§ 27-1511. Standards applicable to transporter of regulated medical waste.

1. The commissioner shall promulgate regulations establishing such standards as shall be applicable to transporters of regulated medical waste identified or listed under this title, as may be necessary to protect human health and the environment. Such standards shall include, but need not be limited to, requirements respecting:

a. Record keeping practices that accurately identify the regulated medical wastes transported, their sources and delivery points, including certification of compliance with the program to be promulgated under section 27-1504 of this title;

b. Transportation of all such regulated medical waste only to the facility or facilities approved by the department; and

c. Proof of ownership and inspection of vehicles used in transporting regulated medical waste, proof of liability insurance or other form of financial security deemed sufficient by the commissioner to meet all responsibilities in case of release of such waste causing damage as a condition to the issuance of a permit to a transporter as required by this section.

2. Except as provided in paragraph a of this subdivision, no person shall engage in the transportation of regulated medical wastes without first complying with the requirements of standards promulgated by the commissioner pursuant to subdivision one of this section and obtaining a permit issued by the department. The commissioner shall assure that permits authorizing regulated medical waste transportation are not held by unqualified or unsuitable persons pursuant to section 27-1517 of this title.

a. (i) No permit shall be required for the transportation by the generator of less than fifty pounds per month of regulated medical waste or by authorized employees of such generator acting on behalf of and under the supervision of the generator provided that (1) such waste is

being transported from the point of generation for treatment or disposal to a facility approved by the department, (2) such person shall comply with the requirements of section 27-1510 of this title, (3) the generator shall have registered with the department in a form prescribed by the commissioner, which registration, at a minimum, shall designate the treatment or disposal facility and the employees acting on behalf of or under the supervision of the generator, and (4) such person would not otherwise be subject to an adverse determination under section 27-1517 of this title.

(ii) The commissioner may, after consultation with the commissioner of health, exempt a generator from the waste transporter program fees pursuant to section 72-0502 of this chapter upon a showing by such generator that compliance with such requirements would create a hardship on the generator's business activities. The commissioner shall promulgate guidelines for the purpose of determining the circumstances under which such exemption may be granted. Such exemption shall be reviewed periodically as specified by the commissioner but at least once every two years. Any exemption granted hereunder may be revoked after due notice and opportunity for hearing for a violation of any provision of this title or other applicable laws, rules or regulations relating to the transportation of regulated wastes or upon a showing that the exempted generator no longer meets the requisite guidelines for exemption.

b. A generator of regulated medical waste may obtain a permit pursuant to this title to transport regulated medical waste.

c. The department may make rules and regulations implementing this section in order to carry out and enforce the intent and purposes thereof. Such rules and regulations and the provisions of article 70 of this chapter and rules and regulations adopted thereunder shall govern permit applications, permit conditions, renewals, modifications, suspensions and revocations under this section. The responsibility for the issuance and review of permits and the enforcement of the provisions of this section may be delegated to regional, district or county offices of the state department of health, or to local health departments where their jurisdiction may apply.

d. Applications filed pursuant to this section shall indicate the mechanical and other equipment, holding tanks and vehicles and any place of temporary storage used or to be used by the applicant and the place or places where and the manner in which the applicant will finally dispose of the regulated medical wastes, and such other information as the department deems necessary. If the department determines that the proposed method of transportation, the place or manner in which the waste product is to be treated, stored or disposed of or the method or location of temporary storage will be detrimental to the protection of public health or substantially damage or pollute the environment or natural resources of the state, it may deny the permit or may impose such permit conditions as may be necessary.

e. As a condition for the permit or the exemption therefrom the department shall require the transporter to make an annual report to the department, indicating the number and type of generators served, the volume and nature of waste products disposed of, and the place and manner in which such waste products were finally disposed, and such other information as the department may require.

f. Such permit shall be renewed annually. The fees for such permit or renewal shall be those established pursuant to section 72-0502 of this chapter. A renewal may be denied by the department for failure of the applicant to properly report as provided in paragraph e of this subdivision.

g. The department may suspend or revoke any permit upon proof that the permittee has been found guilty of a violation of the provisions of this section as provided in title 44 of article 71 of this chapter, or if the department determines that the permittee has violated the provisions of this section, the rules and regulations implementing it or the rules and regulations adopted to implement article 70 of this chapter.

3. A transporter of regulated medical waste who has been granted a permit by the department for such activity shall notify the department within thirty days of the following occurrences:

a. Any change of substantial interest in ownership or indirect ownership or any change in name or location.

b. Ownership or control of a vehicle or container certified by the department is changed.

c. A truck, trailer, semitrailer, vacuum tank, cargo tank, or container certified by the department is involved in any spill, or in an accident which renders or may have rendered the vehicle or container in noncompliance with the requirements of this section.