

**The Solid Waste Management Authority of  
Clark County, Nevada**

**REGULATIONS GOVERNING MEDICAL / BIOHAZARDOUS  
WASTE MANAGEMENT**

ADOPTED BY THE SOUTHERN NEVADA DISTRICT BOARD OF HEALTH

MONTH, DAY, 2011



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## **SOUTHERN NEVADA HEALTH DISTRICT**

### **REGULATIONS GOVERNING MEDICAL / BIOHAZARDOUS WASTE MANAGEMENT**

WHEREAS, the Southern Nevada Health District (SNHD) has been established by the County of Clark and the cities of Las Vegas, North Las Vegas, Henderson, Mesquite, and Boulder City as the public health authority for those entities, and pursuant to Nevada Revised Statutes (NRS) Chapter 439; has jurisdiction over all public health matters in the health district; and

WHEREAS, the Southern Nevada District Board of Health (Board) is the governing body of the SNHD, and is the Solid Waste Management Authority for the County of Clark pursuant to NRS 444.495 and is authorized to adopt regulations to regulate medical / biohazardous waste management in the interest of the public health, and to protect and promote the public health and safety in the geographical area subject to the jurisdiction of the health district; and

WHEREAS, the Board finds that medical / biohazardous waste management impacts the public health, and finds it necessary to adopt the Solid Waste Management Authority Regulations Governing Medical / Biohazardous Waste Management to regulate the permitting, design, operation, [storage](#), transportation, treatment, and disposal of medical / biohazardous waste; and

WHEREAS, the Solid Waste Management Authority finds that the following Regulations are designed to protect and promote the public health and safety, it therefore promulgates and orders compliance within Clark County, Nevada with the substantive and procedural requirements hereinafter set forth.

#### **INTENT AND SCOPE**

**INTENT** The purpose of these Regulations is to protect and promote the public health, safety, and environment through preventative measures and timely correction of public health and environmental issues relating to medical / biohazardous waste management.

**SCOPE** These Regulations establish definitions; set standards for the design, operation, [storage](#), transportation, treatment, and disposal of medical / biohazardous waste; provide for the issuance, modification, suspension and revocation of permits.

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## Section 1 DEFINITIONS

### Summary of acronyms and abbreviations of terms used in these Regulations

ATCC	American Type Culture Collection
Board	Southern Nevada District Board of Health
CFR	Code of Federal Regulations
CHEMO	Chemotherapy / Chemotherapeutic agent
DNA	Deoxyribonucleic acid
EHS	Environmental Health Specialist
EPA	United States Environmental Protection Agency
NAC	Nevada Administrative Code
NRS	Nevada Revised Statutes
°C	Degrees Celsius
°F	Degrees Fahrenheit
PPE	Personal Protective Equipment
SNHD	Southern Nevada Health District
SWMA	Solid Waste Management Authority

**DEFINITIONS.** As used in these Regulations, unless the context requires otherwise, the following words and terms defined have meaning ascribed to them in this document as they pertain to medical [/ biohazardous](#) waste management.

1.1 **ALTERNATIVE TREATMENT TECHNOLOGY** means a method for the treatment of biohazardous waste that is not incineration, sewer system disposal of liquid wastes, or a steam-based disinfection process.

1.2 **ANIMAL** means any living organism exclusive of man and plants.

1.3 **ANTINEOPLASTIC WASTES** means those chemicals and materials that are used in chemotherapy oncology treatments. This includes chemicals that are cytotoxic agents.

1.4 **APPROVED INCINERATION FACILITY** means a facility permitted to incinerate biohazardous waste by the Health Authority or other appropriate regulatory agency.

1.5 **BIOHAZARDOUS WASTE** means waste which, because of its characteristics may cause, or

significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or pose a substantial potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Biohazardous waste means any of the following:

A. Laboratory waste, including but not limited to:

1. Human and / or animal specimen cultures from medical and pathology laboratories.
2. Cultures and stocks of infectious agents from research and industrial laboratories.
3. Wastes from the production of bacteria, viruses, spores, discarded live and attenuated vaccines used in human health care or research and culture dishes and devices used to transfer, inoculate and mix cultures.

B. Pathologic or human surgery specimens, tissues, or anatomical body parts removed at surgery or autopsy.

C. Waste, which at the point of transport from the generator's site, at the point of disposal, or thereafter, contains recognizable fluid human blood, fluid blood products, containers or equipment containing human fluid blood.

D. Isolation wastes.

E. Sharps waste.

F. Trace chemotherapy waste, including but not limited to, gloves, disposable gowns, towels, and intravenous solution bags and attached tubing; which are empty, or that are contaminated through contact with, or having previously contained chemotherapeutic agents.

1. Chemotherapeutic agent means an agent that kills or prevents the reproduction of malignant cells

2. A container which previously contained a chemotherapeutic agent is empty if the container has been emptied by the generator as much as possible using methods commonly employed to remove waste or material from containers so that the following conditions are met:

(a) If the material which the container held is pourable, no material can be poured or drained from the container when held in any orientation, including, but not limited to, tilted or inverted.

(b) If the material which the container held is not pourable, no material or waste remains in the container that can feasibly be removed by scraping.

Bulk chemotherapy, pharmaceutical wastes or dead or diseased animals subject to regulations by the State of Nevada Department of Agriculture are excluded from this definition.

1.6 "BIOHAZARDOUS WASTE CONTAINER" means a durable, corrosion resistant, non-absorbent,

leak proof, water tight, odor proof, rodent resistant container with fly tight cover.

1.7 **BIOHAZARDOUS WASTE MANAGEMENT FACILITY** means a facility that collects, stores, transports, transfers, processes, treats, and/or disposes of biohazardous waste. This definition does not include a small quantity generator.

**Comment [b1]:** Added pursuant to June 1, 2011 meeting with representatives from Republic Services of Southern Nevada.

1.8 **BIOHAZARDOUS WASTE MANAGEMENT PLAN** means a written document that explains how a facility manages its biohazardous waste, from generation to disposal.

1.9 **BIOHAZARDOUS WASTE TRANSFER FACILITY** means any offsite location where biohazardous waste is loaded, unloaded, stored, or consolidated by a permitted biohazardous waste transporter, or a holder of a limited-quantity transporter exemption granted pursuant to Section 6.1 (B), during the normal course of transportation of the biohazardous waste. (This definition does not include any onsite facility, including, but not limited to, common storage facilities, facilities of biohazardous waste generators employed for the purpose of consolidation, or onsite treatment facilities.)

1.10 **BIOLOGICALS** mean medicinal preparations made from living organisms and their products, including, but not limited to, serums, vaccines, antigens, and anti-toxins.

1.11 **BIOTECHNOLOGY** means laboratory techniques and processes used to modify the genome of plants or animals to create desirable new characteristics to improve human health and the human environment.

1.12 **BLOOD** means human blood, human blood components, and products made from human blood.

1.13 **BODY FLUIDS** means liquid emanating or derived from humans including blood; cerebrospinal, synovial, pleural, peritoneal and pericardial fluids; semen and vaginal secretions; amniotic fluid; urine; saliva in dental procedures; and any other body fluids that may be contaminated with blood, and any other liquids emanating from humans that may be mixed or combined with blood. In instances where identification of the fluid cannot be made, it shall be considered to be a regulated body fluid. Body excretions such as feces and secretions such as nasal discharges, saliva, sputum, sweat, tears, and vomitus shall not be considered biohazardous waste unless visibly contaminated with blood.

1.14 **CHEMICAL WASTES** means the by-products of any action, industry, application, or operation performed or initialed by any person that may be hazardous.

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1.12 **BURNABLE SOLID WASTE** means any burnable materials including, but not limited to, those materials defined in NRS 484.059 and 484.061. ¶

1.15 **COLLECTION** means the act of removing solid waste from storage at the place of waste generation.

1.16 **COMMERCIAL WASTE** means solid waste generated as the result of commerce or trade; this includes but is not limited to solid waste produced at offices, retail or wholesale stores, warehouses, transient lodging facilities or public accommodation facilities.

1.17 **COMMON STORAGE FACILITY** means any designated accumulation area that is onsite and is used by small quantity generators otherwise operating independently for the storage of biohazardous waste for collection by an approved biohazardous waste transporter.

1.18 **COMMUNICABLE DISEASE** means a disease which is caused by a specific infectious agent or its toxic products, and which can be transmitted, either directly or indirectly, from a reservoir of infectious agents to a susceptible host organism.

1.19 **COMPACTOR** means a machine that reduces the volume of solid waste by crushing, compression, or compaction.

1.20 **COMPACTOR COLLECTION VEHICLE** means an enclosed vehicle provided with special mechanical devices for compressing the loaded wastes.

1.21 **CONFIDENTIAL INFORMATION** means information or records which:

- A. Relate to quantities or dollar amounts of production or sales.
- B. Relate to processes or production unique to the owner or operator;
- C. If disclosed, would tend to affect adversely the competitive position of the owner or operator.

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1. **COMPOSTING** means a controlled process of biological degradation of solid wastes, principally organic matter, to a humus-like product. ¶  
¶  
1.2 **COMPOSTED SEWAGE SLUDGE** means sludge which has been processed by controlled microbial degradation whereby pathogenic organisms are destroyed and all portions of the material are exposed to a temperature of 60 °C (140 °F) for forty (40) hours, followed by curing until the material is stabilized. ¶

1.22 **CONTAMINATED** means the presence or the reasonably anticipated presence of blood or other potentially infectious materials or a chemotherapeutic agent on an item or surface.

**Deleted:** ¶  
1.23 **CONTAINER** means a durable, corrosion resistant, non-absorbent, leak proof, water tight, odor proof, rodent resistant container with fly tight cover. ¶

1.23 **CONTINGENCY PLAN** means a document setting out an organized, planned, and coordinated course of action to be followed in the event of a fire, explosion, or release of a [biohazardous](#) waste that could threaten human health or the environment.

**Comment [b2]:** Added per June 1, 2011 meeting with Republic Services of Southern Nevada.

1.24 **CONTROLLED SUBSTANCE** means a drug, substance or immediate precursor enumerated in NRS [Chapter 453](#).

**Deleted:** .161 to 453.206, inclusive.

1.25 **DEAD ANIMALS** means those animals, or parts thereof, that have died from any cause except those killed by man for human or animal consumption.

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1.2 **COVER MATERIAL** means soil or other suitable material that is used to cover compacted solid waste in a land disposal facility. ¶  
¶

1.26 **DECOMPOSITION GASES** means gases produced by chemical or microbial activity during the decomposition of [biohazardous](#) waste.

**Deleted:** 1.2 **DAILY COVER** means cover material that is spread and compacted on the top and side slopes of compacted solid waste, at least at the end of each operating day, in order to control vectors, fire, moisture, and erosion, and to assure an aesthetic appearance. ¶  
¶

1.27 **DECONTAMINATION** means the use of physical or chemical means to remove, inactivate, or destroy pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.

**Comment [b3]:** Added per June 1, 2011 meeting with Republic Services of Southern Nevada

1.28 **DIALYSIS** means a medical procedure for the removal of certain elements from the blood or lymph by virtue of the difference in their rates of diffusion through an external semi-permeable membrane.

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1.29 **DISCARD** means to throw away or reject. When a material is soiled, contaminated or no longer usable and is placed in a waste receptacle for disposal or treatment prior to disposal, it is considered discarded.

1.30 **DISPOSAL** means the final placement of waste in a disposal site operating under a permit issued by a local, state, or federal agency.

1.31 **DISPOSAL AREA** means that portion of the disposal site that has received or is receiving solid wastes

1.32 **DISPOSAL SITE** means any place at which solid waste is dumped, abandoned or accepted or disposed of by incineration, landfilling, composting or any other method. The term includes a municipal solid waste landfill.

1.33 **DISTRICT BOARD OF HEALTH** means the Southern Nevada District Board of Health of the Southern Nevada Health District created pursuant to Chapter 439 of the Nevada Revised Statutes.

1.34 **DISTRICT HEALTH OFFICER** The person appointed by the District Board of Health of the Southern Nevada Health District to administer activities of the Southern Nevada Health District within the Health District, pursuant to the authority of the state and local health laws, ordinances, and regulations.

1.35 **DOMESTIC ANIMAL** means all cattle or animals of the bovine species. All horses, mules, burros, asses, or animals of the equine species. All swine or animals of the porcine species. All goats or animals of the caprine species. All poultry and domesticated fowl or birds. All dogs, cats, or other animals domesticated or under the restraint or control of man.

**Deleted: ¶**  
1.39 **DIVERSION** means activities which reduce or eliminate the amount of solid waste from solid waste disposal. ¶

1.36 **DURABLE** means any material that is permanent and can withstand impact without loss of integrity. An example of durable material is heavy gauge steel plate.

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1.41 **DUMP SITE** means an area not approved for the deposit of wastes. ¶

1.37 **EFFICACY** means the maximum ability of a treatment to produce a result, regardless of dosage or the maximum ability of a biohazardous waste treatment technology to produce a microbial killing effect.

1.38 **EMPTY** means a container that held a U-listed or characteristic waste with less than 3 percent of the total capacity remaining. A container that held a P-listed hazardous waste must be triple rinsed to meet the definition of “empty”.

1.39 **ENFORCEMENT AGENCY** means the Southern Nevada Health District and the Solid Waste Management Authority and other regulatory bodies as approved by the District Board of Health.

1.40 **ETIOLOGIC AGENT** means a viable microorganism or its toxin, which causes or may cause disease in humans.

1.41 **GENERATE** means at the point when a waste is discarded, or to cause waste to become subject to regulation.

