

ARTICLE 74:35

MEDICAL WASTE

Chapter

- 74:35:01 Disposal of medical waste, [Repealed](#).
- 74:35:02 Financial assurance, [Repealed](#).

CHAPTER 74:35:01

DISPOSAL OF MEDICAL WASTE

[\(Repealed\)](#)

Section

- ~~74:35:01:01 — Applicability of other provisions.~~
- ~~74:35:01:02 — Definitions.~~
- ~~74:35:01:03 — Design capacity defined.~~
- ~~74:35:01:04 — Single generator defined.~~
- ~~74:35:01:05 — Treatment cycle defined.~~
- ~~74:35:01:06 — Regulated medical waste defined.~~
- ~~74:35:01:07 — Exclusions from regulated medical waste.~~
- ~~74:35:01:08 — Recordkeeping requirements for destination facilities.~~
- ~~74:35:01:09 — Disposal of regulated medical waste.~~

- ~~74:35:01:10 — Regulation of medical waste treatment facilities other than incinerators.~~
- ~~74:35:01:11 — Regulation of regulated medical waste incinerators.~~
- ~~74:35:01:12 — Control of visible emissions.~~
- ~~74:35:01:13 — Standards for particulate matter.~~
- ~~74:35:01:14 — Standards for hydrogen chloride.~~
- ~~74:35:01:15 — Standards for carbon monoxide.~~
- ~~74:35:01:16 — Standards for sulfur dioxide.~~
- ~~74:35:01:17 — Standards for furan and dioxins.~~
- ~~74:35:01:18 — Performance testing.~~
- ~~74:35:01:19 — Monitoring requirements.~~
- ~~74:35:01:20 — Design and operating requirements for regulated medical waste incinerators.~~
- ~~74:35:01:21 — Waste charging requirements.~~
- ~~74:35:01:22 — Radioactive and hazardous waste.~~
- ~~74:35:01:23 — Recordkeeping and reporting requirements.~~
- ~~74:35:01:24 — Container requirements.~~
- ~~74:35:01:25 — Decontamination standards for reusable containers.~~
- ~~74:35:01:26 — Storage requirements.~~
- ~~74:35:01:27 — Labeling requirements.~~
- ~~74:35:01:28 — Identification requirements.~~

~~—— **74:35:01:01. Applicability of other provisions.** The provisions of articles 74:36 and 74:27 apply to this chapter unless otherwise stated.~~

~~—— **Source:** 17 SDR 146, effective April 3, 1991.~~

~~General Authority: SDCL 34A-1-6, 34A-6-1.6.~~

~~Law Implemented: SDCL 34A-1-11, 34A-1-12, 34A-1-21, 34A-6-52.~~

~~Editor's Note: The Legislative Research Council substituted "74:36" for "74:26" in this section to conform to recodification of rules for air pollution control.~~

~~74:35:01:02. Definitions. Terms defined in SDCL 34A-1-2 have the same meaning when used in this article. In addition, terms used in this article mean:~~

~~(1) "Biologicals," preparations made from living organisms and their products, including vaccines and cultures intended for use in diagnosis of, immunization against, and treatment for diseases of humans or animals;~~

~~(2) "Blood product," any product derived from human blood, including but not limited to blood plasma, platelets, red or white blood corpuscles, and other derived licensed products, such as interferon, etc.;~~

~~(3) "Body fluids," liquid emanating or derived from humans limited to blood; cerebrospinal, synovial, pleural, peritoneal and pericardial fluids; amniotic fluids; semen; and vaginal secretions;~~

~~(4) "Decontamination," the process of reducing or eliminating the presence of harmful substances, such as infectious agents, so as to reduce the likelihood of disease transmission from those substances;~~

~~—— (5) "Design capacity," the amount of waste that an incinerator can thoroughly combust in a specified time period;~~

~~—— (6) "Destination facility," the disposal facility, the incineration facility, or the facility that both treats and destroys a regulated medical waste intended to be shipped to it;~~

~~—— (7) "Destroyed regulated medical waste," regulated medical waste that has been ruined, torn apart, or mutilated through processes such as thermal treatment, melting, shredding, grinding, tearing or breaking, so that it is no longer generally recognizable as medical waste, excluding compacted medical waste;~~

~~—— (8) "Destruction facility," a facility that destroys regulated medical waste by ruining it, mutilating it, or tearing it apart;~~

~~—— (9) "Dioxin/furan," total tetra through octa-chlorinated dibenzol-p-dioxins and dibenzofurans;~~

