

From: [Randy Ammons](#)
To: [REDACTED]
Cc: [OCE](#); [Randy Ammons](#)
Subject: Re: Request for Enforcement Discretion for Construction and Operation of a Medical Waste Facility
Date: Wednesday, April 15, 2020 5:03:57 PM

Good afternoon Mr. Wheatley,

This is in response to your April 10, 2020 request seeking enforcement discretion to allow for construction of a medical waste treatment facility in Potter County, Texas and described in application number 40307 to handle anticipated COVID-19 waste.

The TCEQ is exercising enforcement discretion on a case-by-case basis for regulated entities that are experiencing operational difficulties and seeking to provide critical services due to the COVID-19 pandemic. Due to the anticipated increased need of medical waste capabilities caused by the current pandemic, your request is approved pending continued active progress on obtaining the required permit. Furthermore, the facility is expected to remain in compliance during this period with operational requirements of Title 30, Texas Administrative Code (TAC), Chapter 326, and operational parameters identified in your application.

This correspondence will serve as authorization for your request. This enforcement discretion will be in place while your application is actively being pursued and the conditions above are being met. Enforcement discretion will continue no later than June 10, 2020.

The TCEQ will revisit this issue at the appropriate time and reserves the right to withdraw this approval.

Regards,

Randy J. Ammons, Director
North Central and West Texas Area
Texas Commission on Environmental Quality

RESEND – Typographical error in email address of recipient of first sent email
Office of Compliance and Enforcement:

On behalf of my client, Diversified Waste Management (DWM), CN604112805, this email is to request enforcement discretion to allow for the construction and operation of the Medical Waste Treatment Facility proposed by Diversified Waste Management, in Potter County, Texas and described in registration application number 40307. This application is pending with the MSW permits section and is nearly technically complete.

The basis for the request is to address the current emergency situation related

to the Covid-19 epidemic which is anticipated to greatly increase the need for medical waste treatment capacity throughout the country. Attached are 5 articles documenting the likely significant increase in the generation of medical facilities related to the current pandemic.

DWM understands that the construction of the facility will be “at risk” and that changes to the facility could be required before the final issuance of the MSW Registration #40307.

Respectfully Requested,
Wade M. Wheatley, P.E.
Managing Director
GDS Associates, Inc.
512 508-1423



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**South China Morning Post**

China / Society

Coronavirus leaves China with mountains of medical waste

More than 20 cities are struggling to dispose of the waste safely with Wuhan, the city at the centre of the Covid-19 outbreak, the worst affected

City is producing more than 240 tonnes a day forcing authorities to deploy mobile treatment facilities

Topic | Coronavirus outbreak**Mandy Zuo**

Published: 7:45am, 12 Mar, 2020 ▾



More than 20 cities across mainland China have been overloaded with medical waste, with Wuhan, the centre of the Covid-19 outbreak, producing up to six times more medical waste than usual, authorities said.

Medical waste treatment facilities in 28 other cities are working at full load, the Ministry of Ecology and Environment told a press conference on Wednesday, without specifying what the other cities were.

Hospitals in Wuhan, home to 11 million people and 80 per cent of those who died from Covid-19, produced more than 240 tonnes of medical waste daily during the peak of the outbreak, compared with 40 tonnes before the epidemic occurred, said Zhao Qunying, head of the ministry's emergency office.

The central government has deployed 46 mobile medical waste treatment facilities to the city, and built a new plant with a capacity of 30 tonnes within 15 days, said Zhao.

Coronavirus: Taiwan deploys chemical warfare team at airport to disinfect 361 citizens repatriated from Wuhan

11 Mar 2020



“We have also upgraded facilities treating hazardous waste [to treat medical waste now],” he said.

The measures are designed to increase the city’s waste treatment capacity from 50 tonnes a day to over 263 tonnes.

The outbreak has infected more than 80,000 people and killed more than 3,000 people in China, and has since spread to more than 100 countries.

Zhao did not specify which other cities were overburdened or near full capacity, but inadequate medical waste treatment capabilities have been a long-standing issue in China.

Over 2 million tonnes of medical waste were produced in 2018, according to the National Bureau of Statistics.

But 76 cities were unable to treat it in time, Hu Longhua, from the ministry’s solid waste and chemical management centre, told a forum that year.