1.42 **GENERATOR** means any person, by site location, whose act or process produces waste or first causes a waste to become subject to these regulations.

1.43 **HAZARDOUS MATERIALS** means any materials, substances, or wastes which possess one or more of the following characteristics: poisonous, toxic, corrosive, radioactive; a skin, eye, or mucous membrane irritant; volatile, a strong sensitizer, oxidizer, flammable, combustible, explosive, or gases under pressure greater than one (1) atmosphere.

1.44 **HAZARDOUS WASTE** means those wastes which meet the criteria for hazardous waste in NAC. 444.8565 (Definition of Hazardous Waste).

1.45 **HEALTH AUTHORITY** means the officers and agents of the Southern Nevada District Board of Health.

1.46 **HEALTH DISTRICT** means the Southern Nevada Health District created pursuant to Chapter 439 of the Nevada Revised Statutes and inter-local agreement of the City of Las Vegas, the City of North Las Vegas, the City of Boulder City, the City of Henderson, the City of Mesquite and the County of Clark, Nevada, and includes all the incorporated cities and unincorporated areas within the geographic boundaries of Clark County, Nevada.

1.47 **HEAT TREATMENT** means a process of heating sewage sludge so that all portions are exposed to high temperatures for a sufficient time to kill pathogenic organisms, sewage sludge held at temperature of 160° C (320° F) for 30 minutes, or 538° C (1000° F) for 10 seconds, shall be considered heat-treated.

1.48 **ILLEGAL DUMP SITE** means an area not approved for the deposit of wastes.

1.49 **INCINERATION** means an engineered apparatus for the controlled flame combustion of materials in an enclosed system to thermally break down and render biohazardous waste noninfectious and hazardous waste non-hazardous. Residues from the combustion process contain little or no combustible material.

1.50 **INCINERATOR** means an engineered waste burner specially designed and constructed for the sole purpose of burning solid waste.

1.51 **INCINERATOR ASH** means the solid materials remaining after reduction in an incinerator.

1.52 **INCOMPATIBLE WASTE** means any two or more wastes that, when combined or mixed, can cause, or create the potential to cause, explosions, violent chemical reactions, fires, extreme heat, toxic substance formation, hazardous waste discharge, or any other event that may endanger the public health or environment.

1.53 **INFECTION** means the state or condition in which a pathogenic agent invades the body, or a part of it, and under favorable conditions, multiplies and produces effects that are injurious.

1.54 **INFECTIOUS** means capable of causing infection.

1.55 **INFECTIOUS AGENT** means a type of microorganism, bacteria, mold, parasite, or virus, including, but not limited to, organisms managed as Biosafety Level II, III, or IV by the federal Centers for Disease Control and Prevention, that normally causes, or significantly contributes to the cause of, increased morbidity or mortality of human beings.

1.56 **INSTITUTIONAL SOLID WASTE** means solid waste originating from public or private educational, health care, correctional and research facilities.

1.57 **INTERMENT** means burial in a cemetery.

1.58 **ISOLATION** means the physical separation and confinement of a person or a group of persons infected or reasonably believed by a Health Authority to be infected with a communicable disease from persons who are not infected with and have not been exposed to the communicable disease, to limit the

**Deleted:** ¶  
1.5 **INDUSTRIAL WASTE** means solid waste derived from industrial or manufacturing processes, including but not limited to, the solid waste generated by the: ¶  
a) Generation of electric power; ¶  
b) Manufacture of fertilizer and agricultural chemicals; ¶  
c) Manufacture of food and its related products and by-products; ¶  
d) Manufacture of inorganic chemicals; ¶  
e) Manufacture of leather and products made from leather; ¶  
f) Manufacture of nonferrous metals, including foundries which manufacture metals; ¶  
g) Manufacture of organic chemicals; ¶  
h) Manufacture of plastics, resins and other miscellaneous products made from plastic; ¶  
i) Pulp and paper industry; ¶  
j) Manufacture of rubber and other miscellaneous products made from rubber; ¶  
k) Manufacture of products made from stone, glass, clay and concrete; ¶  
l) Manufacture of textiles; ¶  
m) Manufacture of transportation equipment; ¶  
n) Treatment of water; ¶  
o) Manufacture of steel and iron; ¶  
p) Construction, refurbishing or demolition of buildings or other structures. ¶  
The term does not include waste generated by the mining, oil or gas industries. (NAC 444.585) ¶

transmission of the communicable disease to persons who are not infected with and have not been exposed to the communicable disease. (NRS 441A.065).

1.59 **ISOLATION WASTE** means waste generated while a person or persons are under isolation care at a health care facility.

1.60 **LARGE QUANTITY GENERATOR** means a biohazardous waste generator, other than a trauma scene waste practitioner, that generates 200 or more pounds of biohazardous waste in any month of a 12-month period.

**Deleted:** 1.65 **LANDFILL** means an area of land or an excavation in which wastes are placed for permanent disposal, and that is not a land application unit, surface impoundment, injection well, or waste pile. ¶

1.61 **LICENSING/REGULATORY AGENCIES** means the organizational elements of government that have the legal duty to ensure that operators or users of solid waste management systems comply with these or other appropriate regulations.

**Deleted:** 1. **LEACHATE** means liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from such waste. ¶

1.62 **MEDICAL WASTE** means waste which meets both of the following requirements:

(1) The waste is composed of waste which is generated or produced as a result of any of the following actions:

- (A) Diagnosis, treatment, or immunization of human beings or animals.
- (B) Research pertaining to the activities specified in subparagraph (A).
- (C) The production or testing of biologicals.

(D) Removal of a regulated waste from a trauma scene by a trauma scene waste management practitioner.

**Comment [b4]:** Home-generated sharps removed per SNHD management 01/20/2011

(2) The waste is either of the following:

- (A) Biohazardous waste.
- (B) Sharps waste.
- (C) Medical waste includes trauma scene waste.

**Deleted:** (D) The accumulation of properly contained home-generated sharps waste that is brought by a patient, a member of the patient's family, or by a person authorized by the Health Authority, to a point of consolidation approved by the Health Authority. ¶  
(

1.63 **MUNICIPAL SOLID WASTE LANDFILL** means any [Solid Waste Management Authority approved](#) landfill or landfill unit that receives household waste. This landfill also may receive other types of Subtitle D wastes, such as commercial wastes, non-hazardous sewage sludge from publicly owned treatment works, construction/demolition waste, and industrial solid wastes.

1.64 **MOTOR VEHICLES** means every vehicle which is self-propelled, but not operated on rails.

1.65 **MUNICIPALITY** means:

- A. A city, town, borough, county, parish, district, or other public body created by or pursuant to state law, with responsibility for the planning or administration of solid waste management, or Indian tribe authorized tribal organization; and
- B. Includes any rural community or unincorporated town or village, or any other public entity for which a state or political subdivision makes an application for assistance thereof.

1.66 **NON-INFECTIOUS** means a state in which a disease-causing agent is not capable of causing an infection to occur.

**Deleted:** ¶  
1.73 **NON-COMBUSTIBLE REFUSE** means miscellaneous refuse materials that are unburnable at ordinary incinerator temperatures (1300 to 2000 F). ¶

1.67 **NUISANCE** means every act unlawfully done and every omission to perform a duty which:

- A. Shall annoy, injure, or endanger the safety, health, comfort or response of any considerable number of persons; or
- B. Shall offend public decency; or
- C. Shall in any way render a considerable number of persons insecure in life or the use of property.

1.68 **ODOR** means any property of an air contaminant that affects the sense of smell.

1.69 **OFFSITE FACILITY** means any location that is not onsite.

**Comment [b5]:** Added per request from representatives from Republic Services of Southern Nevada at June 1, 2011 meeting

1.70 **ONSITE FACILITY** means a biohazardous waste treatment facility, or common storage facility on the same or adjacent property as the generator of the biohazardous waste being treated. Adjacent, for the purpose of this definition, means real property located within 400 yards from the property boundary of the existing biohazardous waste treatment facility.

**Comment [b6]:** Representatives from Republic Services of Southern Nevada requested to remove the definition of "offsite" – Dennis is requesting a legal opinion

1.71 **OPEN DUMP** means a site that is not approved for the disposal of solid waste.

**Comment [b7]:** Added per request from representatives from Republic Services of Southern Nevada at June 1, 2011 meeting

1.72 **OPERATOR/OWNER** means the person to whom a permit to operate any solid waste management system (such as, but not limited to, disposal site, transfer station, collection service) has been issued by the Health Authority.

1.73 **PATHOGENIC** means giving origin to disease.

1.74 **PATHOLOGIC** means pertaining to or emanating from pathology; related to or caused by disease; that is, body tissues, organs and body parts, and body fluids.

**Comment [b8]:** Definition provided by William Gazza, JD, MFS, Coroner Investigative Forensic Supervisor, Clark County Office of the Coroner / Medical Examiner.

1.75 **PATHOLOGIC MEDICAL / BIOHAZARDOUS WASTE** means waste with actual or perceived presence of pathogenic agents, which includes but and is not limited to: anatomical or pathologic waste organs or tissue from humans or animals.

**Deleted:** means indicative of or caused by a morbid condition.

1.76 **PATHOLOGY** means the study of the characteristics, causes and effects of disease as observed in the structure and function of the body.

**Deleted:** 83

1.77 **PERSON** means any:

**Comment [b9]:** Definition provided by William Gazza, JD, MFS, Coroner Investigative Forensic Supervisor, Clark County Office of the Coroner / Medical Examiner.

A. Individual, partnership, firm, corporation, trust, or local, state, or federal agency (NRS 444.480) to include;

**Deleted:** human or animal remains, consisting of carcasses, organs, and solid organic waste from hospitals, laboratories, abattoirs, animal pounds, and similar sources. ¶

B. Corporation or judiciary, owning, leasing, managing, renting, operating, or in possession of any real estate located within Clark County, Nevada;

**Deleted:** the Health District

C. Officer, manager, agent or employee in charge of any property who has power to give directions to other employees under his supervision.

1.78 **PHARMACEUTICAL** means a prescription or over-the-counter human or veterinary drug, including, but not limited to, a drug as defined in NAC 585 or the Federal Food, Drug, and Cosmetic Act, as amended, (21 U.S.C.A. Sec. 321(g)(1)). For purposes of this part, “pharmaceutical” does not include any pharmaceutical that is regulated pursuant to either of the following:

(1) The federal Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C.A. Sec. 6901 et seq.).

(2) The radiation control regulations pursuant to NAC 459.

1.79 **PREMISES** means a tract or parcel of land, public or private, with or without habitable buildings or appurtenant structures.

1.80 **PROCESSING** means the reduction, separation, recovery, conversion, recycling, or otherwise treating solid waste resulting in change or removal of certain characteristics or properties of that waste.

1.81 **PUTRESCIBLE WASTE** means waste that is capable of being decomposed by micro-organisms with sufficient rapidity as to cause odors, gases, and attract and/or harbor vectors, or cause similar objectionable conditions. Food wastes, offal, and dead animals are examples of putrescible waste.

1.82 **RADIOLOGICAL WASTES** means any waste relating to nuclear radiation including NRS 459.010 to NRS 459.160 inclusive.

1.83 **SHARPS** means any object contaminated, likely to be contaminated, or may become contaminated with a pathogen through handling or during transportation and also capable of cutting or penetrating skin or a packaging material. Sharps includes, but is not limited to, needles, syringes, scalpels, broken glass, culture slides, culture dishes, broken capillary tubes, broken rigid plastic, Pasteur pipettes, and similar items having a point or sharp edge or that are likely to break during transportation and result in a point or sharp edge.

1.84 **SHARPS CONTAINER** means a commercially manufactured rigid, puncture-resistant container with required labeling that, when sealed, is leak resistant and cannot be reopened without great difficulty.

1.85 **SMALL QUANTITY GENERATOR** means a biohazardous waste generator, other than a trauma scene waste practitioner, that generates less than 200 pounds per month of biohazardous waste.

1.86 **SOLID WASTE** means is any garbage, refuse, rubbish, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved materials in domestic sewage, or solid or dissolved material in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880), or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923), or hazardous waste as defined in the Resource Conservation and Recovery Act, Subpart C.

**Deleted:** 1.91 **RESOURCE RECOVERY** means the recovery of material or energy from solid waste. ¶

**Deleted:** 1. **SLUDGE** means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility, or any other such waste having similar characteristics and effects. ¶

**Deleted:** garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility. Other discarded material including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations. Waste materials from community activities including, but not limited to, garbage, rubbish, junk vehicles, ashes or incinerator residue, street refuse, dead animals, demolition waste, construction waste, solid or semi-solid commercial and industrial waste, and hazardous waste, including explosives, pathological waste, chemical waste, and herbicide or pesticide waste. ¶  
Waste not included in this section would be solid or dissolved material from domestic sewage, solid or dissolved materials from irrigation return flows, or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, or nuclear wastes

1.87 **SOLID WASTE MANAGEMENT FACILITY** means any facility at which solid waste is deposited or accepted for processing, sorting, recycling, transfer, storage, or disposal.

**Deleted:** that collects, stores, transports, transfers, processes, treats, and/or disposes of solid wastes or conducts resource recovery activities

1.88 **SOLID WASTE MANAGEMENT SYSTEM** means the entire process of storage, collection, transportation, processing, recycling and disposal of solid waste. The term includes plans and programs for the reduction of waste and public education. (NRS 444.500)

**Comment [b10]:** For consistency, this is the same definition in the Regulations Governing Temporary Permits to Operate Solid Waste Management Facilities.

