shall become liable on this bond obligation  
13 only when the Principal has failed to fulfill the conditions  
14 described above.

15 Upon notification by the Agency Commissioner that the  
16 Principal has been found in violation of the requirements of  
17 Minnesota Rules, part 7035.9120, for a facility for which this  
18 bond guarantees proper waste disposal, the Surety(ies) shall pay  
19 the penal sum of the bond to the Agency as directed by the  
20 Agency Commissioner.

21 Upon notification by the Agency Commissioner that the  
22 Principal has failed to provide alternate financial assurance as  
23 specified in Minnesota Rules, part 7035.9120, subpart 7, and  
24 obtain written approval of the financial assurance from the  
25 Agency Commissioner during the 90 days following receipt by both  
26 the Principal and Agency of a notice of cancellation of the  
27 bond, the Surety(ies) shall pay the penal sum of the bond to the  
28 Agency as directed by the Agency Commissioner.

29 The Surety(ies) hereby waive(s) notification of amendments  
30 to infectious waste management plans and applicable laws,  
31 statutes, rules, and regulations and agree(s) that no amendment  
32 shall in any way alleviate its (their) obligation on this bond.

33 The liability of the Surety(ies) shall not be discharged by  
34 any payment or succession of payments hereunder, unless and  
35 until the payment or payments shall amount in the aggregate to  
36 the penal sum of the bond, but in no event shall the obligation

1 of the Surety(ies) hereunder exceed the amount of said penal sum.

2 The Surety(ies) may cancel the bond by sending notice of  
3 cancellation by certified mail to the owner or operator and to  
4 the Agency Commissioner, provided however, that cancellation  
5 shall not occur during the 120 days beginning on the date of  
6 receipt of the notice of cancellation by both the Principal and  
7 the Agency Commissioner, as evidenced by the return receipts.

8 The Principal may terminate this bond by sending written  
9 notice to the Surety(ies), provided, however, that no notice  
10 shall become effective until the Surety(ies) receive(s) written  
11 authorization for termination of the bond by the Agency  
12 Commissioner.

13 (The following paragraph is an optional rider that may be  
14 included but is not required.)

15 Principal and Surety(ies) agree to adjust the penal sum of  
16 the bond yearly so that it guarantees a new final waste disposal  
17 cost estimate, provided that the penal sum does not increase by  
18 more than 20 percent in any one year, and no decrease in the  
19 penal sum takes place without the written permission of the  
20 Agency Commissioner.

21 The Principal and Surety(ies) have signed this Performance  
22 Bond on the date set forth above.

23 The persons whose signatures appear below hereby certify  
24 that they are authorized to execute this surety bond on behalf  
25 of the Principal and Surety(ies) and that the wording of this  
26 surety bond is identical to the wording in Minnesota Rules, part  
27 7035.9150, subpart 1, as the rule was constituted on the date  
28 this bond was executed.

29 Principal

30 [SIGNATURE(S)]  
31 [NAME(S)]  
32 [TITLE(S)]  
33 [CORPORATE SEAL]

34 Corporate Surety(ies)

35 [NAME AND ADDRESS]  
36 State of incorporation: .....  
37 Liability limit: \$.....

38  
39 [SIGNATURE(S)]  
40 [NAME(S)]  
41 [TITLE(S)]  
42 [CORPORATE SEAL]

43

1 [For every co-surety, provide signature(s), corporate seal,  
2 and other information in the same manner as for Surety above.]

3 Bond premium: \$.....  
4

5 Subp. 2. Letter of credit. A letter of credit, as  
6 specified in part 7035.9120, subpart 7, must be worded as  
7 specified in this part, except that the instructions in brackets  
8 must be replaced with the relevant information and the brackets  
9 deleted.

10 IRREVOCABLE STANDBY LETTER OF CREDIT

11 [Agency Commissioner]

12 Minnesota Pollution Control Agency

13 Dear Sir or Madam:

14 We hereby establish our Irrevocable Standby Letter of  
15 Credit No. .... in your favor, at the request and for the  
16 account of [owner's or operator's name and address] up to the  
17 aggregate amount of [in words] United States dollars \$.....,  
18 available upon presentation of:

19 1. your sight draft, bearing reference to this letter of  
20 Credit No. ...; and

21 2. your signed statement reading as follows: "I certify  
22 that the amount of the draft is payable pursuant to the  
23 infectious waste rules, Minnesota Rules, parts 7035.9100 to  
24 7035.9150."

25 This letter of credit is effective as of [date] and shall  
26 expire on [date at least one year later], but the expiration  
27 date shall be automatically extended for a period of [at least  
28 one year] on [date] and on each successive expiration date,  
29 unless, at least 120 days before the current expiration date, we  
30 notify both you and [owner's or operator's name] by certified  
31 mail that we have decided not to extend this letter of credit  
32 beyond the current expiration date. In the event you are so  
33 notified, any unused portion of the credit shall be available  
34 upon presentation of your sight draft for 120 days after the  
35 date of receipt by you, as shown on the signed return receipt.

36 Whenever this letter of credit is drawn on, under, and in  
37 compliance with the terms of this credit, we shall duly honor



1 the draft upon presentation to us and we shall deposit the  
2 amount of the draft directly to the Minnesota Pollution Control  
3 Agency in accordance with your instructions.

4 We certify that the wording of this letter of credit is  
5 identical to the wording specified in Minnesota Rules, part  
6 7035.9150, subpart 2, as the rules were constituted on the date  
7 shown immediately below.

8 [SIGNATURE(S) AND TITLE(S) OF OFFICIAL(S) OF ISSUING  
9 INSTITUTION]

10 [DATE]

11 This credit is subject to [insert "the most recent edition  
12 of the Uniform Customs and Practice for Documentary Credits,  
13 published by the International Chamber of Commerce," or "the  
14 Uniform Commercial Code published in Minnesota Statutes, chapter  
15 336"].