~~—— (10) "Existing regulated medical waste incinerator," a regulated medical waste incinerator in existence prior to January 1, 1991, or one which has been issued a construction or operating permit required by § 74:36:04:02 prior to that date;~~

~~—— (11) "Facility," any property, real or personal, including processing equipment, manufacturing equipment, fuel burning equipment, construction equipment, and incinerators, or any other equipment used for treating, destroying, storing, or disposing of regulated medical waste;~~

~~——(12) "Generator," any person, by site, whose act or process produces regulated medical waste as defined in § 74:35:01:06 or whose act first causes a regulated medical waste to become subject to regulation;~~

~~——(13) "Incinerator," an enclosed thermal device that uses controlled flame combustion to reduce waste to a residue;~~

~~——(14) "Infectious agent," an organism, such as a virus or a bacteria, that is capable of being transmitted and causing disease;~~

~~——(15) "Intermediate handler," a facility that either treats regulated medical waste or destroys regulated medical waste but does not do both. It does not include transporters;~~

~~——(16) "Laboratory," a research, analytical, or clinical facility that performs health care-related analysis or service, including medical, pathological, pharmaceutical, and other research, commercial, or industrial laboratories;~~

~~——(17) "Medical waste," any solid waste that is generated in the diagnosis, treatment, or immunization of humans or animals, in research pertaining to diseases of humans or animals, or in the production or testing of biologicals;~~

~~——(18) "Medical waste incinerator," an incinerator designed and operated to burn regulated medical waste;~~

~~— (19) "New regulated medical waste incinerator," a regulated medical waste incinerator which does not meet the definition of existing regulated medical waste incinerator or one which undergoes reconstruction or modification after December 31, 1990;~~

~~— (20) "Site," buildings or facilities that are physically contiguous or adjacent to one another and that are used in the generation, storage, or disposal of regulated medical waste;~~

~~— (21) "Storage," the temporary holding of regulated medical waste at a designated accumulation area before treatment, disposal, or transport to another location;~~

~~— (22) "Transfer facility," a transportation-related facility, including loading docks, parking areas, storage areas, and other similar areas, where shipments of regulated medical waste are held during the course of transportation; a location at which regulated medical waste is transferred directly between two vehicles;~~

~~— (23) "Transporter," a person or transfer facility engaged in the off site transportation of regulated medical waste by air, rail, highway, or water;~~

~~— (24) "Treated regulated medical waste," regulated medical waste that has been treated to substantially reduce or eliminate its potential for causing disease;~~

~~— (25) "Treatment," when used in the context of medical waste management, any method, technique, or process designed to change the biological character or composition of a regulated medical waste to reduce or eliminate its potential for causing disease; when used in the context of~~

~~humans or animals, either the provision of medical services or the preparation of human or animal remains for interment or cremation;~~

~~—— (26) "Treatment cycle," the time required for a method, technique, or process designed for the treatment of regulated medical waste to render regulated medical waste noninfectious or reduce or eliminate its potential for causing disease;~~

~~—— (27) "Universal biohazard symbol," the symbol design that conforms to the design shown in 29 C.F.R. § 1910.145(f)(8)(ii) (July 1, 1989);~~

~~—— (28) "Untreated regulated medical waste," regulated medical waste that has not been treated to substantially reduce or eliminate its potential for causing disease;~~

~~—— (29) "Waste category," the designation of regulated medical waste as either treated or untreated.~~

~~—— **Source:** 17 SDR 146, effective April 3, 1991.~~

~~—— **General Authority:** SDCL 34A-1-6, 34A-6-1.6.~~

~~—— **Law Implemented:** SDCL 34A-1-2, 34A-1-11, 34A-1-12, 34A-1-21, 34A-6-52.~~

~~—— **Editor's Note:** The Legislative Research Council substituted "74:36:04:02" for "74:26:01:08 or 74:26:01:26" in this section to conform to recodification of rules for air pollution control.~~

~~74:35:01:03. Design capacity defined.~~ The design capacity of an incinerator may vary for the type of waste combusted. For the purposes of this chapter, design capacity shall be based upon the combustion rate for regulated medical waste.

~~Source:~~ 17 SDR 146, effective April 3, 1991.

~~General Authority:~~ SDCL 34A-1-6, 34A-6-1.6.

~~Law Implemented:~~ SDCL 34A-1-11, 34A-1-12, 34A-1-21, 34A-6-52.

~~74:35:01:04. Single generator defined.~~ If more than one person is located in the same building, for example, doctors with separate medical practices, each individual business entity is a separate generator for the purposes of this chapter.

~~Source:~~ 17 SDR 146, effective April 3, 1991.