1.89 **STANDARDIZED TRAINING** means the consistent process of training personnel to meet a minimum standard of knowledge and skill by instruction and practice.

**Deleted:** each separate part and the entire process of storage, collection, transportation, processing, and disposal of solid waste by any person engaging in such process as a business, or by any municipality, or by any combination thereof.

1.90 **STORAGE** means the temporary containment of waste in a manner that does not constitute treatment or disposal of such waste.

1.91 **TRANSFER STATION** means a solid waste processing site where solid waste is transferred from one vehicle to another vehicle or storage device temporary storage until transferred to a permanent disposal site approved by the SWMA or permitted by any other solid waste management authority having jurisdiction over the location of the permanent disposal site. Some processing may be included therein. The term does not include public waste storage bin facilities or C&D waste short-term storage facilities.

**Deleted:** a site where waste is transferred from one vehicle to another vehicle, or storage bin for temporary storage until transferred to a disposal site. Some processing may be included therein

**Comment [b11]:** For consistency, this is the same definition in the Regulations Governing Temporary Permits to Operate Solid Waste Management Facilities and the Regulations Governing Transfer Stations

1.92 **TRANSPORTATION or TRANSPORT** means the movement of waste by air, rail, land or water.

1.93 **TRAUMA SCENE** means a location soiled by, or contaminated with, human blood, human body fluids, or other residues from the scene of a serious human injury, illness, or death. A trauma scene may include a physical structure that is not fixed geographically, such as mobile home, trailer or vehicle.

1.94 **TRAUMA SCENE WASTE** means biohazardous waste that has been removed, is to be removed, or is in the process of being removed, from a trauma scene by a trauma scene waste management practitioner.

1.95 **TRAUMA SCENE WASTE MANAGEMENT PRACTITIONER** means a person who undertakes as a commercial activity the removal of human blood, human body fluids, and other associated residues from the scene of a serious human injury, illness, or death, and who is permitted by the Health Authority pursuant to these Regulations.

1.96 **TREATMENT** means incineration, sterilization, or other alternative technology, approved by the Health Authority that changes the character or composition of any biohazardous waste so as to render the waste non-infectious.

1.97 **VECTOR** means:

A. A living insect or another arthropod, or animal (not human) capable of carrying disease from one person or animal to another.

B. Capable of transmitting a waste from one organism to another or relocating a waste away from a disposal site.

1.98 **UNIVERSAL BIOHAZARD SYMBOL** means the symbol design that conforms to 29 CFR

1910.145 (F) (8) (ii), that is used to communicate potential exposure and risk posed by an infectious agent. The symbol is normally black and placed on a red/orange background.

**Comment [b12]:** Representatives from Republic Services of Southern Nevada requested to remove this definition – Dennis is requesting a legal opinion



| 1.99 **VEHICLE** means every self-propelled device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except:

- A. Devices moved by human power or used exclusively upon stationary rails or tracks;
- B. Mobile homes and commercial coaches as defined in NRS Chapter 489.

| 1.100 **WASTE** means useless, unwanted, or discarded materials resulting from any activity.

| 1.101 **WASTE RELEASE** means a permit issued by the Health Authority allowing disposal of a waste with special handling requirements at a landfill.

| 1.102 **WRITTEN APPROVAL** means the written permit, certificate, license, or other document issued by the Southern Nevada Health District, or other licensing/regulatory agency, to signify acceptance.

**Deleted:** their

## Section 2 RISK TO PUBLIC HEALTH AND SAFETY, AND THE ENVIRONMENT

### GENERAL PROVISIONS

#### 2.0 PURPOSE

The purpose of this section is to define terms and to establish standards and procedures pertaining to biohazardous waste management within the Southern Nevada Health District, in order to protect the public health and safety, and to enhance the environment and natural resources.

#### 2.1 GENERAL

All requirements of this chapter shall apply to any healthcare facility which is a primary care clinic, surgical clinic, chronic dialysis clinic, out-patient clinic or other similar facility, hospitals and doctors' offices, veterinary offices, and related businesses, institutions or agencies which generate, treat or transport biohazardous waste. Private residences, which generate biohazardous waste, are excluded from the requirements of Section 2.

**Comment [b13]:** Home-generated sharps removed per SNHD management 01/20/2011

**Deleted:** with the exception of home-generated sharps which must be handled in compliance with subsections J. through L. of Section 2.5.

#### 2.2 BIOHAZARDOUS WASTE SUBJECT TO SECTION 2

Once a material becomes a biohazardous waste, such material shall remain a biohazardous waste and shall be subject to the requirements of Section 2, unless and until it has been treated in compliance with Section 4.1 through 4.3, labeled in compliance with Section 3.7, and disposed of in compliance with Section 8.0 to 8.1, as applicable.

#### 2.3 EXCLUSIONS

A. Waste materials described in this Subsection may be partially or totally excluded from Section 2 of these regulations because they are not solid waste or biohazardous waste. The Health Authority may exercise the right to exclude certain wastes from the requirements of this Section if it is determined that such wastes do not constitute a significant hazard to human health or the environment.

B. The following materials are not solid wastes for the purposes of this Section:

1. Human remains under the control of a licensed physician or dentist, when the remains are being used or examined for medical purposes;
2. Human remains properly interred in a cemetery or in preparation by a licensed funeral director or embalmer for such interment or cremation;

3. Human remains for use in medical education or research in accordance with the Uniform Anatomical Gift Act;

**Comment [b14]:** Added per input from Amy Oddo, Executive Director, Medical Education and Research Institute of Nevada (MERIN)

C. The following solid wastes are not biohazardous wastes:

1. Meat or other food items being discarded because of spoilage or contamination, and not included in the definition of biohazardous waste.
2. Used products for personal hygiene, such as diapers, facial tissues and sanitary napkins, under pads and adult incontinence products; unless a health care professional has determined these

items to be biohazardous waste.

3. The following discarded items when they are empty and not able to release blood, human body fluids, or their former contents: urine collection bags and tubing, suction canisters and tubing, IV solution bags and tubing, colostomy bags, ileostomy bags, urostomy bags, plastic fluid containers, enteral feeding containers and tubing, hemovacs, and urine specimen cups; unless the items are subject to regulation under other state or federal standard.

**Comment [b15]:** Representatives from Republic Services of Southern Nevada requested to remove this. They provided photographs – this is a decision for Dr. Sands.

4. The following discarded items: urinary catheters, suction catheters, plastic cannula, IV spikes, nasogastric tubes, oxygen tubing and cannula, ventilator tubing, enema bags and tubing, enema bottles, thermometer probe covers, irrigating feeding syringes, and bedpans/urinal; unless the items are subject to regulation under other state or federal standard(s).

5. Items such as bandages, gauze, or cotton swabs or other similar absorbent materials unless at any time following use they are saturated or would release blood or human body fluids in a liquid or semi-liquid state if compressed.

D. The following shall be exempt from these Regulations:

1. Biological evidence secured and/or preserved in connection with an investigation or prosecution pursuant to NRS 176.0912.

2. All evidentiary substances transported and/or stored by law enforcement officials.

**Comment [b16]:** Added pursuant to input from the Las Vegas Metropolitan Police Department

**2.4 CHARACTERISTICS OF BIOHAZARDOUS WASTE**

A solid waste is considered a biohazardous waste if it meets either of the two criteria of this Subsection:

- A. The waste is suspected of being capable of, or has the potential of, producing an infectious disease in humans.
- B. Any solid waste, which is not excluded from the regulation and is listed in Section 2.5.

**2.5 BIOHAZARDOUS WASTES**

Unless excluded in Section 2.3, each solid waste or solid waste stream in the following list is subject to the requirements of Section 2;

**Comment [b17]:** Rearranged for clarity pursuant to June 1, 2011 meeting with representatives from Republic Services of Southern Nevada

- A. **HUMAN BLOOD AND HUMAN BODY FLUIDS.** Wastes consisting of human blood or human body fluids or items that contain or are caked with dried human blood or human body fluids that are capable of releasing these materials during handling. An item would be considered caked if it could release flakes or particles when handled.
- B. **CULTURES AND STOCKS OF MICROORGANISMS AND BIOLOGICALS.** Discarded cultures, stocks, specimens, vaccines and associated items, which are likely to contain organisms that are pathogenic to healthy humans. Discarded etiologic agents and wastes from the production of biologicals and antibiotics which pose a known or potential risk to public or environmental health. Discarded preparations made from genetically altered living organisms and their by-products, which can cause harm to the environment or may be pathogenic to healthy humans.

**Deleted:** E

**Deleted:** , unless excluded in Section 2.3

- C. PATHOLOGIC OR TISSUES AND OTHER ANATOMICAL WASTES. All human anatomical wastes and all wastes that are human tissues, organs, or body parts.
- D. CONTAMINATED ANIMAL CARCASSES, ANIMAL BODY PARTS, ANIMAL BEDDING, AND RELATED WASTES. Dead animals infected with organisms likely to be pathogenic to healthy humans or other animals, animal carcasses, animal body parts, animal bedding material and all other wastes likely to have become contaminated by an infected animal are biohazardous wastes when discarded, disposed of or placed in accumulated storage.
- E. ALL SHARPS.
- F. TRAUMA SCENE WASTE.
- G. ISOLATION WASTE.
- H. TRACE CHEMOTHERAPEUTIC WASTE.
- I. Any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill of any biohazardous waste.
- J. This Subsection does not apply to biohazardous waste generated at a private residence and mixed with the other solid waste generated at the residence.

**Comment [b18]:** Home-generated sharps removed per SNHD management 01/20/2011

**Deleted:** with the exception of home-generated sharps which must be handled in compliance with subsections K. and L. of this part ¶

K. On or after adoption of these Regulations, no person shall knowingly place home-generated sharps waste into any of the following containers: ¶

1. Any container used for the collection of solid waste, recyclable materials, or greenwaste. ¶
2. Any container used for the commercial collection of solid waste, or recyclable materials from business establishments. ¶
3. Any roll-off container used for the collection of solid waste, construction, and demolition debris, greenwaste, or other recyclable materials. ¶

L. On or after adoption of these Regulations, home generated sharps waste shall be transported for treatment at an approved offsite medical waste treatment facility only in a mail-back sharps disposal system approved by the United States Postal Service or other containers and systems approved by the Health Authority.

## Section 3 APPROVAL FOR OPERATION

### 3.0 REGISTRATION REQUIRED

A. Within one (1) year of the effective date of these regulations, all large quantity generators shall register with the Health Authority.

B. Within one (1) year of the effective date of these regulations, all small quantity generators that treat biohazardous waste on site, shall register with the Health Authority, and obtain a permit to operate as set forth in Section 5.1.

C. Within one (1) year of the effective date of these regulations, all common storage facilities storing a total of 200 pounds or more of accumulated waste per month from more than one biohazardous waste generator, shall register with the Health Authority.

D. Small quantity generators who are not required to register as set forth in paragraphs B above, shall maintain on site all of the following:

1. A biohazardous waste management plan stating how the generator contains, stores, and disposes of any biohazardous waste generated through any act or process of the generator;

2. Records of any biohazardous waste transported off site for treatment and disposal, including the quantity of waste transported, the date transported, and the name of the permitted biohazardous waste transporter or limited-quantity exempt transporter, subject to the provisions set forth in Section 6.1 (B). Records shall be maintained for a minimum of three (3) years.

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3. A contingency plan for emergency events.

E. The registration fee(s) shall be in accordance with the latest edition of the Health District's Environmental Health Division Fee Schedule. Pursuant to NRS 439.360(5) and NRS 439.366(1), the Health Authority adopts by reference the current SNHD Environmental Health Fee Schedule.

### 3.1 APPLICATION FOR REGISTRATION

A. Registration, as required in Section 3 (A-C), shall be completed only after the Health Authority:

1. Receives, and approves, an application made in writing and on forms provided by the Health Authority with all the following information:

a) The name, address, and valid telephone number of the facility;

b) All owners' names, addresses, and telephone numbers;

c) Type of business;

d) A statement indicating the types and estimated average monthly quantity of biohazardous waste generated;

e) The name and business address of the permitted biohazardous waste transporter used by the generator to take untreated biohazardous waste to an approved biohazardous waste treatment facility, if applicable;

f) The name and business address of the offsite biohazardous waste treatment facility that the biohazardous waste is to be transported, if applicable; and

g) The type of treatment used on site, if applicable;

2. receives and approves a copy of the facility's Biohazardous Waste Management Plan, as set forth in Section 3.2; and

3. receives the registration fee set by the Southern Nevada District Board of Health.

B. Registration shall be valid for three (3) years. An application for renewal of the registration shall be filed with the Health Authority, not less than 90 days prior to the expiration date.

C. Generators shall submit an updated application form when any of the information specified in paragraph A above changes, within 30 calendar days of the change.

D. All fee(s) shall be in accordance with the latest edition of the Health District's Environmental Health Division Fee Schedule. Pursuant to NRS 439.360(5) and NRS 439.366(1), the Health Authority adopts by reference the current SNHD Environmental Health Fee Schedule.

### 3.2 BIOHAZARDOUS WASTE MANAGEMENT PLAN

Any generator of biohazardous waste shall use and follow a biohazardous waste management plan. This plan must be kept on file at the biohazardous waste generator's place of business and shall be made available for inspection by the Health Authority at all times. This plan must contain the following minimum items:

A. Protocols and procedures for onsite biohazardous waste-handling operations, and an exposure control plan including a provision for the required use of Personal Protective Equipment (PPE). The plan should include the responsibilities and job descriptions of all staff members involved with waste handling.