No time to relax in Wuhan’s coronavirus battle, top Chinese law enforcer says

8 Mar 2020



While the government suggests everyone wear a mask in public places to contain the spread of the virus, their use has added to the piles of medical waste to be disposed of.

Chinese manufacturers produced about 116 million a day by the end of last month, a 12-fold increase from the start of February, according to the National Development and Reform Commission, the country’s top economic planning agency.

It's unclear how many of them are destroyed daily, but supply is still tight as most residents across the country can only buy a limited number from the government at a designated time.

Those generated by hospitals are treated as medical waste, which often goes to landfill or for incineration after sterilisation, Liu Lifeng, deputy head of the urban development department of the Ministry of Housing and Urban-Rural Development, told the conference.

Others are collected separately from those thought to be ill, while some are treated as household waste.

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Medical waste companies preparing for potentially elevated volumes as coronavirus concerns accelerate

China has seen staggering amounts of medical waste. It is unclear if U.S. impacts might be similar, but companies like Veolia and Stericycle are closely monitoring new developments.

By E.A. Crunden .

Published March 17, 2020 .

Medical waste companies are closely monitoring the spread of the rapidly changing coronavirus pandemic in the United States, with mounting questions about a potential uptick in volumes as well as elevated risk to workers.

"From a waste perspective, the biggest [question is] what will be happening with the guidance associated with medical waste coming out of health care facilities," said Elise Paeffgen, a partner with the firm Alston & Bird, who specializes in health care and environmental regulatory issues.

Several companies told Waste Dive on Monday the situation was changing almost on an hourly basis. And even as they follow regulatory updates and guidance, they remain unsure about how waste volumes and operations will ultimately be shaped by the days, weeks and potentially months to come.

In China, the coronavirus — which causes the disease COVID-19 — has left the country dealing with mountains of medical waste. The South China Morning Post has reported 28 cities are struggling to manage it, including Wuhan, the first area majorly impacted by the crisis. That city is producing more than six times its usual amount of medical waste, per the Post's reporting, and medical waste treatment facilities in all the affected cities are working at their full capacity. During the height of the outbreak in Wuhan, the city was dealing with 240 tons of medical waste per day, versus 40 tons prior to that.

Paeffgen told Waste Dive it is unclear if the situation in China would be reflected in the United States, but she pointed to industry movements as an indicator the sector is preparing for a potential onslaught. The National Waste and Recycling Association (NWRA) has asked Congress and the Trump administration to include the industry in its national emergency declaration, specifically to exempt medical waste haulers from Hours of Service (HOS) regulations.

NWRA has also sent Congress draft legislative language amending Federal Motor Carrier Safety Administration guidelines to include HOS exemptions for waste haulers in future national emergency declarations. That draft wording singles out "motor carriers and drivers providing direct assistance in support of national emergency relief efforts" and includes "the collection of medical, residential, and commercial waste" as critical to national aid.

Unions like the Teamsters have historically resisted longer work hours and heavier loads for members. But Paeffgen explained the industry is looking for leeway "relating to storage time and quantities" as it braces for a potentially major uptick in volumes. "They may need extra time to meet their customer demands," she said.

States usually require medical waste be separated from MSW and it must be rendered noninfectious prior to disposal. Companies accustomed to dealing with medical waste are closely monitoring the situation and preparing for a number of potential scenarios.

Jennifer Koenig, vice president of corporate communications with Stericycle, indicated the coronavirus could be different from other major health incidents. And unlike China, she said the United States may not be facing a staggering uptick in medical waste.

"Wastes generated from the care of COVID-19 patients do not generate excessive volumes of waste as was the case with Ebola, for example," Koenig told Waste Dive. "We are seeing some increase due to the use of additional personal protective equipment and some increase in non-traditional wastes being managed as regulated medical waste, but we have not seen a major increase at this time."

If the number of U.S. patients spikes, however, the situation could change dramatically. Koenig caveated that Stericycle is watching the situation and working to "ensure access to safe, compliant disposal of medical waste during this pandemic." The company has been monitoring waste generated with COVID-19 treatment in health care facilities, as well as quarantine sites.

