

SUBCHAPTER E: OPERATIONS REQUIRING A REGISTRATION BY RULE
§326.53, §326.55
Effective May 26, 2016

§326.53. Transporters.

(a) A registration by rule is granted for persons that plan to transport medical waste. The transporter shall complete registration forms provided by the commission and submit the following information to the executive director at least 60 days prior to commencing operations:

(1) Applicant information. Name, address, and telephone number of registrant.

(2) Partner, corporate officer and director information. Name, address, and telephone number of partners, corporate officers, and directors, if applicable.

(3) Fee information. Transporters shall pay an annual registration fee to the commission based upon the total weight or volume of untreated medical waste transported. Transporter fees are located in Subchapter G of this chapter (relating to Fees and Reporting).

(4) Transportation unit information. Description of each transportation unit, including:

(A) make, model, and year;

(B) motor vehicle identification number, if applicable;

(C) license plate (tag) number, including state and year; and

(D) name of transportation unit owner or operator.

(5) Instructions for mailing fees. Fees assessed in §326.87(b) of this title (relating to Fees) by the executive director shall be paid by the registrant within 30 days of the date of the invoice and shall be submitted in the form of a check, money order, or a copy of an electronic payment confirmation made payable to the agency cashier.

(b) Other requirements.

(1) Registrations by rule expire annually on September 30th of each year for all transporters. Registrations by rule shall not be renewed unless the owner or operator has submitted to the executive director:

(A) an annual report in accordance with §326.89(d) of this title (relating to Reports);

and (B) an annual fee in accordance with §326.87(b) of this title;

(C) a renewal form to the executive director prior to the expiration of the registration by rule, but no later than August 1st.

(2) When an owner or operator has made timely application for the renewal of a registration by rule, the existing registration by rule will not be renewed until the application has been determined administratively complete by the executive director.

(3) The executive director shall, after review of any application for registration by rule, approve or deny the application. This action shall be based on whether the application meets the requirements of this chapter.

(4) Failure to timely pay the annual fee eliminates the option to manage wastes.

(5) The executive director will send a copy of the registration by rule issued with an assigned registration number, to the owner or operator.

(6) Requirements for a transportation unit and associated cargo compartment used to collect or transport untreated medical waste that is packaged and labeled as described in Subchapter B of this chapter (relating to Packaging, Labeling and Shipping Requirements) are as follows:

(A) The transportation unit used to collect and or transport medical waste shall:

(i) have a fully enclosed, leak-proof, cargo-carrying body, such as a cargo compartment, box trailer, or roll-off box;

(ii) protect the waste from mechanical stress or compaction;

(iii) carry spill cleanup equipment including, but not limited to, disinfectants, absorbent materials, personal protective equipment such as gloves, coveralls, and eye protection, and leak-proof containers or packaging materials; and

(iv) have the following identification on the two sides and back of the cargo-carrying compartment in letters at least three inches high: (the name of the transporter); TCEQ; (registration by rule number); and Caution: Medical Waste.

(B) The cargo compartment of the vehicle or trailer shall:

(i) be maintained in a sanitary condition;

(ii) be locked when the vehicle or trailer is in motion;

(iii) be locked or secured when waste is present in the compartment except during loading or unloading of waste;

(iv) have a floor and sides made of an impervious, nonporous material;

(v) have all discharge openings securely closed during operation of the vehicle or trailer; and

(vi) maintain a temperature of 45 degrees Fahrenheit or less for putrescible or biohazardous untreated medical waste transported for longer than 72 hours during post-collection storage period.

(7) Transportation units used to transport untreated medical waste shall not be used to transport any other material until the transportation unit has been cleaned and the cargo compartment disinfected. A written record of the date and the process used to clean and disinfect the transportation unit shall be maintained for three years unless the commission directs a longer holding period. The record must identify the transportation unit by motor vehicle identification number or license tag number. The owner or operator of the transportation unit, if not the registered transporter, shall be notified in writing by the transporter that the transportation unit has been used to transport medical waste and when and how the transportation unit was disinfected.