B. Procedures for onsite storage of biohazardous waste, including provisions, which meet the requirements, set forth in Section 3.3. The procedures should cover identification, segregation, containment, labeling, and storage.

C. Procedures for biohazardous waste treatment and final disposal, including procedures for waste tracking/record keeping.

D. A standardized employee-training program including a provision for tracking and documenting yearly individual employee training attendances.

E. A contingency plan for emergencies and spill cleanup, to include provisions for biohazardous waste storage during emergency situations or natural disaster events.

### 3.3 STORAGE

**Once biohazardous waste containers or containment systems are filled, sealed, capped or closed, all:**

- A. Biohazardous waste, except sharps or chemically preserved pathological waste, shall:
  - 1. be stored at 32°F or above for no more than seven (7) calendar-days and shall be picked up for treatment within seven days from the date it went into storage, or
  - 2. be stored at or below a temperature of 32°F for a period of not more than 30 calendar days prior to being picked up for treatment. The date that the waste is first placed in storage must be distinctly marked on any outer packaging while the waste is stored on site.
- B. Sharps and chemically preserved pathological waste shall be stored for no more than 30 calendar-days from the date the container becomes filled, and shall be sealed or capped for treatment.
- C. Biohazardous waste shall be packaged and labeled as set forth in Sections 3.5 and 3.7, respectively.

### 3.4 CONTAINMENT

A. Containment of biohazardous waste shall be separate from other wastes. Enclosures or containers used for the containment of biohazardous waste in an accumulation area used to store the waste prior to treatment or transport to an offsite treatment facility shall be so secured as to deny access to unauthorized persons, and shall be marked with prominent warning signs on, or adjacent to, the exterior of entry doors, gates or lids. Warning signs shall be readily legible during daylight from a distance of at least twenty-five (25) feet and include the Universal Biohazard Symbol. Wording of warning signs shall be displayed as follows and include the universal biohazard symbol:

- 1. In English, **“CAUTION - BIOHAZARDOUS WASTE STORAGE AREA-- UNAUTHORIZED PERSONS KEEP OUT”**; and,
- 2. In Spanish, **“CUIDADO - ZONA DE RESIDUOS INFECTADOS - PROHIBIDA LA ENTRADA A PERSONAS NO AUTORIZADA”**.

- B. Biohazardous waste shall be contained and stored in a manner and location which affords protection from the environment, and does not provide a breeding place or food source for vermin.
- C. Biohazardous waste that is stored in an interim storage area within the healthcare facility prior to transfer to the designated accumulation area, shall be stored in an area that is either locked or under direct supervision or surveillance. Interim storage areas shall have their doors marked with the international biohazard symbol or signage described in subsection A. of this Section. These warning signs shall be readily legible from a distance of five feet.
- D. All generators of biohazardous waste shall have a written contingency plan in the event of an emergency or natural disaster event.

### 3.5 PACKAGING REQUIREMENTS

A. All biohazardous waste shall not exceed the capacity of the container. A biohazardous waste generator who sets out biohazardous waste for collection and transportation to an offsite biohazardous waste treatment facility shall package the waste to meet the following minimum requirements:

1. In a red disposable plastic bag(s) that is:

- a) leak resistant;
- b) impervious to moisture;
- c) of sufficient strength to prevent tearing or bursting under normal conditions of use and handling;
- d) sealed to prevent leakage during transport;

e) constructed of material of sufficient single thickness strength to pass the 165-gram dropped dart impact resistance test as prescribed by Standard D 1709-85 of the American Society for Testing and Materials (ASTM) and certified by the bag manufacturer, and,

**Deleted:** e) puncture resistant for sharps; ¶  
¶

f) placed in a secondary container, constructed of materials that will prevent breakage of the bag in storage, during handling, collection, or transportation, and bears the universal biohazard symbol or words “**Biohazardous Waste**”  
(The secondary container may be disposable or reusable); or placed in an autoclavable bag which is put into a reusable container for transport; or,

2. In a reusable container that bears the words “**Biohazardous Waste**” or bears the universal biohazard symbol on the lid and all sides so as to be visible from any direction, and:

a) is leak-resistant on all sides and bottom, has a tight-fitting cover, and is constructed of smooth, easily cleanable materials that are impervious to liquids and resistant to corrosion by disinfection agents and hot water; and,

b) is used only for the storage or transport of biohazardous waste, and is cleaned and disinfected after each use;

1) “Clean” means the use of a detergent and sufficient agitation or pressure to remove visible soil particles from a surface.

2) “Disinfect” means the process of killing pathogenic organisms or rendering them inert by one of the following methods:

i. Exposure to hot water at a temperature of at least 180°F (82°C) for a minimum of 15 seconds.

ii. Exposure to a chemical disinfectant registered for use by the Environmental Protection Agency as set forth in the Federal Insecticide, Fungicide and Rodenticide Act, Section 3 (a); and used according to the manufacturer’s label directions.

- iii. Any other method approved in advance and in writing by the Health Authority; or,
- 3. In commercially manufactured containers, including cardboard boxes, which meet the standards, set forth in 49 CFR 178.609.

4. All sharps shall be segregated by utilizing sharps containers from other wastes and aggregated in leak-proof, rigid, puncture-resistant, and shatterproof containers, which shall be tightly closed or tightly secured to preclude loss of contents, and labeled as set forth in Section 3.7.

**Comment [b19]:** Added per June 1, 2011 meeting with representatives from Republic Services of Southern Nevada  
**Deleted:** may

B. Prior to transporting, biohazardous waste shall be packaged for transportation in accordance with the standards of 49 CFR Part 173.196, 49 CFR Part 173.197 and 49 CFR Part 173.971; meet the test requirements set forth in 49 CFR Part 178.609; or, packaged in accordance with an exemption approved by the United States Department of Transportation.

### 3.6 REQUIREMENTS FOR REUSABLE CONTAINERS

Biohazardous waste may be conveyed in reusable carts or containers under the following conditions:

A. The waste in the cart or container is packaged and labeled in compliance with Section 3.5 and 3.7, respectively.

B. Immediately after a reusable cart or container is emptied and prior to reuse, it shall be thoroughly cleaned and disinfected as set forth in Section 3.5 (A)(2)(b).  
 If disposable liners are utilized, cleaning prior to reuse is not required unless visible contamination is present. Disinfection of reusable carts or containers is mandatory whether or not visible contamination is present.

C. Reusable carts and containers used for offsite transport of biohazardous waste must comply with 49 CFR Parts 171 thru 178, as applicable.

D. Reusable suction canisters and fluid carts that receive blood, irrigation fluids and/or bodily waste shall have their contents discharged to a sanitary sewer and the container shall then be washed with a soap or enzymatic solution, rinsed and disinfected prior to the container or fluid cart being returned. Disinfection shall comply with the same requirements of Section 3.5 A. 2. b (2).

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### 3.7 LABELING REQUIREMENTS

Biohazardous waste packaged under Section 3.5 (A), should be labeled to meet the requirements set forth in 49 CFR Part 172.323, 49 CFR Part 178.503(f), and conform to 29 CFR Part 1910.1030 (g)(1)(i). As a minimum, the label on a packaged biohazardous waste shall:

A. be securely attached to or printed on the packaging or container,

B. be printed in indelible ink;

C. bear the words “**Biohazardous Waste**” or the Universal Biohazard Symbol on the lid and all sides as to be visible from any direction (for barrels, on two sides and on the lid):

**Comment [b20]:** Republic Services of Southern Nevada requested for only two sides at Public Workshop and in a meeting on June 1, 2011. This is a concern due to the serious nature of the waste – a decision is to be made by EH Management.

1. Trace chemotherapeutic waste shall additionally be segregated and placed into a secondary container labeled with the words “Chemotherapy Waste”, “CHEMO”, or other label approved by the Health Authority on the lid and on the sides, so as to be visible from any lateral direction, to ensure treatment of this biohazardous waste by incineration or other high heat treatment approved by the Health Authority.

2. Human surgery specimens, tissues, or anatomical body parts removed at surgery or autopsy shall be segregated and placed into a secondary container labeled with the words “Pathological Waste”, “PATH”, or other label approved by the Health Authority on the lid and on the sides, so as to be visible from any lateral direction , to ensure treatment of this biohazardous waste by incineration or other high heat treatment approved by the Health Authority.

D. display the date the biohazardous waste went to storage; and

E. identify the generator of the waste with a number, code, symbol etc. that corresponds with the transport document.

### 3.8 TRANSPORT DOCUMENT

**Comment [b21]:** Republic Services is requesting exemption from this requirement – a decision is to be made by EH Management.

A. A biohazardous waste transporter or limited-quantity exempt transporter subject to the provisions set forth in Section 6.1(B), shall maintain a completed transport document of all biohazardous waste received for treatment or disposal. A biohazardous waste transporter or limited-quantity exempt transporter who transports biohazardous waste to a biohazardous waste transfer facility, other than the final biohazardous waste treatment facility, shall also maintain transport documents which show the name, address, and telephone number of the biohazardous waste generator, for purposes of tracking the waste to the final biohazardous waste treatment facility. At the time the biohazardous waste is received by a biohazardous waste transporter or limited-quantity exempt transporter, the transporter shall provide the biohazardous waste generator with a copy of the transport document for the generator’s biohazardous waste records. The transporter of the biohazardous waste shall maintain a copy of the transport document for a minimum of three (3) years. The transport document must be used to record the movement of the waste from the generator, through its trip with a permitted biohazardous waste transporter or limited-quantity exempt transporter; to an approved biohazardous waste treatment facility or other approved biohazardous waste management facility.

**Deleted:** one

B. The transport document must include, but not be limited to, the following information:

1. The name, address, valid telephone number, and permit number issued to the biohazardous waste transporter by the Health Authority;
2. The identity of the biohazardous waste generator;
3. The total quantity and type(s) of containers in which the waste is transported;
4. The name, address, valid telephone number, permit number issued by the Health Authority, and the signature of an authorized representative of the permitted biohazardous waste treatment facility or approved biohazardous waste management facility receiving the biohazardous waste;
5. The date that the biohazardous waste is collected or removed from the biohazardous waste

generator's facility, the date that the biohazardous waste is received by the biohazardous waste transfer facility, if applicable, and the date that the biohazardous waste is received by the biohazardous waste treatment facility.

6. The operator of the biohazardous waste treatment facility or his designated agent shall sign the transport document acknowledging that the biohazardous waste has been treated to render it non-infectious. The operator of the biohazardous waste treatment facility or his designated agent shall return the original transport document to the generator within 30 calendar-days after treatment.

C. For a minimum of three, (3) years, the biohazardous waste generator shall maintain on site, a copy of the transport document both as initially sent out and as returned by the biohazardous waste treatment facility. Transport documents shall be made available to the Health Authority for review, at any time.

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### 3.9 VARIANCES

A. Businesses subject to these Regulations may request a variance by submitting an application to the Health Authority pursuant to NAC 439.260.

## **Section 4**

### **BIOHAZARDOUS WASTE TREATMENT**

#### **4.0 GENERAL**

Biohazardous waste treated in compliance with Section 4.1 through 4.6 shall be considered treated in accordance with this Section. Biohazardous waste that does not meet the treatment requirements of this Section shall not be disposed of in any disposal site, unless approved in writing by the Health Authority.

#### **4.1 INCINERATION**

**A. Performance Standards.** All incinerators of biohazardous waste shall maintain the following level of operational performance at all times:

1. Biohazardous waste shall be subjected to a burn temperature of not less than 1,400°F (760°C) for a period of not less than one hour. For all incinerators, gases generated by combustion shall be subjected to a temperature of not less than 1,800°F (982°C) for a period of one second or more.
2. Except at start-up, interlocks or other process control devices shall prevent feeding of the incinerator unless the conditions in paragraph (A)(1) above are met. In the event low temperatures occur, incineration units shall have automatic auxiliary burners that are capable of maintaining the secondary chamber temperature at the minimum of 1,800°F (982°C).
3. Monitoring. There shall be continuous monitoring and recording of primary and secondary chamber temperatures. Monitoring data shall be retained on site for a period of three years, and made available for review by the Health Authority at any time.
4. All combustible biohazardous waste shall be converted by the incineration process into ash that is not recognizable as to its former character.
5. The incinerator shall meet the requirements set forth in the Clark County Air Quality Regulations.

#### **B. Analysis and Management of the Ash Product.**

1. Ash must be sampled and analyzed in accordance with the following procedures to determine whether it is a regulated hazardous waste pursuant to 40 CFR Part 261.3. Random samples collected over 1,000 hours of operation or a three-month period, whichever comes first, shall be thoroughly mixed and seven random portions of equal volume shall be composited into one sample for analysis by an independent laboratory, certified by the State of Nevada.
2. A log shall be kept which documents the ash sampling, and must include the date and time of each sample collected; the date, time and identification number of each composite sample; and the results of the analyses, including laboratory identification. Results of analyses shall be maintained for a period of three years, and be available onsite for review by the Health Authority, at anytime.
3. If ash is found not to be a hazardous waste by analysis, it may be disposed of in a permitted solid waste management facility. A waste release permit must be obtained from the Health

Authority, prior to disposing the ash at an approved disposal site.

**C. Wastes Requiring Incineration or Approved Thermal Degradation Treatment.** The following wastes shall be treated by incineration, thermal degradation or other high heat treatment technologies approved by the Health Authority:

1. Trace chemotherapy waste
2. Pathologic or human surgery specimens, tissues or anatomical body parts removed at surgery or autopsy that are not sent for cremation or internment
3. Contaminated animal carcasses and animal body parts infected with organisms determined by a veterinarian to likely be pathogenic to healthy humans or other animals.
4. Suction canisters that have had their contents solidified; unless efficacy testing approved by the Health Authority indicates that the solidified contents inside the suction canister when treated meet the requirements set forth in Section 4.4 (A) and (B) of these Regulations.