That medical waste is currently being handled in accordance with routine procedures. So far, the Centers for Disease Control and Prevention (CDC), U.S. Department of Transportation, and Occupational Safety and Health Administration (OSHA) have not indicated elevated concerns about the novel coronavirus and medical waste. However, Stericycle is reminding generators to carefully package any waste to ensure collection worker safety, and the company said it is closely following regulatory developments surrounding COVID-19.

Differences in the danger posed by outbreaks factor into responses, as well as into how waste is handled. Waste deemed by the U.S. government to be Category A indicates death or extreme elevated risk to even healthy people and animals, while the new coronavirus is being treated as a less-severe Category B. An example of a Category A scenario is Ebola, while Category B is more on the scale of SARS, the contagious and sometimes fatal respiratory disease caused by a different coronavirus that spread globally in the early 2000s.

That reduced risk level has shaped guidance from NWRA and the Solid Waste Association of North America, who are following CDC's lead. But some concern is also growing due to a recent study finding the new coronavirus can live on certain surfaces for an elevated period of time, including up to three days for plastics and stainless steel. Conducted by researchers with the National Institutes of Health, the CDC, and multiple universities, the study's findings could have significant implications for waste and recycling workers.

Still, it remains unclear how the study's findings apply to real-world scenarios, especially for workers interacting with medical waste. Bob Cappadona, Veolia North America's executive vice president and COO for environmental solutions and services, told Waste Dive the company is currently dealing with the "known and the unknown," while trying to take precautions to protect employees.

"Veolia operates in so many countries around the world, we had a bit of an advance window into what we're going to see here in the U.S.," said Cappadona.

The company has experience dealing with outbreaks like Ebola, but Cappadona acknowledged the current pandemic is unprecedented in its scope and impacts. He said Veolia has been in

contact with other waste companies regarding the situation and .
asserted confidence in the industry. But he also emphasized .
Veolia's approach to medical waste, especially in a time of .
uncertainty. .

"We've had to make sure that our plans align with the risks and .
issues and frankly volumes associated with this," he said, .
explaining workers are "looking at risks of exposure and how we .
control that." .

Veolia's safety team is inspecting rules around containers and .
packaging containing the new medical waste. "When a container .
[we are concerned about] comes into our facility, we don't touch it, .
we use mechanical means" for disposal, Cappadona explained. .

Paeffgen, the attorney, emphasized that from a regulatory and .
operational perspective, one of the most important things .
companies can do is ensure workers have access to protective gear, .
something that may become difficult. .

"[It] could become challenging from an operational perspective," .
she said, noting the "general public is purchasing so many of those .
[items]" like gloves and masks. .

Other components of the situation are also changing swiftly. While .
household waste is typically categorized as MSW, Paeffgen advised .
checking in with local health departments about any changes
regarding waste generated in homes associated with COVID-19 .
cases. .

For the industry, following these hour-by-hour changes will be .
crucial, even as long-term implications loom large. Companies are .
generally declining to speculate on the impact the pandemic will .
have on business, especially as the situation escalates. .

"What does business look like in the recovery phase?" asked .
Cappadona. "I don't think any of us know right now."

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How coronavirus is disrupting US waste and recycling [↗](#)



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CLIMATE & ENVIRONMENT

Medical waste industry braces for flood of virus-contaminated trash



A worker is surrounded by containers filled with biohazardous waste at the Stericycle facility in Vernon. (Genaro Molina / Los Angeles Times)

By LOUIS SAHAGUN
STAFF WRITER

MARCH 30, 2020 | 9:25 AM



For about two weeks now, red bags of medical waste laden with the coronavirus have been flowing from Southern California hospitals to a squat white building in the city of Paramount, where they are tossed into an autoclave and scorched with pressurized steam.

The novel coronavirus, or SARS-CoV-2, is essentially a string of genetic material encased in a fragile, fatty membrane, and it's no match for an extended bath in 300-degree steam and 50 pounds per square inch of pressure.

"It kills all the bugs in the garbage," said Bob Shaw, president of Medical Waste Services. "Then it's sent to the landfill."

Shaw's is among 19 facilities that use enormous steam autoclaves to treat California's medical debris. So far, they have had little problem handling waste generated in the battle against the coronavirus.