(8) The transporter shall maintain a record of each waste shipment collection and deposition. The record shall be in the form of a manifest or other similar documentation and copies may be maintained in electronic media as described in §326.23(d) of this title (relating to Shipping). The transporter shall retain a copy of all manifests showing the collection and disposition of the medical waste. Copies of manifests shall be retained by the transporters for a minimum of three years in the transporter's main office and made available to the commission upon request. The manifest or other similar documentation shall include:

(A) transporter's name, address, telephone number, and assigned transporter registration number;

(B) name and address of the person that generated the untreated medical waste and the date collected;

(C) total volume or the total weight of the containers from each generator of untreated medical waste collected for transportation;

(D) name of persons collecting, transporting, and unloading the waste;

(E) date and place where the untreated medical waste was deposited or unloaded;

(F) identification (authorization number, location, and operator) of the facility where the untreated medical waste was deposited; and

(G) name and signature in writing or through an electronic record as allowed by the executive director of facility representative acknowledging receipt of the untreated medical waste and the weight or volume of containers of waste received.

(9) The transporter shall furnish the generator a signed manifest for each shipment at the time of collection of the waste. The manifest shall include the name, address, telephone number, and registration number of the transporter. The document shall also identify the generator by name and address, and shall list the weight of waste or volume of containers collected and date of collection. The transporter must provide the generator with a written or electronic statement of the total weight or volume of the containers collected within 45 days.

(10) The transporter must be able to provide a manifest for each shipment from the point of collection through and including the unloading of the waste at a facility authorized to accept the waste. The original manifest or an electronic record as allowed by the executive director must accompany each shipment of untreated waste to its final destination. The transporter shall ensure the proper collection and deposition of untreated medical waste accepted for transport.

(11) Shipments of untreated medical waste shall be stored or deposited only at a facility that has been authorized by the commission to accept untreated medical waste. Untreated medical waste that is transported out of the state shall be deposited at a facility that is authorized by the appropriate agency having jurisdiction over such waste.

(12) Shipments of untreated medical waste, properly containerized Animal and Plant Health Inspection Service (APHIS) regulated garbage, and non-hazardous pharmaceutical waste may be commingled during transport or storage. Authorizations for the acceptance of APHIS regulated garbage shall be obtained from United States Department of Agriculture, Animal and Plant Health Inspection Service.

(13) Shipments of untreated medical waste, properly containerized APHIS regulated garbage, and non-hazardous pharmaceutical waste that are commingled with any other waste (such as rubbish, garbage, hazardous waste, asbestos, or radioactive waste regulated under 25 TAC Chapter 289 (relating to Radiation Control)), shall be delivered to the same treatment facility.

(14) The post-collection storage of medical waste by a transporter shall be in a secure manner and location that affords protection from theft, vandalism, inadvertent human or animal exposure, rain, water, and wind. The waste shall be managed so as not to provide a breeding place or food for insects or rodents, and not generate noxious odors.

(15) Transporters shall not accept untreated medical waste unless the generator has packaged the waste in accordance with the provisions of §§326.17, 326.19, and 326.21 of this title (relating to Identification; Packaging; and Labeling Containers Excluding Sharps, respectively). Transporters shall not accept containers of waste that are leaking or damaged unless or until the shipment has been repackaged. All transporters described in this subsection must obtain any additional transportation authorizations to comply with local, state and federal rules.

(16) Persons who engage in the transportation of waste within Texas when the transportation neither originates nor terminates in Texas are exempt from these regulations, except for paragraph (6)(A)(i) - (iii) and (B) of this subsection.

(17) Packages of untreated medical waste shall not be transferred between transportation units unless the transfer occurs at and on the premises of a facility authorized as a transfer station, or at a treatment/processing facility that has been approved to function as a transfer station except as provided in §326.43 of this title (relating to Medical Waste Collection and Transfer by Licensed Hospitals).