**Comment [b22]:** Added per June 1, 2011 meeting with representatives from Republic Services of Southern Nevada

#### 4.2 STEAM-BASED DISINFECTION PROCESSES

**A. Performance Standards.** All autoclaves, steam sterilizers, and retorts used to treat biohazardous waste shall maintain the following level of operational performance at all times:

1. Whenever biohazardous waste is treated by stream sterilization all the waste shall be subjected to the following operational standards (under saturated steam conditions and all air evacuated):
  - a) The autoclave shall be operated in accordance with the manufacturer's specifications;
  - b) Temperature of not less than 250°F (121.1°C) for 30 minutes at 15 pounds per square inch of gauge pressure;
2. Equivalent combinations of operational temperatures, pressure and time may be approved by the Health Authority if the installed equipment has been proven to achieve microbial inactivation at design capacity, as set forth in Section 4.4, and follows efficacy testing protocols as outlined in Section 4.5 and Section 4.6. Written requests for approval of an equivalent standard shall be submitted and approved by the Health Authority, along with documentation of microbial inactivation and efficacy testing results, prior to use.

**Comment [b23]:** Added per June 1, 2011 meeting with representatives from Republic Services of Southern Nevada

**Deleted:** in a steam sterilizer,

#### **B. Operational Controls and Records.**

1. At least once every three months, a biological indicator meeting the requirements of Section 4.5 Representative Biological Indicators, must be tested to evaluate the sterilization efficacy.
2. Additional biological indicator (efficacy) testing is required:
  - a. Prior to initial use to treat biohazardous waste (whether unit is new, reconditioned, or pre-existing)

**Deleted:** . efficacy testing shall be evaluated under full load capacity

- b. Upon relocation of pre-existing, previously tested autoclaves, steam sterilizers, or retorts
- c. After maintenance, repair, or calibration that has potential to negatively affect autoclave, steam sterilizer or retort performance

- 3. The following records must be maintained for each autoclave, steam sterilizer or retort used to treat biohazardous waste for a minimum of three (3) years:
    - a. Each autoclave, steam sterilizer, or retort cycle used to treat biohazardous waste to include the following:
      - 1. Date and time
      - 2. Name of operator performing treatment
      - 3. Autoclave temperature and pressure
      - 4. General description of waste load, including waste containers
      - 5. Quantity of biohazardous waste
      - 6. Autoclave run time
      - 7. Results of visual indicators such as heat sensitive tape or strips, if used to verify autoclave, steam sterilizer or retort cycle conditions
    - b. All autoclave, steam sterilizer, or retort maintenance, calibration and repair
- All autoclave, steam sterilizer, or retort biological indicator (efficacy) tests and results, including corrective action for failed tests

4. Biohazardous waste shall not be compacted or subjected to violent mechanical stress prior to treatment by steam sterilization; however, after it is fully sterilized it may be compacted in a closed container.

**Comment [b24]:** Added per Pat Armour, Laboratory Manager, Southern Nevada Public Health Laboratory

**Deleted:** 2. A log shall be kept at each steam sterilizer that is complete for the preceding one (1)-year period. The log shall record the date, time, temperature, pressure, volume, contact time and operator of each treatment; and, the dates and results of all equipment calibrations. ¶

**Deleted:** 3

**C. Wastes Prohibited from Steam-Based Disinfection.** The following biohazardous wastes are not allowed to be processed by steam-based disinfection processes:

- 1. Suction canisters that have had their contents solidified
- 2. Trace chemotherapy wastes
- 3. Pathologic or human surgery specimens, tissues, or anatomical body parts removed at surgery or autopsy
- 4. Contaminated animal carcasses and animal body parts infected with organisms determined by a veterinarian to likely be pathogenic to health humans or other animals
- 5. Pharmaceutical wastes

#### 4.3 ALTERNATIVE TREATMENT TECHNOLOGIES

**A. Applicability.** The requirements of this Subsection shall apply to all facilities that use alternative treatment technologies for rendering biohazardous waste non-infectious.

**B. General.** Alternative treatment technologies shall be approved by the Health Authority and shall meet

the requirements of this Subsection and any additional requirements the Health Authority shall impose at the time of approval.

1. Any operator of a biohazardous waste treatment facility, which utilizes an alternative treatment technology, shall obtain a permit issued by the Health Authority.
2. The Health Authority may approve an alternative treatment technology only after an independent third party has tested and certified that the method renders the biohazardous waste non-infectious to humans and non-hazardous to the environment. Prior to approval, the biohazardous waste treatment facility shall provide the Health Authority with:
  - a) all documentation verifying that the treatment process meets the requirements set forth in Section 2, and
  - b) a copy of a contingency plan for equipment malfunctions as set forth in Section 5.3(A) (12).
3. The Health Authority may approve an alternative treatment technology approved by another enforcement agency with equivalent or more stringent regulatory requirements.

**C. Performance Standards.** All biohazardous waste treatment facilities that utilize alternative treatment technologies shall maintain the following level of operational performance at all times:

1. Alternative treatment equipment shall be evaluated under full load capacity for microbial inactivation and efficacy no less than once every three months to meet the requirements set forth in Section 4.4, 4.5 and 4.6. Parametric monitoring utilizing devices approved by the Health Authority may be used to monitor the parameters of the treatment process, supplementing or replacing field monitoring by use of biological indicators. Such parameters shall be demonstrated to correlate with the criteria in Section 4.4 A. and B. To demonstrate that this correlation has been established, parametric monitoring devices shall:
  - a) Correlate with biological indicator inactivation through documented efficacy studies that quantitatively link microbial inactivation with the parameter(s) being monitored by the monitoring devices;
  - b) Accurately monitor the treatment agent and/or treatment conditions, as applicable (e.g. provide the limiting conditions that influence accurate monitoring); and
  - c) Be appropriate for the conditions that exist under operational circumstances.
  - d) Demonstration of the above components may allow the use of parametric monitoring for auditing treatment conditions or alerting the equipment operator of equipment malfunction or abnormal behavior. For the use of parametric monitoring to substitute or replace biological indicator inactivation tests, the parametric monitoring devices are required to additionally:
    - 1) Have tamper-proof (i.e., cannot be altered by the operator) controls or automatic factory-set controllers;

2) Be integrated with the equipment to automatically shut-down or no longer accept or expel waste if treatment conditions are not maintained at specified parameters:

3) Be integrated with the equipment to automatically shut-down or no longer accept or expel waste unless calibrated periodically as specified by the manufacturer's instructions; and

4) Provide the means for a tamper-proof (i.e. cannot be altered by the operator) recording of all critical operating parameters.

2. At least once every three months, a biological indicator meeting the requirements of Section 4.5 Representative Biological Indicators, must be tested to evaluate the efficacy of treatment.

3. Additional biological indicator (efficacy) testing is required:

d. Prior to initial use to treat biohazardous waste (whether unit is new, reconditioned, or pre-existing)

e. Upon relocation of pre-existing, previously tested alternative treatment system

f. After maintenance, repair, or calibration that has potential to negatively affect performance

4. The following records must be maintained for each alternative treatment system used to treat biohazardous waste for a minimum of three (3) years:

c. Each alternative treatment system cycle used to treat biohazardous waste to include the following:

8. Date and time

9. Name of operator performing treatment

10. Alternative treatment system temperature and pressure, if applicable

11. General description of waste load, including waste containers

12. Quantity of biohazardous waste

13. Alternative treatment system run time

14. Results of visual indicators such as heat sensitive tape or strips, if used to verify alternative treatment system cycle conditions

d. All alternative treatment system maintenance, calibration and repair

All alternative treatment system biological indicator (efficacy) tests and results, including corrective action for failed tests

4. Biohazardous waste shall not be compacted or subjected to violent mechanical stress prior to treatment. Biohazardous waste that has been treated to render it non-infectious may be compacted in a closed container or shredded to reduce the volume of the waste.

**Deleted:** A log shall be maintained at each alternative treatment unit that is complete for the preceding one (1)-year period. The log shall record the date, time, name of operator; the type and approximate amount of waste treated; and the dates and results of calibration and testing. Where multiple alternative treatment units are used, a working log may be maintained at each unit and such logs periodically consolidated at a central location. The consolidated logs and all performance parameter recordings shall be retained for three years and be made available for review by the Health Authority, at any time. ¶

3. Biohazardous waste shall not be compacted or subjected to violent mechanical stress prior to treatment. Biohazardous waste that has been treated to render it non-infectious may be compacted in a closed container or shredded to reduce the volume of the waste.

**Comment [b25]:** Added per Pat Armour, Laboratory Manager, Southern Nevada Public Health Laboratory

5. All fugitive emissions and discharges from alternative treatment equipment shall meet the requirements set forth in the Clark County Air Quality Regulations.

6. All equipment used in alternative treatment technologies shall be operated and maintained according to manufacturer's specifications and recommendations.

D. **Other Alternative Technologies.** All alternative treatment technologies approved by the Health Authority shall conform to the requirements set forth in these Regulations and any additional requirements the Health Authority shall impose at the time of approval.

#### 4.4 CRITERIA FOR MICROBIAL INACTIVATION

Incinerators shall be exempt from the requirements of this subsection as long as the unit meets the requirements set forth in Section 4.1 (A) & (B). Thermal Degradation Technologies operating with a minimal heat level of 10,000 degrees Fahrenheit shall be exempt from the requirements of this subsection as long as any slag or ash produced meets the requirements set forth in Section 4.1 (A) and (B).

A. All biohazardous waste treatment methods shall demonstrate inactivation of vegetative bacteria, fungi, lipophilic/hydrophilic viruses, parasites, and mycobacteria at a 6 Log 10 reduction or greater.

B. All biohazardous waste treatment methods shall demonstrate the inactivation of *Geobacillus stearothermophilus* or *Bacillus atrophaeus* spores at a 4 Log 10 reduction or greater.

#### 4.5 REPRESENTATIVE **BIOLOGICAL** INDICATORS

A. Mycobacterial species and spores prepared from species in Table I shall serve as biological indicators to determine compliance with this section. Organisms shall be obtained from the American Type Culture Collection (ATCC), [Northern Regional Research Laboratory \(NRRL\) collection](#), or a culture collection from a member of the World Federation of Culture Collections.

B. The biological indicators shall be capable of being introduced directly into the test load or in a manner (e.g. via spore strips or vials containing cell or spore suspensions) that will not affect the indicator's viability or the evaluation of the efficacy of the treatment process. The concentration shall be sufficient to ensure a quantifiable indicator recovery and determination of inactivation when tested in accordance with the testing protocol approved by the Health Authority.

C. Biological indicators shall be capable of being recovered from the test load via methodology that yields data that are statistically correct (e.g. sample collection, number of samples/test number of colony forming units/plate). Microbial culturing methods, [if used, shall be performed](#) as described in the most recent edition of the American Society for Microbiology's Manual of Clinical Microbiology. [If microbial culture methods are not used then biological indicators must be capable of providing a visual indication of growth.](#)

D. Biological indicators shall be used in accordance with their manufacturer's instructions.

**Comment [b26]:** Added per Pat Armour, Laboratory Manager, Southern Nevada Public Health Laboratory

**Deleted:** MICROBIAL

**Comment [b27]:** Added per Pat Armour, Laboratory Manager, Southern Nevada Public Health Laboratory

**Comment [b28]:** Added per Pat Armour, Laboratory Manager, Southern Nevada Public Health Laboratory

**Comment [b29]:** Added per Pat Armour, Laboratory Manager, Southern Nevada Public Health Laboratory

**Deleted:** shall be used. ¶

**Table I.  
Surrogate Biological Indicators**

Microbial Group	Surrogate Biological Indicators
Bacteria	<i>Mycobacterium terrae</i> (ATCC 15755) <i>Mycobacterium bovis</i> (BCG, ATCC 35743)
Fungi	
Parasites	
Lipophilic/Hydrophilic Viruses	
Bacterial Spores	Spores of: <i>Geobacillus stearothermophilus</i> (ATCC 7953) <i>Bacillus atrophaeus</i> (ATCC9372) / <a href="#">NRRL#B4418</a>

Note: The ATCC numbers provided in this table are current as of publication. The most current ATCC numbers shall be used. The microaerobial species are surrogates for vegetative bacteria, fungi, parasites and lipophilic/hydrophilic viruses. Inactivation of the specified concentration of the mycobacterial species is equivalent to the inactivation of a similar concentration of vegetative cells of the other microorganisms.

**4.6 EFFICACY TESTING PROTOCOLS [FOR ALTERNATIVE TREATMENT TECHNOLOGY](#)**

**Comment [b30]:** Added per Pat Armour, Laboratory Manager, Southern Nevada Public Health Laboratory

A. Methodology employed to determine efficacy of [alternative](#) treatment technology should assure microbial inactivation and that the protocols are congruent with the treatment method utilized. Protocols developed for efficacy testing must *be* approved by the Health Authority and incorporate, as applicable, recognized standard procedures, such as those found in [Test Methods for Evaluating Solid Waste, Physical/Chemical Methods](#) 3<sup>rd</sup> ed. (or more recent edition) (EPA’s Office of Solid Waste and Emergency Response), the American Society for Microbiology’s Manual of Clinical Microbiology, and [Standard Methods for the Examination of Water and Waste Water](#) 20<sup>th</sup> ed. (or more recent edition) (American Public Health Association) and be conducted and certified by an independent party that the treatment technology meets the standards set forth in these Regulations.