But that could change. If COVID-19 cases continue to spread exponentially, networks of hospitals, waste haulers and treatment centers could be overburdened by a surge of regulated medical waste — masks, gloves, booties, bed linens, cups, plates, towels, packaging and disposable medical equipment. Such a flood of medical waste, industry leaders say, could result in infections among their workers.



A worker at Stericycle in Vernon pulls a cart stacked with containers of biohazardous waste. (Genaro Molina / Los Angeles Times)

Now, preparing for the worst, the medical waste industry is requesting relaxation of state and federal rules governing infectious biological waste, including its collection, records, transportation, treatment and disposal.

“Right now, no one is kicking and screaming for help because they’re falling behind,” said Anne Germain, vice president of technical and regulatory affairs for the National Waste and Recycling Assn., which represents more than 700 firms nationwide. “But we have to be ready to respond to an increase in medical waste generated by the pandemic.”

In a world upended by the novel coronavirus, the association is asking for extensions on renewals of expired commercial driver’s licenses, greater leeway on the amount of medical waste that can be stored at treatment facilities and more flexible “hours of service” rules to provide more time to meet their customers’ demands.

Then there’s the growing problem of hospital staffers unwilling to sign the manifests of haulers of regulated medical waste for fear of contaminating a pen and paper or digital notepad with the highly infectious virus.

“If hospitals aren’t going to sign manifests,” Germain said, “we need a formal exemption from regulations requiring their signature on those documents.”

That kind of flexibility is critical to “ensuring that the medical waste industry can continue to operate and deal with the potentially elevated volumes of waste that may be generated by this pandemic,” said Elise Paeffgen, a partner with the law firm Alston & Bird, who specializes in healthcare and environmental regulatory issues.

The Centers for Disease Control and Prevention, the National Institute for Occupational Safety and Health, and the U.S. Department of Transportation have not elevated the level of threat posed by the coronavirus pandemic.

Federal authorities are treating the coronavirus as a Category B threat: a sometimes-fatal respiratory disease like SARS, which spread globally in the early 2000s.

An example of Category A is Ebola, an extremely infectious substance capable of causing permanent disability or death when exposure occurs.

As of Sunday, the pandemic had killed 2,467 people in the United States, which had 140,886 diagnosed cases of coronavirus.

The Centers for Disease Control and Prevention says protective gear and equipment potentially infected with coronavirus can be handled like most regulated medical wastes along the chain of custody from hospitals to landfills.

Contaminated protective gear and disposable equipment are tossed into red plastic bags with a “biohazard” label.

Local medical waste management companies expressed confidence in their ability to handle a significant increase in coronavirus-related waste, if necessary.

“Our network can meet current demands,” said Selin Hoboy, vice president of government affairs at Stericycle, one of the largest medical waste companies in the U.S.

She said, however, that “ongoing communication is critical during this unprecedented and ever-changing time.”

Shaw, who has worked in the regulated medical waste industry for three decades, agrees —up to a point.

“If a volume spike or crisis would suddenly appear, I am very comfortable that state health officials would quickly help our industry find a safe solution for all stakeholders,” he said. “But I don’t think we’re going to need the help.”

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Louis Sahagun

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Louis Sahagun is a staff writer at the Los Angeles Times. He covers issues ranging from religion, culture and the environment to crime, politics and water. He was on the team of L.A. Times writers that earned the Pulitzer Prize in public service for a series on Latinos in Southern California and the team that was a finalist in 2015 for the Pulitzer Prize in breaking news. He is a CCNMA: Latino Journalists of California board member, and author of the book, “Master of the Mysteries: the Life of Manly Palmer Hall.”