(18) In case of transportation unit malfunction, the waste shipment may be transferred to an operational transportation unit and the executive director, and any local pollution agency with jurisdiction that has requested to be notified, shall be notified of the incident in writing within five working days. The incident report shall list all transportation units involved in transporting the waste and the cause, if known, of the transportation unit malfunction. Update to the transporter's registration by rule is required when the new unit or units are placed in medical

waste transport service for a period of time exceeding five days. When using a unit not registered, the transporter shall comply with paragraphs (6) and (7) of this subsection.

(19) In case of a traffic accident, the waste shipment may be transferred to an operating transportation unit if necessary. Any containers of waste that were damaged in the accident shall be repackaged as soon as possible. The nearest regional office, and any local pollution agency with jurisdiction that has requested to be notified, shall be notified of the incident no later than the end of the next working day. The incident report shall list all vehicles involved in transporting the waste.

(20) Persons that apply for the registration by rule must maintain a copy of the registration by rule issued by the executive director with an assigned registration by rule number, at their designated place of business and with each transportation unit used to transport untreated medical waste.

(c) Changes to the registration by rule. Transporters shall notify the executive director, and any local pollution agency with jurisdiction that has requested to be notified, by letter, within 30 days of any changes to their registration if:

- (1) the office or place of business is moved;
- (2) the name of owner or operator of the operation is changed;
- (3) the name of the partners, corporate directors, or corporate officers change; or
- (4) the unit information has changed.

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§326.55. Mobile Treatment Unit.

(a) A registration by rule is granted for an owner or operator of mobile treatment units conducting on-site treatment of medical waste but is not the generator of the waste. The mobile on-site treatment unit owner or operator completes registration by rule forms provided by the commission and submits the following information at least 60 days prior to commencing operations:

- (1) Applicant information. Name, address, and telephone number of registrant.

(2) Partner, corporate officer and director information. Name, address, and telephone number of partners, corporate officers, and directors, if applicable.

(3) Fee information. The owner or operator of a mobile treatment unit shall pay an annual registration fee to the commission based upon the total weight of medical waste treated on-site under each registration by rule. Fees to be assessed of owners or operators of an on-site treatment unit are located in Subchapter G of this chapter (relating to Fees and Reporting).

(4) Approved treatment method. Description of approved treatment method to be employed and chemical preparations, as well as the procedure to be utilized for routine performance testing/parameter monitoring.

(5) Performance testing. A written procedure for the operation and testing of any equipment used and a written procedure for the preparation of any chemicals used in treatment. Routine performance testing using biological indicators and/or monitoring of parametric controls shall be conducted in accordance with §326.41(b)(4) of this title (relating to On-Site Treatment by Large Quantity Generators); and identification of performance test failures including date of occurrence, corrective action procedures, and retest dates.

(6) Evidence of competency. Documentation in the form of a relevant training certificate and/or description of work experience.

(7) Wastewater disposal. A description of the management and disposal of process waters generated during treatment events.

(8) Contingency plan. A written contingency plan that describes the handling and disposal of waste in the event of treatment failure or equipment breakdown. If there is any question as to the adequacy of treatment of any load, that load shall be run again utilizing biological indicators to test for microbial reduction before the material is released for landfill disposal. If the waste must be removed from the facility before treatment is accomplished, a registered transporter shall remove the waste and all other applicable sections of this chapter shall be in effect.

(9) Cost estimate and financial assurance. An estimate of the cost to remove and dispose of waste and disinfect the waste treatment equipment and evidence of financial assurance using procedures specified in §326.71(k) - (n) of this title (relating to Registration Application Contents) and Chapter 37, Subchapter R of this title (relating to Financial Assurance for Municipal Solid Waste Facilities).

(10) Mobile on-site treatment unit information. Description of each mobile treatment unit, including:

- (A) make, model, and year;
- (B) motor vehicle identification number, if applicable;
- (C) license plate (tag) number, including state and year; and
- (D) name of mobile treatment unit owner or operator.

(11) Instructions for mailing fees. Fees assessed in §326.87(b) of this title (relating to Fees) by the executive director shall be paid by the registrant within 30 days of the date of the invoice and shall be submitted in the form of a check or money order or copy of the confirmation of an electronic payment made payable to the agency cashier.