B. Dependent on the treatment process and efficacy mechanisms utilized, protocols evaluating biohazardous waste treatment systems shall specifically delineate or incorporate the following, as applicable:

1. waste compositions that typify actual biohazardous waste to be processed; by the system as described in terms relating both to the throughput (weight or volume per unit of time or per timed cycle), as well as other applicable physical properties, such as specific heat, thermal conductivity distribution of organic or non-organic, liquid and solid matter.
2. waste types that provide a challenge to the treatment process; as typified in the manufacturer’s operating manual or instructions for use.
3. comparable conditions to actual use (i.e. process time, temperature, chemical concentration, pH, humidity, load density, load volume);
4. assurance that microbial indicators (i.e. ampules, strips) will not artificially be affected by the

treatment process;

5. assurances of inoculum traceability, purity, viability, and concentration;
6. dilution and neutralization methods that do not affect microorganism viability;
7. microorganism recovery methodologies that are statistically correct (i.e. sample collection, number of samples/test, number of colony forming units/plate); and,
8. appropriate microbial culturing methods (i.e. avoidance of microbial contamination and/or competition, the selection of proper growth media and incubation times).

### C. Efficacy Testing

The technology shall be completely assembled, installed and operated under NORMAL conditions. Scaling is permissible if all parties agree that a full-scale load or operation site is not available, the adjustment in scale doesn't increase or decrease efficacy performance, yields reproducible results and does not render the results of this test inconclusive. The technology shall be tested in accordance with this section.

Biological indicators shall be introduced directly or via carriers throughout the test load. Where used, a minimum of three carriers is required to assure a representative assessment of the treatment process efficacy.

Tests that are interrupted shall be considered as void and discontinued. Additional tests shall be conducted to achieve the required minimum repetition of test loads. In such cases, new sample(s) shall be used if the manufacturer's instructions indicate that the technology is for single-use only.

The technology shall be operated under the most adverse NORMAL load condition(s) for a total of three separate test loads.

For technology that maintains the integrity of the carriers of the biological indicators (e.g., ampules, plastic strips) inactivation shall be determined via quantitative reduction as specified in Steps 1 and 2 below:

#### Step 1 – Control

- a) Introduce test load in accordance to requirements of Section 4.6 B with  $\text{Log}_{10}$  IC concentration to the technology.
- b) Operate technology under NORMAL operating conditions without the addition of the treatment agent (e.g., heat, chemicals) until entire test load is completed.
- c) Collect test load to recover the biological indicator organisms from the test load.
- d) Plate recovered organisms and quantify  $\text{Log}_{10}$  RC
- e) Measured  $\text{Log}_{10}$  RC shall be at least the concentration specified in Section 4.5.

Minimum  $\text{Log}_{10}$  I concentration for Step 2 shall be calculated by the equation in Table 2:

Step 2 – Test

- a) Inoculate the test load with the minimum  $\text{Log}_{10}$  I concentration confirmed as sufficient in Step 1.
- b) Operate technology under NORMAL operating conditions.
- c) Collect and wash a representative sample of the test load to recover the biological indicator organisms from the test load

**Table 2**  
**Quantitative Reduction Calculations<sup>a</sup>**

<b>Control</b> $\text{Log}_{10} \text{RC} = \text{Log}_{10} \text{I} - \text{Log}_{10} \text{NR}$	<b>Test</b> $\text{QR} = \text{Log}_{10} \text{RC} - \text{Log}_{10} \text{RT}$
<p>QR is the quantitative reduction</p> <p><math>\text{Log}_{10} \text{RC}</math> is the number of viable organisms recovered in the non-treated processed test load.</p> <p><math>\text{Log}_{10} \text{I}</math> is the number of viable organisms introduced into the test load.</p> <p><math>\text{Log}_{10} \text{NR}</math> is the number of unrecovered organisms remaining in the non-treated processed test load.</p> <p><math>\text{Log}_{10} \text{NR}</math> represents an accountability factor for microbial loss.</p> <p><math>\text{Log}_{10} \text{RT}</math> is the number of viable organisms recovered in the non-treated processed test load.</p>	
<p><sup>a</sup> All quantities are in cfu/g of test load or in cfu/ml if load is a liquid</p>	

## Section 5

# **REPORT OF DESIGN FOR BIOHAZARDOUS WASTE TREATMENT FACILITIES**

### 5.1 PERMIT REQUIRED

A. Within six months of the effective date of these regulations, each person operating an offsite or onsite biohazardous waste treatment facility shall obtain a Permit to Operate issued by the Health Authority. If the biohazardous waste treatment facility begins operation after the effective date of these regulations, the permit shall be obtained as set forth in these Regulations, prior to commencement of operations.

Deleted: one (1) year

B. No person shall construct, operate or modify a biohazardous waste treatment facility within the Health District without obtaining a Permit to Operate issued by the Health Authority, in accordance with this section.

C. Operators of crematoriums or cemeteries who dispose of recognizable human or animal anatomical remains and wastewater treatment operators shall be exempt from the requirements of these Regulations.

Deleted: of Section 5.1

D. The permit fee(s) shall be in accordance with the latest edition of the Health District's Environmental Health Division Fee Schedule. Pursuant to NRS 439.360(5) and NRS 439.366(1), the Health Authority adopts by reference the current SNHD Environmental Health Fee Schedule.

### 5.2 APPLICATION FOR PERMIT TO OPERATE

A. A Permit to Operate a Biohazardous Waste Treatment Facility shall be issued only after the Health Authority:

1. receives and approves a set of plans for design and construction of the biohazardous waste treatment facility;
2. receives an application made in writing and on forms provided by the Health Authority with all of the following information:
  - a) The name, address, and telephone number of the treatment facility,
  - b) All owners' names, addresses and telephone numbers.
  - c) All names, addresses and telephone numbers of any agents authorized to act on behalf of the owner(s),
  - d) Photocopies of all business licenses, permits, or other documents of approval if required by other governmental or environmental agency with jurisdiction;
3. receives documentation indicating type of treatment to be provided, the treatment capacity of the facility, a characterization of the biohazardous waste to be treated at the facility and the estimated average monthly quantity of the waste to be treated at the facility;
4. receives certification from the governing body of the county, city, or town in which the facility

is to be located stating that the location and operation of the facility are consistent with all applicable ordinances;

5. receives a copy of the lease, deed, or certification of ownership of the site;
6. receives and approves a copy of the operational plan as required in Section 5.3 of these regulations;
7. conducts an inspection of the facility; and,
8. collects a fee as set by the District Board of Health.

B. Permits shall be valid for one (1) year. Renewal will be granted upon payment of the appropriate fees and after inspection by the Health Authority to ensure compliance with the requirements of these Regulations.

C. All fee(s) shall be in accordance with the latest edition of the Health District's Environmental Health Division Fee Schedule. Pursuant to NRS 439.360(5) and NRS 439.366(1), the Health Authority adopts by reference the current SNHD Environmental Health Fee Schedule.

### 5.3 OPERATIONAL PLAN REQUIRED

A. All biohazardous waste management facilities shall have and adhere to an operational plan, approved in writing by the Health Authority. The operational plan shall outline the design/operational capacities of the facility, emergency contingency information and daily operational procedures. This plan shall include but is not limited to the following:

1. A narrative identifying the project title; engineering consultants; site owner; licensee and operator; site life and capacity; municipalities, industries and collection and transportation agencies served; and waste types to be disposed.
2. A narrative discussing waste types to be accepted or excluded including random radiological monitoring that will be conducted to ensure radioactive waste is not included with biohazardous waste; typical waste handling techniques; hours of operation; traffic routing; weather and other environmental concerns; methods for handling any unusual waste types; methods for vector, dust, and odor control; daily cleanup; record keeping; parking for visitors and employees; access monitoring; backup equipment.
3. Protocols for controlling access and vehicular traffic and methods for unloading and processing of biohazardous wastes, that limit the number of persons handling these wastes and minimize the possibility of exposure to employees and the public using or visiting the facility to the biohazardous waste.
4. Protocols for ensuring that:
  - a) all biohazardous wastes to be stored at the biohazardous waste management facility meet the requirements set forth in Section 3.3; and
  - b) all biohazardous waste shall be treated within 96 hours of receipt by the biohazardous waste treatment facility.

**Comment [b31]:** Added per June 1, 2011 meeting with representatives from Republic Services of Southern Nevada

5. A method for disinfecting emptied reusable biohazardous waste containers, transport vehicles or facility equipment, which are known or believed to be contaminated with biohazardous waste as described in these Regulations.

6. An exposure control plan to include a provision for the required use of Personal Protective Equipment (PPE). The requirements set forth in 29 CFR 1919.1030, may be included in the plan.

7. The means of decontamination of any person having had bodily contact with biohazardous waste while transporting the waste to the biohazardous waste management facility or while handling or disposing of the waste at the site.

8. A quantification of the maximum amount of biohazardous waste to be treated and/or stored per day; procedures for measuring ~~and weighing and recording incoming~~ biohazardous waste; and the proposed ultimate disposal location for treated waste, ash residues and by-pass material, residues resulting from air pollution control devices, and the proposed alternate treatment or disposal locations for any unauthorized waste types, which may have been unknowingly accepted.

9. Packaging and labeling procedures for the storage of biohazardous waste, which meet the requirements set forth in Section 3.5 and 3.7.

10. A facility map indicating the location of all biohazardous waste handling and storage areas.

11. Procedures for accepting biohazardous waste to ensure that transport document requirements; set forth in Section 3.8 (B) (6) are met. Copies of transport documents shall be kept onsite, at the treatment facility, for a minimum of ~~three, (3)~~ years.

12. A contingency plan that delineates procedures for fire, explosions, any unplanned sudden or non-sudden releases of harmful constituents to the air, soil, surface or ground water, for cleaning, or in the case of a treatment facility, a contingency plan for treatment equipment malfunction. The plan shall include a description of the actions personnel shall take in the event of various emergency situations; a description of the arrangements made with local emergency response agencies that allows for immediate entry to the facility, and a list of names, addresses and phone numbers of all persons qualified to act as an emergency coordinator for the facility. This must include a process of notification to the Health Authority within twenty-four (24) hours of an incident.

13. A documented standardized training program for employees who handle biohazardous waste, with a provision for onsite maintenance of individual records of training completions for a period of three years.

14. A list of all equipment and machinery used along with the following information:

a) Equipment specifications identifying the types of biohazardous waste that may be treated by the equipment and any design or equipment restrictions.

b) Manufacturer's operating procedures describing the waste types and volumes to be treated, monitoring data for all treatment processes including calibration and efficacy testing, and any specific information relating to the capability of the equipment to achieve the approved treatment standards.

**Comment [b32]:** Glenn to provide direction. NAC 444.6662 (f) under the transfer station regulations: **Contents of report concerning design** states the following: "Include, without limitation, provisions for weighing **and** measuring incoming solid waste;" Republic Services of Southern Nevada does not want to weigh the solid waste accepted. Whereas, NAC 444.6663 (7), under **Transfer stations: Requirements for operating plan** has the following: "Procedures for measuring **or** weighing incoming solid waste;"

**Deleted:** or

**Deleted:** one

**Deleted:** 1

- c) Instructions for equipment maintenance, testing, and calibration that ensure the equipment achieves appropriate treatment standards.
- d) Operator training manuals from the equipment manufacturers.
- e) Written certification from the manufacturer stating that the equipment, when operated properly, is capable of achieving the appropriate treatment standards.

15. A detailed plan for closing the facility, including steps necessary to isolate the facility from the environment or to remove all biohazardous waste and residue in the facility for proper treatment and to decontaminate the facility, and reflect all actions necessary for facility abandonment.

16. A document proving financial assurance for the time of site closing.

#### **5.4 Operational Plan Modification**

1. A revised operational plan shall be submitted to the Health Authority, whenever there is an increase of more than 25% in the maximum quantity of biohazardous waste receiving treatment or storage per month by the facility or when modifications or revisions are made to existing operations.
2. The Health Authority shall approve the revised operational plan in writing, prior to the operator implementing any changes in operational procedures.
3. Modification to the operational plan may be subject to public notice and 30 calendar-days of public review if the proposed modification includes:
  - a) An increase in the amount or type of biohazardous waste managed at the site that is inconsistent with the permitted design, operational plans or municipal plans concerning the management of biohazardous waste;
  - b) A change in the manner of waste management at the site that is inconsistent with the permitted design or operational plans of the site;
  - c) A substantive change in the:
    - 1) Permitted design of the site;
    - 2) Plans for closure and post-closure;
    - 3) Procedures for monitoring the site and for taking any necessary corrective actions;
    - 4) The mechanisms for financial assurance; or,
4. Any other change, which is deemed by the Health Authority to require public notice and public hearing.

## 5.5 DESIGN AND CONSTRUCTION

A. Construction of a biohazardous waste treatment facility, transfer facility or any other solid waste management facility, which may receive biohazardous waste, shall not commence until the Health Authority has approved the site location, design/construction plans, and operational plans, in writing. All biohazardous waste management facilities must be designed and constructed so as to be aesthetically compatible with the surrounding environments.

B. The design of the biohazardous waste treatment facility shall meet the requirements set forth in NAC 444.6662, and construction requirements as set forth in NAC 444.6664.

**Comment [b33]:** See previous comment regarding measuring / weighing

C. Biohazardous waste treatment and storage areas shall be designed and constructed:

1. to protect the waste from contact with rain and wind, and prevent harborage and/or breeding places for vermin,
2. to insure that biohazardous waste is handled and stored separately from other solid waste, if accepted at the same facility.