CORONAVIRUS

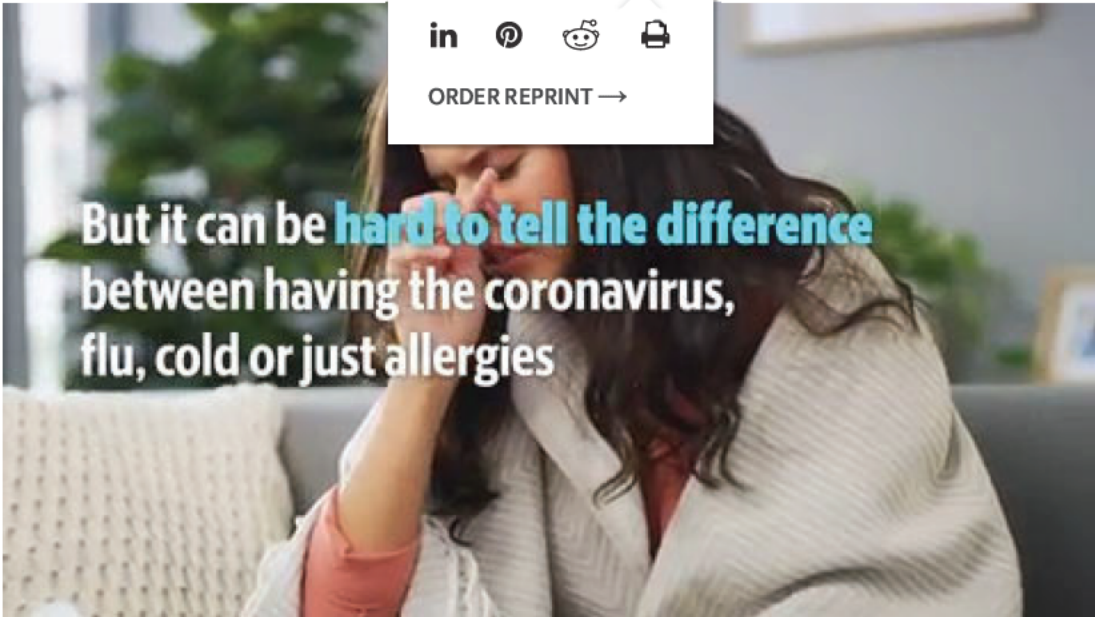
Coronavirus could pose yet another risk - a surge of contaminated medical waste

BY BROOKE WOLFORD

MARCH 30, 2020 02:53 PM



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Here's a comparison between the symptoms of Covid-19 from the coronavirus pandemic, the flu, common cold and allergies. There are some similarities, but a few major differences too. BY [DAVID CARACCIO](#) ✉

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ACCEPT COOKIES

But the coronavirus pandemic poses a new threat to the people who handle the garbage after you're done with it – medical waste workers. An influx in coronavirus-contaminated trash has industry leaders concerned about increased risks to their workers and the public.

Usually, [the industry sterilizes medical waste](#) by burning it, dousing it with hot steam, or chemically disinfecting it before it's taken to a landfill, The Verge said. In Southern California, the waste management industry runs trash through 300-degree steam and puts 50 pounds per square inch of pressure on it, [effectively killing COVID-19](#), according to the Los Angeles Times.

Industry leaders worry though that if coronavirus continues to spread as quickly as it is now, “networks of hospitals, waste haulers and treatment centers could be overburdened by a surge of regulated medical waste — masks, gloves, booties, bed linens, cups, plates, towels, packaging and disposable medical equipment,” the LA Times said. That surge in contaminated trash threatens the health of disposal workers, according to the Times.

China, where the coronavirus first emerged, built a new medical waste plant and deployed 46

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ACCEPT COOKIES

The United States is already seeing an [uptick in the amount of waste](#) from personal protective equipment (PPE), according to the medical waste company Stericycle. Some things that normally aren't considered medical waste, like food, need to be handled more carefully after coming in contact with a coronavirus patient, Stericycle said.

The [Centers for Disease Control and Prevention](#) said on its website that medical waste from the coronavirus pandemic can be treated the same as regular medical waste, although regulations are governed by state health and environmental departments, as well as by the Occupational Safety and Health Administration and the Department of Transportation, The Verge said. Despite what the CDC says, medical waste industry leaders say the flood of trash could result in infections among their workers, according to the LA Times.

The industry is preparing for the surge by requesting the relaxation of state and federal rules governing infectious and biological waste, the Times said. The National Waste and Recycling Association, which represents more than 700 firms nationwide, "is asking for extensions on renewals of expired commercial driver's licenses, greater leeway on the amount of medical waste that can be stored at treatment facilities and more flexible 'hours of service' rules to provide more time to meet their customers' demands," the Times reported.

But what about outside the medical industry? The coronavirus exists in communities as well.