~~General Authority:~~ SDCL 34A-1-6, 34A-6-1.6.

~~Law Implemented:~~ SDCL 34A-1-11, 34A-1-12, 34A-1-21, 34A-6-52.

~~74:35:01:05. Treatment cycle defined.~~ For a cyclical or batch operation, the treatment cycle is the time required for one complete operation from the beginning of any process to its completion, excluding any time during which the equipment is idle. For continuous operation, the treatment cycle is derived by dividing the operating rate for a typical period of time by that time period.

~~Source:~~ 17 SDR 146, effective April 3, 1991.

~~General Authority:~~ SDCL 34A-1-6, 34A-6-1.6.

~~Law Implemented:~~ SDCL 34A-1-11, 34A-1-12, 34A-1-21, 34A-6-52.

~~74:35:01:06. Regulated medical waste defined.~~ Regulated medical waste is solid waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining to diseases of humans or animals, or in the production or testing of biologicals, as listed in this section:

~~(1) Cultures and stocks: cultures and stocks of infectious agents and associated biologicals, including the following:~~

~~(a) Cultures from medical and pathological laboratories;~~

~~(b) Cultures and stocks of infectious agents from research and industrial laboratories;~~

~~(c) Wastes from the production of biologicals;~~

~~(d) Discarded live and attenuated vaccines; and~~

~~(e) Culture dishes and devices used to transfer, inoculate, and mix cultures;~~

~~(2) Pathological waste: human pathological waste, including:~~

~~(a) Tissues, organs, and body parts and body fluids that are removed during surgery, autopsy, or other medical procedures except those extracted teeth that are returned to the patient; and~~

~~(b) Specimens of body fluids and their containers;~~

~~(3) Human blood and blood products, as follows:~~

~~(a) Liquid waste human blood;~~

~~———— (b) Products of blood;~~

~~———— (c) Items saturated or dripping with human blood;~~

~~———— (d) Items that were saturated or dripping with human blood that are now caked with dried human blood;~~

~~———— (e) Serum, plasma, and other blood components, and their containers, which were used or intended for use in either patient care, testing, and laboratory analysis or the development of pharmaceuticals; and~~

~~———— (f) Intravenous blood and blood product bags;~~

~~———— (4) Sharps: sharps that have been used in animal or human patient care or treatment or in medical, research, or industrial laboratories, including the following:~~

~~———— (a) Hypodermic needles;~~

~~———— (b) Syringes with the attached needle or containing body fluids;~~

~~———— (c) Pasteur pipettes;~~

~~———— (d) Scalpel blades;~~

~~———— (e) Blood vials;~~

~~———— (f) Needles with attached tubing;~~

~~———— (g) Culture dishes, regardless of the presence of infectious agents; and~~

~~———— (h) Other types of broken or unbroken glassware that were in contact with infectious agents, such as used slides and cover slips;~~

~~———— (5) Animal waste: contaminated animal carcasses, body parts, and bedding of animals that were known to have been exposed to infectious agents during research (including research in veterinary hospitals), production of biologicals, or testing of pharmaceuticals;~~

~~—— (6) Isolation waste: biological waste and discarded materials contaminated with blood, excretion, exudates, or secretions from humans who are isolated to protect others from certain highly communicable diseases as identified by the health care facility or isolated from animals known to be infected with highly communicable diseases;~~

~~—— (7) Unused sharps: the following unused, discarded sharps:~~

~~—— (a) Hypodermic needles;~~

~~—— (b) Suture needles;~~

~~—— (c) Syringes with the attached needle; and~~

~~—— (d) Scalpel blades.~~

~~—— **Source:** 17 SDR 146, effective April 3, 1991.~~

~~—— **General Authority:** SDCL 34A-1-6, 34A-6-1.6.~~

~~—— **Law Implemented:** SDCL 34A-1-11, 34A-1-12, 34A-1-21, 34A-6-52.~~

~~—— **74:35:01:07. Exclusions from regulated medical waste.** The following are not included in the definition of regulated medical waste:~~

~~—— (1) Hazardous waste;~~

~~—— (2) Household waste or household-type waste generated in a facility;~~

~~—— (3) Ash from incineration of regulated medical waste;~~

~~—— (4) Residues from treatment and destruction processes once the waste has been both treated and destroyed;~~

~~—— (5) Human corpses, remains, and anatomical parts that are intended for interment or cremation;~~

~~—— (6) Etiologic agents being transported interstate pursuant to the requirements in article 61:23 and all other applicable shipping requirements;~~

~~—— (7) Samples of regulated medical waste transported off site for enforcement purposes by the U.S. environmental protection agency or the state.~~