(b) Other requirements.

(1) Registrations by rule expire annually on September 30th of each year. Registrations by rule shall not be renewed unless the owner or operator has submitted to the executive director:

- (A) an annual report in accordance with §326.89(d) of this title (relating to Reports);
- (B) an annual fee in accordance with §326.87(b) of this title;
- (C) evidence of financial assurance as of September 30th of the current year; and
- (D) a registration by rule renewal form to the executive director by August 1st.

(2) When an owner or operator has made timely application for the renewal of a registration by rule, the existing registration by rule will not be renewed until the application has been determined administratively complete by the executive director.

(3) The executive director shall, after review of any application for registration by rule, approve or deny the application. This action shall be based on whether the application meets the requirements of this chapter.

(4) Failure to timely pay the annual fee eliminates the option to manage wastes.

(5) The executive director will send a copy of the registration by rule issued with an assigned registration number, to the owner or operator.

(6) Requirements for mobile treatment unit and associated cargo compartment used in the treatment of medical waste are as follows.

(A) The mobile treatment unit used to treat medical waste shall:

(i) have a fully enclosed, leak-proof, cargo-carrying body, such as a cargo compartment, box trailer, or roll-off box; and

(ii) carry spill cleanup equipment including, but not limited to, disinfectants, absorbent materials, personal protective equipment, such as gloves, coveralls, and eye protection, and leak-proof containers or packaging materials.

(B) The cargo compartment of the vehicle and any self-contained treatment unit(s) shall:

(i) be maintained in a sanitary condition;

(ii) be secured when the vehicle is in motion;

(iii) be made of such impervious, non-porous materials as to allow adequate disinfection/cleaning of the compartment or unit(s); and

(iv) have all discharge openings securely closed during operation of the vehicle.

(7) Mobile treatment units used in the treatment of medical waste shall not be used to transport any other material until the unit has been cleaned and disinfected. A written record of the date and the process used to clean and disinfect the unit shall be maintained for three years unless the executive director requires a longer holding period. The record must identify the unit by motor vehicle identification number or license tag number. The owner of the unit, if not the operator, shall be notified in writing that the unit has been used in the treatment of medical waste and when and how the unit was disinfected.

(8) Owners or operators of mobile on-site treatment units shall maintain records of all waste treatment, which includes the following information:

(A) the name, address, and phone number of each generator;

(B) the date of treatment;

(C) the amount of waste treated;

(D) the method/conditions of treatment; and

(E) the name (printed) and initials of the person(s) performing the treatment.

(9) Persons receiving a registration by rule shall maintain a copy of the registration by rule issued by the executive director with an assigned registration by rule number, at their designated place of business and in each mobile treatment unit used in treating medical waste.

(10) Owners or operators of mobile on-site treatment unit shall furnish the generator the documentation required in paragraph (6)(A) and (B) of this subsection and a statement that the medical waste was treated in accordance with 25 TAC §1.136 (relating to Approved Methods of Treatment and Disposition) for the generator's records.

(11) Untreated medical waste shall not be commingled or mixed with hazardous waste, asbestos, or radioactive waste regulated under 25 TAC Chapter 289 (relating to Radiation Control) either before or after treatment.

(12) Owners or operators of mobile on-site treatment unit shall not transport untreated waste unless they are registered as a transporter of medical waste.

(13) Owners or operators of mobile on-site treatment unit shall ensure adequate training of all operators in the use of any equipment used in treatment.

(14) Owners or operators shall maintain the treatment equipment so as to not result in the creation of nuisance conditions.

(c) Changes to the Registration by Rule. Owners or operators of mobile on-site treatment unit shall notify the executive director, by letter, within 30 days of any changes to their registration if:

(1) the method employed to treat medical waste changes;

(2) the office or place of business is moved;

(3) the name of owner or operator of the operation is changed;

(4) the name of the partners, corporate directors, or corporate officers change; or

(5) the unit information changes.

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