

5. On-Site Incineration of Medical Waste Generated Off-Site by Generators of Less than 50 Pounds per Month

A generator of less than 50 pounds per month of regulated medical waste complies with 40 CFR Section 259.51(a), and is exempt from the requirement to use a medical waste tracking form. The generator transports the waste to a hospital which also generates regulated medical waste. The hospital incinerates its waste on-site as well as the waste from the small quantity generator, but accepts from off-site only waste which is not required to be accompanied by a tracking form. Is the hospital subject to 40 CFR 259 Subpart I?

A hospital which generates regulated medical waste and incinerates it on-site is subject to 40 CFR 259 Subpart G (on-site incinerators) (see 40 CFR Section 259.60(a) ), but not Subpart I Treatment, Destruction and Disposal Facilities). 40 CFR Section 259.80(b) (1) states that generators, other than intermediate handlers, who incinerate regulated medical waste on-site are not subject to 40 CFR 259 Subpart I, unless the generator receives regulated medical waste which must be accompanied by a tracking form (40 CFR Section 259.80(b) (2) ).

Therefore, according to the medical waste regulations, a generator who incinerates on-site both his own waste and other generators' wastes which did not need tracking forms, is subject to 40 CFR Part 259 Subpart G, but not to Subpart I. Section 259.61(a) (2) contains the recordkeeping requirements for generators with on-site incinerators who accept regulated medical waste from generator(s) subject to the small generator exclusion in Section 259.51(a).

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