~~—— **Source:** 17 SDR 146, effective April 3, 1991.~~

~~—— **General Authority:** SDCL 34A-1-6, 34A-6-1.6.~~

~~—— **Law Implemented:** SDCL 34A-1-11, 34A-1-12, 34A-1-21, 34A-6-52.~~

~~—— **74:35:01:08. Recordkeeping requirements for destination facilities.** Destination facilities receiving regulated medical waste from others for decontamination or destruction shall maintain a log indicating the approximate quantities of regulated medical waste received by waste category; the date of receipt; and the name and address of the generator, intermediate handler, or transporter from whom the waste was received. In addition, destination facilities which are also regulated medical waste generators and dispose of such waste on-site shall maintain a log indicating the approximate quantities of regulated medical waste disposed of by waste category and the date of disposal. The logs shall be maintained for a period of three years from the date of delivery. The secretary may require a generator to produce quarterly summaries of the logs.~~

~~—— **Source:** 17 SDR 146, effective April 3, 1991.~~

~~—— **General Authority:** SDCL 34A-1-6, 34A-6-1.6.~~

~~—— **Law Implemented:** SDCL 34A-1-11, 34A-1-12, 34A-1-21, 34A-6-52.~~

~~74:35:01:09. Disposal of regulated medical waste. As soon as practicable, regulated medical waste must either be disposed of by incineration in accordance with this article or treated by steam sterilization, chemical disinfectant, or an equally effective treatment method used after obtaining approval of the department. Treated regulated medical waste may be disposed of as a solid waste under the provisions of SDCL 34A-6.~~

~~Source: 17 SDR 146, effective April 3, 1991.~~

~~General Authority: SDCL 34A-1-6, 34A-6-1.6.~~

~~Law Implemented: SDCL 34A-1-11, 34A-1-12, 34A-1-21, 34A-6-52.~~

~~74:35:01:10. Regulation of medical waste treatment facilities other than incinerators. Except for incinerators regulated under § 74:35:01:11, no facility designed to treat or actually treating greater than 200 pounds of regulated medical waste for each treatment cycle may be constructed or operated unless all appropriate local, state, and federal permits and approvals have been obtained. Appropriate state permits include the following:~~

~~(1) Air quality permits pursuant to SDCL chapter 34A-1;~~

~~(2) Solid waste permits pursuant to SDCL chapter 34A-6;~~

~~(3) Groundwater discharge permits pursuant to SDCL chapter 34A-2; and~~

~~(4) Surface water discharge permits pursuant to SDCL chapter 34A-2.~~

~~Source: 17 SDR 146, effective April 3, 1991.~~

~~General Authority: SDCL 34A-1-6, 34A-6-1.6.~~

~~Law Implemented: SDCL 34A-1-11, 34A-1-12, 34A-1-21, 34A-6-52.~~

~~74:35:01:11. Regulation of regulated medical waste incinerators.~~ Incinerators used to combust regulated medical waste must meet the requirements and standards set out in §§ 74:35:01:12 to 74:35:01:22, inclusive, and any applicable requirements of article 74:36, including obtaining air quality permits. A regulated medical waste incinerator with a design capacity of 500 pounds an hour or greater must also obtain a solid waste permit pursuant to SDCL chapter 34A-6 and article 74:27 for the storage of regulated medical waste and the disposal of ash. Beginning September 17, 1996, all existing regulated medical waste incinerators shall be treated as new regulated medical waste incinerators and must meet the same standards as new regulated medical waste incinerators.

~~Source:~~ 17 SDR 146, effective April 3, 1991.

~~General Authority:~~ SDCL 34A-1-6, 34A-6-1.6.

~~Law Implemented:~~ SDCL 34A-1-11, 34A-1-12, 34A-1-21, 34A-6-52.

~~Editor's Note:~~ The Legislative Research Council substituted "74:36" for "74:26" in this section to conform to recodification of rules for air pollution control.

~~74:35:01:12. Control of visible emissions.~~ No owner or operator may allow to be discharged into the atmosphere from a new regulated medical waste incinerator an air contaminant of a density equal to or darker than that designated as 10 percent opacity (6 minute average), as determined by the environmental protection agency's Method 9 in 40 C.F.R. 60, Appendix A (July 1, 1989).

~~Source:~~ 17 SDR 146, effective April 3, 1991.

~~General Authority:~~ SDCL 34A-1-6, 34A-6-1.6.