## 5.6 RECORD KEEPING REQUIREMENTS

The following records shall be maintained onsite at the biohazardous waste treatment facility for a minimum of three years, and must be made available, for review, upon request by the Health Authority at anytime:

A. Treatment method efficacy testing and results.

B. Records for all routine maintenance and/or repairs of treatment process equipment.

C. All quantities of biohazardous waste treated at the facility. Records shall include, but are not limited to:

1. Time, temperature and pressure readings where applicable for certain forms of equipment utilized by the treatment process;
2. Use of heat sensitive tape changes where applicable;
3. Type and quantity of biohazardous waste treated in each treatment cycle, including types of containers waste was stored in;
4. Chemical concentrations prior to and after treatment where applicable.

## **Section 6**

### **BIOHAZARDOUS WASTE TRANSPORTERS**

#### **6.0 WASTE CUSTODY**

Generators of biohazardous waste shall transfer custody of their waste only to transporters permitted by the Health Authority to haul biohazardous wastes, within the Health District.

#### **6.1 PERMIT REQUIRED**

A. Any person engaged in the operation of transporting biohazardous waste shall obtain a Permit to Operate from the Health Authority.

1. A separate permit is required for each drop box, trailer and/or vehicle operated. The transporter's valid permit must be within the vehicle at all times while transporting biohazardous waste.
  
2. The transporter shall show the permit, upon demand to the health authority or any enforcement agency personnel. If the biohazardous waste is transported by rail, vessel, air; the railroad corporation, vessel operator, or airline shall enter on the manifest or shipping papers, any information concerning the biohazardous waste that the enforcement agency may require.

#### **B. Limited-Quantity Transporter Exemption.**

1. A biohazardous waste generator or parent organization that employs health care professionals who generate biohazardous waste may apply to the Health Authority for a limited-quantity transporter exemption, if the generator or health care professional meets all of the following requirements:

- a) The generator or health care professional generates less than 20 pounds of biohazardous waste per week and transports less than 20 pounds of biohazardous waste at any one time to the parent organization;
  
- b) The generator or health care professional who generated the biohazardous waste transports the waste him/ herself, or directs a staff member to transport the waste to a permitted biohazardous waste treatment facility, a biohazardous waste transfer facility, a postal office for sending mail-back sharps or biohazardous containers, a parent organization, or another common storage facility for the purpose of consolidation before treatment and disposal;
  
- c) Except as provided in paragraph (d) below, the generator maintains a transport document; and
  
- d) Notwithstanding paragraph (c) above, a health care professional who generates biohazardous waste and returns the waste to the parent organization, may substitute a single-page form or multiple entry log for the transport document, if the form or log contains all of the following information:
  - i. The name of the person transporting the biohazardous waste.
  
  - ii. The number of containers and type of biohazardous waste. This subparagraph

does not require any generator to maintain a separate biohazardous waste container for every patient or to maintain records as to the specific source of the biohazardous waste in any container.

iii. The date that the biohazardous waste was returned for disposal.

**Comment [b34]:** Added per Pat Armour, Laboratory Manager, Southern Nevada Public Health Laboratory

2. Any person who transports less than 20 pounds of biohazardous waste per week is eligible for the limited quantity transporter exemption. Under this exemption, the person transporting the biohazardous waste shall maintain transport documents as set forth in Section 3.8(A)(B)(C).

#### C. Permit Fee

The permit fee(s) shall be in accordance with the latest edition of the Health District's Environmental Health Division Fee Schedule. Pursuant to NRS 439.360(5) and NRS 439.366(1), the Health Authority adopts by reference the current SNHD Environmental Health Fee Schedule.

### 6.2 APPLICATION FOR PERMIT TO OPERATE

A. A permit to operate issued under this section shall be issued only after the Health Authority:

1. receives an application made in writing and on forms provided by the Health Authority with all of the following information:

a) The name, address, and valid telephone number of the person or transportation company. Include headquarters and local office data.

b) All owners' names, addresses, and telephone numbers.

c) All names, addresses, and telephone numbers of any agents authorized to act on behalf of the owner(s).

d) Photocopies of all business licenses, permits, or other approvals if required by another governmental or environmental agency with jurisdiction.

e) Manufacturer name, model year, identification number, and the license plate number of each drop box, trailer, or vehicle used to transport biohazardous waste.

f) List of areas (cities, towns, etc.) within the Health District in which the transporter will operate.

2. receives and approves the company's operational plan which meets, but is not limited to the requirements in Section 5.3 (A) (4,6,7,8,9,11,13, and 15,) of these regulations;

3. conducts an inspection of each drop box, trailer or vehicle; and

4. collects a fee as set by the District Board of Health.

B. Permits shall be valid for one year. Renewal will be granted upon payment of the appropriate fees and continued compliance with these regulations.

C. Within 30 calendar-days following the change of any data in Paragraph (A) above, the transporter shall notify the Health Authority of that change. Failure to notify the department nullifies the permit and

invalidates the permit number. When the transporter changes legal name, corporate ownership, or the chief executive officer, he shall notify the Health Authority within 30 calendar-days of such change. Upon receiving such notification, the Health Authority will revoke the old permit and reissue a new permit based on the new information.

D. The application fee(s) shall be in accordance with the latest edition of the Health District's Environmental Health Division Fee Schedule. Pursuant to NRS 439.360(5) and NRS 439.366(1), the Health Authority adopts by reference the current SNHD Environmental Health Fee Schedule.

### 6.3 VEHICLE REQUIREMENTS

Each permitted vehicle drop box or trailer used to transport biohazardous waste shall:

A. display the transportation company's name or Trademark and telephone number on each side of the vehicle by rectangular signs or decals 25 by 35 centimeters in size with red labeling on a white background with the words "**BIOHAZARDOUS WASTE**" or with the international biohazard symbol and the word "**BIOHAZARD**". Such identifying labeling shall be readily legible during daylight from a distance of 50 feet.

B. maintain a contingency plan consisting of both of the following:

1. Routine procedures used to minimize the exposure of employees and the general public to biohazardous waste throughout the process of collecting, transporting, and handling; and,
2. Emergency procedures used for handling spills or accidents.

C. have a compartment to store biohazardous waste, that can be secured to limit access to unauthorized persons at all times. The compartment shall be constructed in compliance with one of the following:

1. a fully enclosed, leak-proof compartment consisting of a floor, sides, door(s) with seal(s), and a roof made of a non-porous material impervious to biohazardous waste and is physically separated from the driver's compartment;
2. a fully enclosed, leak-proof cargo box made of non-porous material impervious to biohazardous waste; or
3. a fully enclosed leak-proof trailer made of non-porous material impervious to biohazardous waste.

D. be cleaned and disinfected if there is visible contamination. "Cleaning" means agitation to remove visible particles combined with one of the following disinfecting methods:

1. Exposure to hot water at a temperature of at least 180°F for a minimum of 15 seconds.
2. Exposure to a chemical disinfectant registered for use by the EPA, as set forth in the Federal Insecticide, Fungicide and Rodenticide Act, and used according to the manufacturer's label directions.
3. Any other method that the Health Authority determines is acceptable, if the determination of acceptability is made in writing and in advance of use.

E. carry a spill containment and cleanup kit consisting of:

1. material designed to absorb spilled liquids, and
2. one gallon of disinfectant registered for use by the EPA for such use.

#### **6.4 CONTAINMENT AND CLEANUP PROCEDURES**

Following a spill of biohazardous waste, the following procedures shall be implemented:

- A. Activate the Exposure Control Plan and Contingency Plan to ensure personnel do not come into contact with any contaminants and ensure employees wear appropriate personal protective equipment.
- B. Repackage spilled waste in accordance with the packaging requirements in Section 3.5.
- C. Transport the biohazardous waste by a permitted biohazardous waste transporter to an approved facility for treatment or disposal.
- D. Clean and disinfect any areas having been contacted by biohazardous waste. Materials used to disinfect the area shall be registered for use by the EPA.
- E. Replenish containment and cleanup kit.

#### **6.5 REQUIREMENTS FOR TRANSPORTERS**

Each person who transports biohazardous waste for consideration, other than waste that is an incidental part of other solid waste, shall:

- A. accept only biohazardous waste packaged and labeled as set forth in Section 3.5 and 3.7;
- B. accept biohazardous waste only after providing the generator with a signed transport document as set forth in Section 3.8;
- C. store biohazardous waste for no longer than 96 hours prior to treatment;
- D. not unload, reload, or transfer the biohazardous waste to another vehicle in any location other than a permitted facility, except in emergency situations. Combination vehicles or trailers may be uncoupled and coupled to another cargo vehicle or truck trailer as long as the biohazardous waste is not removed from the cargo compartment;
- E. maintain records showing the point of origin and date and place of final disposal of biohazardous waste collected from generators. A copy of these records shall be given to the generator or the Health Authority upon request;
- F. not transport biohazardous waste to a permitted offsite biohazardous waste treatment facility or permitted biohazardous waste transfer station unless the waste is placed in leak-resistant, fully enclosed rigid secondary containers that are then loaded into one of the approved vehicles described in Section 6.3 of these regulations;

G. not transport biohazardous waste in the same vehicle with other waste, unless the biohazardous waste is separately contained in rigid containers or kept separate by barriers from other waste, or unless all of the waste is to be handled as biohazardous waste in accordance with this section; and

H. provide employees that manually load or unload containers of biohazardous waste at the beginning of each shift, and require each to wear, clean and protective gloves and coveralls, changeable lab coats, or other personal protective equipment.

I. clean all trucks and equipment used to transport biohazardous waste thoroughly with detergent and hospital grade disinfectant before being used for any other purpose and prior to any transfer of ownership. Any areas of trucks or equipment that are visibly contaminated, or that become contaminated as a result of a spill, shall be immediately decontaminated as set forth in Section 6.3 (D).

## **Section 7**

# **BIOHAZARDOUS WASTE TRANSFER FACILITIES**

### **7.0 PERMIT REQUIRED**

No person shall construct, operate, or modify a biohazardous waste transfer facility within the Health District without obtaining a Permit to Operate issued by the Health Authority. The permit fee(s) shall be in accordance with the latest edition of the Health District's Environmental Health Division Fee Schedule. Pursuant to NRS 439.360(5) and NRS 439.366(1), the Health Authority adopts by reference the current SNHD Environmental Health Fee Schedule.

### **7.1 APPLICATION FOR PERMIT TO OPERATE**

A. A Permit to Operate a biohazardous waste transfer facility shall be issued only after the Health Authority:

1. receives and approves a set of plans for design and construction of the facility, which meet the requirements set forth in Section 5.5 of these regulations; and
2. receives an application, made in writing and on forms provided by the Health Authority, with all of the following information:
  - a) The name, address, and valid telephone number of the transfer facility,
  - b) All owners' names, addresses and telephone numbers,
  - c) The names, addresses and telephone numbers of any agents authorized to act on the owner (s) behalf, and
  - d) Photocopies of all business licenses, permits, or other documents of approval required by other governmental or environmental agencies with jurisdiction;
3. receives documentation indicating the storage capacity of the facility, characterization of the biohazardous waste to be stored at the facility, and estimated average monthly quantity of biohazardous waste to be transported to the facility; and
4. receives documentation of approval from the local governing body in which the facility is to be located stating that the location and operation of the facility are consistent with all applicable ordinances; and
5. receives a copy of the lease or deed of ownership of the site; and
6. receives and approves a copy of the operational plan as required in Section 5.3 of these regulations, including a detailed plan for closure; and
7. collects a permit fee as set by the Southern Nevada District Board of Health.

B. Permits shall be valid for one (1) year. Renewal will be granted upon payment of the renewal fee and continued compliance with these regulations.

C. The application fee(s) shall be in accordance with the latest edition of the Health District's Environmental Health Division Fee Schedule. Pursuant to NRS 439.360(5) and NRS 439.366(1), the Health Authority adopts by reference the current SNHD Environmental Health Fee Schedule.

## 7.2 REQUIREMENTS FOR BIOHAZARDOUS WASTE TRANSFER FACILITIES

A. Biohazardous waste, excluding containerized sharps and chemically preserved pathological waste accepted at a biohazardous waste transfer facility must be:

1. stored in clearly identified containers or areas which are separated from other waste storage areas, and
2. transferred to a biohazardous waste treatment facility permitted by a Health Authority, within 48 hours after receipt, unless the owner or operator is prevented from doing so because of an emergency; and
3. containerized sharps and chemically preserved pathological waste must be transferred or transported to a biohazardous waste treatment facility permitted by a Health Authority, within 30 days after receipt, unless the owner or operator is prevented from doing so because of an emergency.
  - a. the owner or operator shall notify the Health Authority within 24 hours of an emergency that prevents biohazardous waste from being transferred from the transfer facility as required in Subparagraph 2 above.

B. Transfer facilities must be kept neat, clean, and in an orderly condition. All residual wastes or other residual material must be promptly removed from the transfer facility, treated to render the waste non-infectious and disposed of at an approved solid waste management facility or other approved disposal site.

C. Areas that are used for handling or storage of biohazardous waste must be free from standing water. The drainage from the floor of such areas must be discharged into a sewer or its equivalent. [Connections and discharges to the sanitary sewer system must conform to the respective wastewater jurisdiction's regulations and ordinances.](#)

D. The operator of a biohazardous transfer facility shall maintain accurate records of the operations of the facility. The records must be furnished upon request of the Health Authority or be made available for inspection by the Health Authority at any reasonable time. The records must include, but are not limited to:

- a) a daily log of the quantity of biohazardous waste received and transported;
- b) instances in which the facility rejected a waste load (example. chemotherapeutic wastes) and,
- c) any emergencies or unusual events that may have affected the facility's operation.