That means people could be generating plenty of contaminated trash. That creates an added risk for all sanitation workers, since the virus can [stay on some materials for up to three days](#), according to a study from the New England Journal of Medicine.

If garbage is bagged correctly and workers are wearing PPE, especially gloves, the risk of catching the virus is slim, David Biderman, CEO of the Solid Waste Association of North America, told The Verge.

The COVID-19 pandemic is generating tons of medical waste

Sanitation workers need personal protective equipment too

By [Justine Calma](#) | [@justcalma](#) | Mar 26, 2020, 9:46am EDT



A staff member collects and transfers medical waste at the Henan Provincial People's Hospital in Zhengzhou, central China's Henan Province, March 3, 2020. | Xinhua/Hao Yuan via Getty Images

Garbage contaminated with bodily fluids or other infectious materials is becoming a bigger concern for hospitals as they brace for a surge in patients sick with COVID-19 in the US. Patients and health care workers are quickly going through medical supplies and disposable personal protective equipment, like masks. Eventually all that used gear piles up as medical waste that needs to be safely discarded.

In Wuhan, where the novel coronavirus first emerged, officials didn't just need to build new hospitals for the influx of patients; they had to construct a [new medical waste plant](#) and [deploy 46 mobile waste treatment facilities too](#). Hospitals there generated six times as much medical waste at the peak of the outbreak as they did before the crisis began.

The daily output of medical waste reached 240 metric tons, about the weight of an adult blue whale.

HOSPITALS GENERATED 6 TIMES AS MUCH MEDICAL WASTE

There's already been an uptick of garbage from personal protective equipment in the US, according to medical waste company Stericycle, which handled 1.8 billion pounds of medical waste globally in 2018. And some things that aren't usually considered medical waste, like food, now need to be handled more carefully after coming in contact with a COVID-19 patient. Stericycle didn't provide numbers for how much of an increase it's seeing so far, adding that it believes it has the capacity to handle the swell and may add shifts to the company's 50 treatment centers in the US if necessary. Additionally, the drop in elective surgeries might offset some of the rise in waste we're seeing from the pandemic, a spokesperson for Stericycle tells *The Verge*.

"It's a rapidly changing environment right now and forecasting volumes is challenging," Stericycle Vice President of Corporate Communications Jennifer Koenig wrote in an email to *The Verge*. "We are closely monitoring the situation with all relevant agencies to determine next steps."

"IT'S A RAPIDLY CHANGING ENVIRONMENT"

The CDC says that medical waste from COVID-19 can be treated the same way as regular medical waste. Regulations on how to treat that waste vary by location and can be governed by state health and environmental departments, as well as by the Occupational Safety and Health Administration and the Department of Transportation. Generally, to make sure contaminated trash from health care facilities doesn't pose any harm to the public before going to a landfill, it's typically burned, sterilized with steam, or chemically disinfected.

There's more to worry about than waste from medical centers. The disease is spread out beyond hospitals. Some people who have minor symptoms are recovering at home. Others who are asymptomatic might not know that the trash they're throwing out could be contaminated. That means people may be generating plenty of virus-laden trash. That's worrying for sanitation workers, as the virus can persist for up to a day on

cardboard and for longer on metal and plastic, according to [one study](#) of the virus in lab conditions.

But if garbage is properly bagged instead of kept loose and workers are wearing personal protective equipment, especially gloves, then there shouldn't be a risk of catching the virus, David Biderman, CEO of the Solid Waste Association of North America, tells *The Verge*. Practicing social distancing while on the job, including maintaining appropriate distances from people, may also help reduce sanitation workers' risks, says Elise Paeffgen, a partner with the firm Alston & Bird who works on medical waste issues.

PEOPLE HANDLING HEALTH CARE WASTE SHOULD WEAR APPROPRIATE GEAR

People handling health care waste in particular should wear appropriate gear, including boots, aprons, long-sleeved gowns, thick gloves, masks, and goggles or face shields, according to [recommendations from the World Health Organization](#). Luckily, protective efforts so far seem to have paid off. "There is no evidence that direct, unprotected human contact during the handling of health care waste has resulted in the transmission of the COVID-19 virus," according to a March 19th [technical brief](#) from the WHO. As the pandemic grows, so will the waste, and keeping that garbage safe and contained will continue to be a challenge for communities until the crisis is over.