~~Law Implemented: SDCL 34A-1-11, 34A-1-12, 34A-1-21, 34A-6-52.~~

~~74:35:01:13. Standards for particulate matter. No owner or operator of a new regulated medical waste incinerator with a design capacity greater than 200 pounds an hour may allow the discharge into the atmosphere of any gases which contain particulate matter in excess of 0.04 grains per dry standard cubic foot corrected to 7 percent oxygen including condensable particulate.~~

~~Source: 17 SDR 146, effective April 3, 1991.~~

~~General Authority: SDCL 34A-1-6, 34A-6-1.6.~~

~~Law Implemented: SDCL 34A-1-11, 34A-1-12, 34A-1-21, 34A-6-52.~~

~~74:35:01:14. Standards for hydrogen chloride. No owner or operator of a new regulated medical waste incinerator with a design capacity greater than 200 pounds an hour may allow the discharge into the atmosphere of any gases which contain hydrogen chloride in excess of 50 parts per million, dry volume, corrected to 7 percent oxygen, over any continuous one-hour period or which achieve a 90 percent reduction, by weight, in the amount of hydrogen chloride on an hourly basis.~~

~~Source: 17 SDR 146, effective April 3, 1991.~~

~~General Authority: SDCL 34A-1-6, 34A-6-1.6.~~

~~Law Implemented: SDCL 34A-1-11, 34A-1-12, 34A-1-21, 34A-6-52.~~

~~74:35:01:15. Standards for carbon monoxide. No owner or operator of a new regulated medical waste incinerator with a design capacity greater than 200 pounds an hour may allow the~~

~~discharge into the atmosphere of carbon monoxide in excess of 100 parts per million dry volume corrected to 7 percent oxygen over any continuous one-hour period.~~

~~—— **Source:** 17 SDR 146, effective April 3, 1991.~~

~~—— **General Authority:** SDCL 34A-1-6, 34A-6-1.6.~~

~~—— **Law Implemented:** SDCL 34A-1-11, 34A-1-12, 34A-1-21, 34A-6-52.~~

~~—— **74:35:01:16. Standards for sulfur dioxide.** No owner or operator of a new regulated medical waste incinerator with a design capacity greater than 200 pounds an hour may allow the discharge into the atmosphere of sulfur dioxide in excess of 30 parts per million dry volume corrected to 7 percent oxygen over any continuous one-hour period.~~

~~—— **Source:** 17 SDR 146, effective April 3, 1991.~~

~~—— **General Authority:** SDCL 34A-1-6, 34A-6-1.6.~~

~~—— **Law Implemented:** SDCL 34A-1-11, 34A-1-12, 34A-1-21, 34A-6-52.~~

~~—— **74:35:01:17. Standards for furans and dioxins.** No owner or operator of a new regulated medical waste incinerator with a design capacity of 500 pounds an hour or greater may allow the discharge into the atmosphere of dioxin/furan emissions that exceed 60 grains per billion dry standard cubic feet corrected to 7 percent oxygen.~~

~~—— **Source:** 17 SDR 146, effective April 3, 1991.~~

~~—— **General Authority:** SDCL 34A-1-6, 34A-6-1.6.~~

~~—— **Law Implemented:** SDCL 34A-1-11, 34A-1-12, 34A-1-21, 34A-6-52.~~

~~74:35:01:18. Performance testing.~~ An owner or operator of a regulated medical waste incinerator subject to the provisions of §§ 74:35:01:12 to 74:35:01:17, inclusive, shall conduct performance tests showing compliance with applicable rules within 60 days after achieving the maximum output of the facility, but not later than 180 days after initial start-up. The performance test shall be conducted in accordance with the protocol established by the department.

~~An owner or operator of a new regulated medical waste incinerator with a design capacity greater than 200 pounds an hour but with a design capacity less than 500 pounds an hour shall test for particulate matter, carbon monoxide, sulfur dioxide, and hydrogen chloride. An owner or operator of a new regulated medical waste incinerator with a design capacity of 500 pounds an hour or greater shall in addition test for dioxin/furan emissions.~~

~~Source tests must be conducted each year unless the secretary waives particular tests when consistent emission rates are found, but under no circumstances may tests be conducted less than every three years. Operators must give the secretary at least 30 days written notice prior to performance testing and safe, adequate testing facilities must be provided. Operations during periods of start-up, shutdown, or malfunction are not suitable test periods, and three separate runs of each test must be made.~~

~~Source tests must be made and the results calculated in accordance with the appropriate method specified in 40 C.F.R. 60, Appendix A (July 1, 1989). If the provisions of 40 C.F.R. 60, Appendix A, do not apply, methods shown to be capable of providing valid test results for the tested source must be used after obtaining approval of the department.~~

~~Source: 17 SDR 146, effective April 3, 1991.~~

~~General Authority: SDCL 34A-1-6, 34A-6-1.6.~~

~~Law Implemented: SDCL 34A-1-11, 34A-1-12, 34A-1-21, 34A-6-52.~~

~~74:35:01:19. Monitoring requirements. An owner or operator of a regulated medical waste incinerator subject to the provisions of §§ 74:35:01:12 to 74:35:01:17, inclusive, with a capacity greater than 200 pounds an hour shall install, calibrate, operate, and maintain instruments for continuously monitoring and recording the emission and operating parameters for carbon monoxide and oxygen. An owner or operator of a new regulated medical waste incinerator shall install, calibrate, operate, and maintain devices which continuously monitor and record the temperature of gases leaving the primary and secondary, or final, combustion chambers. Such devices must have an accuracy of the greater of plus or minus 0.75 percent of the measured temperature or 2.5 degrees Celsius. Flames from the burners must not impinge upon the sensors.~~

~~Source: 17 SDR 146, effective April 3, 1991.~~

~~General Authority: SDCL 34A-1-6, 34A-6-1.6.~~

~~Law Implemented: SDCL 34A-1-11, 34A-1-12, 34A-1-21, 34A-6-52.~~

~~74:35:01:20. Design and operating requirements for regulated medical waste incinerators. New regulated medical waste incinerators shall be equipped with a primary combustion chamber or zone which provides for complete combustion of waste and a secondary combustion chamber or zone which provides for turbulent mixing and a two second residence time at 1,800 degrees Fahrenheit or greater for new regulated medical waste incinerators with a design capacity greater than 200 pounds an hour or a one second residence time at 1,800 degrees Fahrenheit or greater for new regulated medical waste incinerators with a design capacity of 200 pounds an hour or less.~~

~~— New regulated medical waste incinerators shall meet applicable emission standards during shutdown, and the secondary combustion chamber or combustion zone temperature shall be maintained at required levels until waste is completely combusted. Outlet flue gas temperature may not exceed 300 degrees Fahrenheit for new regulated medical waste incinerators with a capacity greater than 200 pounds an hour unless equivalent control of condensable heavy metals and toxic organics is proved to be achievable by alternate means.~~

~~— **Source:** 17 SDR 146, effective April 3, 1991.~~

~~— **General Authority:** SDCL 34A-1-6, 34A-6-1.6.~~

~~— **Law Implemented:** SDCL 34A-1-11, 34A-1-12, 34A-1-21, 34A-6-52.~~

~~— **74:35:01:21. Waste charging requirements.** The waste charging system of new regulated medical waste incinerators shall be designed to prevent disruption of the combustion process as waste is charged. Batch fed units shall be equipped with a lock-out mechanism to prevent charging after start-up. Units with automatic feed systems shall be equipped with a sealed feeding device capable of preventing combustion upsets during charging. The volume of the loading system shall be designed to prevent overcharging to assure complete combustion of the waste. Batch fed incinerators shall have interlocks which prevent charging until the secondary chamber exit temperature is established and holding at 1,800 degrees Fahrenheit and the combustion cycle is complete. Continuously fed incinerators shall have an interlock system which automatically stops charging if the secondary temperature drops below 1,800 degrees Fahrenheit for any continuous 15-minute period.~~

~~— **Source:** 17 SDR 146, effective April 3, 1991.~~

~~General Authority: SDCL 34A-1-6, 34A-6-1.6.~~

~~Law Implemented: SDCL 34A-1-11, 34A-1-12, 34A-1-21, 34A-6-52.~~

~~74:35:01:22. Radioactive and hazardous waste. Neither radioactive waste subject to the provisions of SDCL chapter 34A-21 nor hazardous waste subject to the provisions of article 74:28 may be burned in a regulated medical waste incinerator unless the standards for those materials are also met.~~

~~Source: 17 SDR 146, effective April 3, 1991.~~

~~General Authority: SDCL 34A-1-6, 34A-6-1.6.~~

~~Law Implemented: SDCL 34A-1-11, 34A-1-12, 34A-1-21, 34A-6-52.~~

~~74:35:01:23. Recordkeeping and reporting requirements. In addition to the logs required in § 74:35:01:05 an owner or operator of a regulated medical waste incinerator shall maintain a quarterly summary file of daily burning rates and hours of operation and shall retain such summaries for at least three years. An owner or operator subject to the requirements of § 74:35:01:19 shall submit summaries of continuous emission and operating data gathered from required monitors to the department quarterly and shall retain such data for at least three years. Required records shall be made available to the secretary upon request. An owner or operator subject to the provisions of this article shall notify the department of any failure of process equipment, air pollution control equipment, or monitoring equipment of one hour or more in duration or a process operational error which results in an increase in emissions above any allowable rate. Within five working days from the occurrence of the failure or operational error a written notice indicating the type of failure or error and measures undertaken to correct the problem must be sent to the department.~~

~~Source: 17 SDR 146, effective April 3, 1991.~~

~~General Authority: SDCL 34A-1-6, 34A-6-1.6.~~

~~Law Implemented: SDCL 34A-1-11, 34A-1-12, 34A-1-21, 34A-6-52.~~

~~74:35:01:24. Container requirements. Containers of regulated medical waste for transport off-site must meet the following requirements:~~

~~(1) Containers for regulated medical waste must be rigid, leak resistant, impervious to moisture, resistant to tearing or bursting under normal conditions of use and handling, and sealed to prevent leakage during transport;~~

~~(2) Treated and untreated sharps and sharps with residual fluids shall be placed in packaging that is rigid, leak resistant, and puncture resistant; and~~

~~(3) Quantities of fluids greater than 20 cubic centimeters shall be placed in packaging that is break resistant and tightly lidded or stoppered.~~

~~Oversized regulated medical waste need not be placed into containers, but any special handling instructions must be attached to the waste. Generators may use one or more containers to meet these requirements.~~

~~Source: 17 SDR 146, effective April 3, 1991.~~

~~General Authority: SDCL 34A-1-6, 34A-6-1.6.~~

~~Law Implemented: SDCL 34A-1-11, 34A-1-12, 34A-1-21, 34A-6-52.~~

~~74:35:01:25. Decontamination standards for reusable containers.~~ Generators, transporters, intermediate handlers, and destination facility owners and operators must comply with the following requirements for reusing containers:

~~(1) All nonrigid packaging and inner liners must be managed as regulated medical waste and may not be reused;~~

~~(2) Any container used for the storage or transport, or both, of regulated medical waste and designated for reuse once emptied must be decontaminated if the container shows signs of visible contamination; and~~

~~(3) If any container used for the storage or transport, or both, of regulated medical waste is for any reason not capable of being rendered free of any visible signs of contamination in accordance with subdivision (2) of this section, the container must be managed as regulated medical waste and labeled, marked, and treated or disposed of.~~

~~Source:~~ 17 SDR 146, effective April 3, 1991.

~~General Authority:~~ SDCL 34A-1-6, 34A-6-1.6.

~~Law Implemented:~~ SDCL 34A-1-11, 34A-1-12, 34A-1-21, 34A-6-52.

~~74:35:01:26. Storage requirements.~~ A person who stores regulated medical waste before treatment or disposal on-site or transport off-site must comply with the following storage requirements:

~~—— (1) The regulated medical waste must be stored in a manner and location that maintains the integrity of the packaging and provides protection from the elements;~~

~~—— (2) The regulated medical waste must be maintained in a nonputrescent state, using refrigeration when necessary;~~

~~—— (3) Outdoor storage areas containing regulated medical waste must be locked to prevent unauthorized access;~~

~~—— (4) The regulated medical waste must be stored in a manner that affords protection from animals and does not provide a breeding place or a food source for insects and rodents;~~

~~—— (5) All on-site storage of regulated medical waste must be in a designated area away from traffic flow patterns and must be accessible only to authorized personnel; and~~

~~—— (6) Containment of regulated medical waste must be effected in such a manner that no discharge or release of any waste occurs.~~

~~—— **Source:** 17 SDR 146, effective April 3, 1991.~~

~~—— **General Authority:** SDCL 34A-1-6, 34A-6-1.6.~~

~~—— **Law Implemented:** SDCL 34A-1-11, 34A-1-12, 34A-1-21, 34A-6-52.~~

~~—— **74:35:01:27. Labeling requirements.** Before transporting regulated medical waste or offering it for transport off-site, each package of untreated medical wastes must have a water-resistant label affixed to or printed on the outside of the container. The label must include the~~

~~words "Medical Waste" or "Infectious Waste" or display the universal biohazard symbol. Plastic bags used as inner packaging need not display a label.~~

~~— Packages containing treated regulated medical wastes are not required to be labeled under this section but must be marked according to § 74:35:01:28.~~

~~— **Source:** 17 SDR 146, effective April 3, 1991.~~

~~— **General Authority:** SDCL 34A-1-6, 34A-6-1.6.~~

~~— **Law Implemented:** SDCL 34A-1-11, 34A-1-12, 34A-1-21, 34A-6-52.~~

~~— **74:35:01:28. Identification requirements.** Generators must mark each package of regulated medical waste according to the following marking requirements before the waste is transported off site:~~

~~— (1) The outermost surface of each package prepared for shipment must be marked with a water-resistant identification tag of sufficient dimension to contain the following information:~~

~~— (a) Generator's name and address;~~

~~— (b) Transporter's name and address;~~

~~— (c) Date of shipment; and~~

~~— (d) Identification of contents as medical waste; and~~

~~— (2) If the generator has used inner containers, including sharps and fluid containers, each inner container must be marked with indelible ink or imprinted with water-resistant tags. The marking must contain the generator's name and address.~~

~~Source: 17 SDR 146, effective April 3, 1991.~~

~~General Authority: SDCL 34A-1-6, 34A-6-1.6.~~

~~Law Implemented: SDCL 34A-1-11, 34A-1-12, 34A-1-21, 34A-6-52.~~

CHAPTER 74:35:02

FINANCIAL ASSURANCE

(Repealed)

Section

~~74:35:02:01 Requirement of financial assurance.~~

~~74:35:02:02 Amount and form.~~

~~74:35:02:03 Release of instrument of financial assurance.~~

~~**74:35:02:01. Requirement of financial assurance.** The board shall require as a permit condition to any air quality permit issued to a regulated medical waste facility with a design capacity of 500 pounds an hour or greater a financial assurance instrument in the form and amount prescribed by § 74:35:02:02 or by the specific permit terms and conditions. The department may recommend a form and amount of financial assurance as a condition of any permit proposed to be issued to a regulated medical waste disposal facility with a design capacity of 500 pounds an hour or greater. If the department's recommendation is contested, the board, after a contested case hearing, shall either approve, deny, or modify the recommendation.~~

~~—— If the facility has been required as a condition of a separate permit to provide financial assurance, and the board finds that the financial assurance currently in place is adequate, no additional financial assurance will be required under this chapter. Regulated medical waste disposal facilities that dispose of the waste generated from the operation of the facility on site must demonstrate financial assurance under the requirements of chapter 74:27:16.~~

~~—— **Source:** 17 SDR 146, effective April 3, 1991.~~

~~—— **General Authority:** SDCL 34A-1-6, 34A-6-1.6, 34A-10-2.4.~~

~~—— **Law Implemented:** SDCL 34A-6-1.6, 34A-6-1.11, 34A-6-1.12, 34A-6-1.18, 34A-10-2.1, 34A-10-2.2, 34A-10-2.3.~~

~~—— **Cross-References:** Operating permit or permit revision required, § 74:36:04:02.~~

~~—— **74:35:02:02. Amount and form.** For the facilities described in § 74:35:02:01, the amount of financial assurance for disposing of stored, uncombusted regulated medical waste is a minimum amount of \$600 per pound of the design capacity of the regulated medical waste facility. In addition to demonstrating financial assurance for remediating regulated medical waste on site, the owner or operator must submit closure, postclosure, and remediation plans and financial estimates for ash disposal. The department shall formulate recommendations for financial assurance requirements for disposal of ash based upon the costs of on-site disposal, off-site disposal in a permitted landfill, or disposal of ash determined to be hazardous.~~

~~—— **Source:** 17 SDR 146, effective April 3, 1991.~~

~~—— **General Authority:** SDCL 34A-1-6, 34A-6-1.6, 34A-10-2.4.~~

~~Law Implemented: SDCL 34A-6-1.6, 34A-6-1.11, 34A-6-1.12, 34A-6-1.18, 34A-10-2.1, 34A-10-2.2, 34A-10-2.3.~~

~~74:35:02:03. Release of instrument of financial assurance. Before the board releases an instrument of financial assurance or a portion of the instrument, the following conditions must be met:~~

~~(1) The owner or operator must submit to the board a written request for release of the instrument of financial assurance or a portion of the instrument;~~

~~(2) The department must inspect the permitted facility to ensure satisfactory completion of all activities covered by the instrument of financial assurance; and~~

~~(3) The board must determine that the permitted facility's potential to cause an impact or necessitate containment, remediation, or mitigation has been removed.~~

~~The department shall notify the owner or operator in writing upon the release of the instrument of financial assurance by the board.~~

~~Source: 17 SDR 146, effective April 3, 1991.~~

~~General Authority: SDCL 34A-1-6, 34A-6-1.6, 34A-10-2.4.~~

~~Law Implemented: SDCL 34A-6-1.6, 34A-6-1.11, 34A-6-1.12, 34A-6-1.18, 34A-10-2.1, 34A-10-2.2, 34A-10-2.3.~~