E. At the final closure of a transfer facility, any remaining wastes must be removed to an approved

**Comment [b35]:** Added per meeting with regional wastewater pre-treatment group on 07/21/2011

disposal site.

## **Section 8 DISPOSAL**

### **8.0 DISPOSAL OF TREATED BIOHAZARDOUS WASTE.**

Biohazardous waste that has been treated as set forth in Section 4.1, 4.2, or 4.3 and managed in compliance with these Regulations is no longer biohazardous waste and is considered solid waste.

### **8.1 DISPOSAL FOR WASTE TYPES**

#### **A. Blood and Blood Products**

1. If the generator is connected to a municipal sewerage system or septic system, free draining blood and blood products, except blood-saturated materials may be disposed of directly into these systems unless the Health Authority otherwise restricts such disposal. Connections and discharges to the sanitary sewer system must conform to the respective wastewater jurisdiction's regulations and ordinances.

**Comment [b36]:** Added per meeting with regional wastewater pre-treatment group on 07/21/2011

2. If the generator is prohibited by the Health Authority from disposing of blood and blood products into the municipal sewerage or septic system, blood and blood products, except blood-saturated material, shall be sent to an approved incineration facility for incineration or shall be rendered noninfectious by an approved treatment method prior to disposal, and disposed of in a disposal site approved by the Health Authority; or, in case of out-of-Health District disposal, approved by the appropriate regulatory agency responsible for solid waste management.

#### **B. Sharps**

Containers of sharps shall either be:

1. disposed of by incineration at an approved incineration facility; or

2. treated to render the sharps noninfectious as set forth in Section 4.2 thru 4.3, and disposed of at an approved disposal site. Sharps may be further processed after treatment by grinding or other effective method to eliminate the physical hazard of sharps, and disposed of in a disposal site approved by the Health Authority, or in the case of out-of-Health District disposal, approved by the appropriate regulatory agency responsible for solid waste management.

#### **C. Blood Saturated Materials, Cultures and Stocks of Infectious Agents and Associated Biologicals, Dialysis Waste and Laboratory Waste.**

The above materials shall be:

1. rendered noninfectious onsite by a steam-based disinfection process, incineration, or other alternative treatment method approved by the Health Authority, and disposed of in an approved disposal site; or, in the case of out-of-Health District disposal, approved by the appropriate regulatory agency responsible for solid waste management; or,

2. placed in approved containers for transport to an approved offsite biohazardous waste treatment facility.

#### **D. Biotechnology By-Product Effluents**

1. These wastes shall not be removed from the site of the generator unless the viable organisms

containing recombinant DNA molecules have been rendered noninfectious by a valid treatment method as outlined in Section 4.1 thru 4.3.

2. Once rendered noninfectious, these wastes may be disposed of directly to the municipal sewerage system or septic system unless such disposal otherwise is restricted by regulation; or, disposed of in an approved disposal site, or in the case of out-of-Health District disposal, approved by the appropriate regulatory agency responsible for solid waste management. [Connection and discharges to the sanitary sewer system must conform to the respective wastewater jurisdiction's regulations and ordinances.](#)

**Comment [b37]:** Added per meeting with regional wastewater pre-treatment group on 07/21/2011

**E. Pathologic Waste and Contaminated Animal Carcasses.**

1. These wastes shall be disposed of at an approved incineration facility, by interment, or by an approved alternative disposal method.

2. Liquid pathologic waste may be disposed of in accordance with Section 8.1 (A).

3. Discarded teeth and tissue may also be disposed of in accordance with Section 8.1 (C) (1), and shall be placed in a second 3-mil bag if they are to be transported offsite for disposal. [If the teeth contain amalgam fillings \(containing mercury\), they shall be handled as hazardous waste pursuant to Section 9 of these Regulations.](#)

**F. Antineoplastic Wastes**

Antineoplastic wastes and their by-products are considered hazardous waste and must meet the disposal requirements set forth in Section 9 of these regulations, and shall be disposed of in an approved hazardous waste disposal site.

G. The Health Authority may approve direct landfill burial in the event of an emergency, if the material is too large to be treated or in the event of a natural disaster.

## Section 9 HAZARDOUS WASTE

### 9.0 GENERAL

Hazardous wastes are prohibited from disposal at any land disposal site located within the Health District.

**Comment [b38]:** Added per June 1, 2011 meeting with representatives from Republic Services of Southern Nevada

**Deleted:** Nuclear

9.1 No person shall dispose or cause the deposit, storage, processing, treatment or disposal of any waste material which it may reasonably be considered to be hazardous material at any land disposal site within the Health District. Facilities storing materials which may reasonably be considered to be hazardous must maintain required material safety data sheets (MSDSs) for review by the Health Authority.

**Deleted:** unless prior approval has been received from the Health Authority or unless the land disposal site has been approved for the receipt of such waste material

9.2 All spills or accidents involving hazardous materials and/or hazardous wastes which could result in a hazard to the public health and safety, animals, domestic animals and/or result in a discharge of hazardous waste, shall be reported to the Health Authority as soon as possible and not later than twenty-four (24) hours of the time of occurrence.

**Comment [b39]:** Added per June 1, 2011 meeting with representatives from Republic Services of Southern Nevada

9.3 An operator of a land disposal site shall not accept hazardous wastes without obtaining a permit issued by, or approval granted by the Nevada Division of Environmental Protection.

**Deleted:** Southern Nevada Health District

## **Section 10**

# **CLOSURE OF BIOHAZARDOUS WASTE MANAGEMENT FACILITIES**

10.1 A plan for the closure of a biohazardous waste management facility must specify the procedures which are required to:

- (a) Properly dispose of the maximum amount of solid waste the facility is approved to have on site.
- (b) Conduct post closure care and/or monitoring, if required, and
- (c) Any other activities required by the Health Authority.

10.2 The plan for closure for the biohazardous waste management facility must include a detailed written estimate, in current dollars, of what the cost to the Health Authority would be to direct the closure of the facility including the hiring, by the Health Authority, of an unrelated person or party to complete any and all activities in the plan of closure (hereafter, cost of closure). The detailed written estimate of the cost of closure may not consider the resale value of equipment, solid waste, or salvaged material.

10.3 Each year, the owner or operator of the biohazardous waste management facility shall prepare an updated plan for closure with all changes necessary to maintain compliance with these and all other applicable regulations. The update shall:

- a) Include a detailed written estimate, in current dollars, of the cost of closure;
- b) Include all supporting documentation required by the Health Authority;
- c) Be submitted to, and for approval by, the Health Authority, no later than the first business day of January of each year; and
- d) Upon approval by the Health Authority, be binding upon the owner and operator until otherwise notified in writing by the Health Authority.

10.4 The owner or operator of a biohazardous waste management facility shall notify the Health Authority in writing at least 90 days before the date the facility is expected to close. The biohazardous waste management facility may not accept any solid waste after the designated closing date.

10.5 The owner or operator shall, within 30 days after receiving the final shipment of solid waste or materials derived from solid waste, remove all remaining solid waste, litter, and inoperable equipment, etc. in accordance with the plan for closure of the biohazardous waste management facility. Notwithstanding any other times specified in this Section, all putrescible waste must be properly disposed

of within 24 hours after receipt.

10.6 The Health Authority, or its designee, shall rescind the permit to operate a facility upon:

a) The biohazardous waste management facility being closed in accordance with the facility closure plan as approved and/or amended by the Health Authority, or its designee, or

b) The first business day following the designated closing date of the facility, whichever is earlier.

10.7 The Health Authority, or its designee, may change the designated closing date for a facility, when such a change is appropriate to ensure that closure of the facility is concluded as promptly as possible and in a manner that protects the environment, public health and safety.

## **Section 11**

### **FINANCIAL ASSURANCE**

#### **11.0 FINANCIAL ASSURANCE COMPLIANCE**

- (a)** The owner and/or operator of the biohazardous waste management facility shall provide financial assurance to cover the cost of closure as specified in Section 10 of these regulations.
- (b)** Owners and/or operators who are entities of the State of Nevada or the Federal Government and whose debts and liabilities are the debts and liabilities of the State of Nevada or the Federal Government are exempt from the provisions of this Section.
- (c)** The Health Authority may approve an alternate plan for financial assurance when the alternate plan meets the criteria set forth in these regulations.

#### **11.1 FINANCIAL ASSURANCE REQUIREMENTS**

- (a)** Each year, the owner or operator shall submit a complete copy of the financial assurance mechanism(s) being provided to satisfy the requirements of these regulations and any and all riders, attachments, amendments, etc., to the Health Authority no later than the first business day of January.
- (b)** The owner or operator shall increase the amount of financial assurance provided when any change, including any change to the facility permit or conditions at the facility, results in an increase of the cost of closure. Documentation of any changes to the original estimate of cost of closure must be submitted to the Health Authority when they occur.
- (c)** The amount of financial assurance may be reduced when the Health Authority determines that the amount exceeds the cost of closure. The owner or operator shall request approval from the Health Authority for a reduction of the amount of financial assurance in writing and with all information required by the Health Authority. A reduction in the amount of financial assurance shall not be implemented until approved in writing by the Health Authority.

#### **11.2 FINANCIAL ASSURANCE MECHANISMS**

- (a)** The mechanism(s) used to demonstrate financial assurance pursuant to this Section must ensure that the money necessary to meet the cost of closure will be available to the Chief Health Officer whenever it is needed. The financial assurance may be in the form of:
  - (1)** A surety bond guaranteeing payment or performance
    - i.** A surety bond must be maintained until the owner and operator are no longer required to demonstrate financial responsibility pursuant to these regulations.

- ii. The owner or operator shall notify the Health Authority that a copy of the bond has been placed in the operating records of the facility.
- iii. The surety company issuing the bond must be among those listed as an acceptable surety on federal bonds in Circular 570 of the U.S. Department of the Treasury which is published each July in the Federal Register.
- iv. The sum of the bond must be in an amount at least equal to the current estimate for closure.
- v. The surety must become liable on the bond if the owner or operator fails to make payments or perform as guaranteed by the bond.
- vi. The terms of the bond must authorize the surety to cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Health Authority at least 120 days before cancellation. When the surety cancels the bond, the owner or operator shall obtain alternate financial assurance as specified in these regulations.
- vii. The owner or operator may cancel the bond only when alternate financial assurance is substituted as specified in these regulations, inclusive, or when the owner and operator are no longer required to demonstrate financial responsibility in accordance with the requirements of these regulations.

**(2)** A letter of credit

- i. An owner or operator may satisfy the requirements of these regulations by obtaining an irrevocable letter of credit which conforms to the requirements of these regulations.
- ii. A letter of credit must:
  - A. Be obtained by the owner or operator and become effective before the initial receipt of solid waste.
  - B. Be maintained until the owner and operator are no longer required to demonstrate financial responsibility pursuant to these regulations.
- iii. The owner or operator shall notify the Health Authority that a copy of the letter of credit has been placed in the operating records of the facility.
- iv. The issuing institution must be an entity which has the authority to issue letters of credit and whose operations are regulated and examined by a federal or state agency.
- v. A letter from the owner or operator must be filed with the letter of credit in the operating records that includes:
  - A. A reference to the letter of credit by number;

- B.** The issuing institution;
  - C.** The date of issuance;
  - D.** The name of the owner or operator;
  - E.** The address of the facility; and
  - F.** The amount of money assured.
- vi.** Except as otherwise provided in these regulations, the letter of credit must be irrevocable and issued for a period of at least one (1) year in an amount at least equal to the current cost for closure. The letter of credit must provide that the expiration date will be automatically extended for a period of at least one (1) year unless the issuing institution has cancelled the letter of credit.
- vii.** The terms of the letter of credit must authorize the issuing institution to cancel the letter of credit by sending notice of cancellation by certified mail to the owner or operator and to the Health Authority at least 120 days before the cancellation. When the letter of credit is cancelled by the issuing institution, the owner or operator shall obtain alternate financial assurance.
- viii.** The owner or operator may cancel the letter of credit only when alternate financial assurance is substituted as specified in this Section or the owner and operator are no longer required to demonstrate financial responsibility in accordance with the requirements of these regulations.

**(3)** A policy of insurance

- i.** An owner or operator may demonstrate financial assurance for closure by obtaining insurance which conforms to the requirements of these regulations.
- ii.** The insurance must:
  - A.** Be obtained by the owner or operator and become effective before the initial receipt of solid waste; and
  - B.** Be maintained until the owner and operator are no longer required to demonstrate financial responsibility pursuant to these regulations.
- iii.** The insurer must be licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in this State.
- iv.** The owner or operator shall notify the Health Authority that a copy of the policy of insurance has been placed in the operating records of the facility and provide documentation to show proof of financial assurance to the Health Authority.
- v.** The policy of insurance must guarantee that money will be available to close the facility whenever final closure occurs. The policy must also guarantee that once

closure begins, the insurer is responsible for paying money to the owner, operator or any other person or party authorized to conduct the closure, up to an amount equal to the face amount of the policy.

- vi. Except as otherwise provided in this Section, the policy of insurance must be issued for a face amount at least equal to the current estimate for closure. Actual payments by the insurer must not change the face amount, although the insurer's future liability may be lowered by the amount of the payments.
- vii. An owner, operator or any other person authorized to conduct the closure may receive reimbursements for related expenditures. Requests for reimbursement may be granted by the insurer only when the remaining value of the policy is sufficient to cover the remaining costs of the closure, and when justification and documentation of the cost is placed in the operating records of the facility. The owner or operator shall notify the Health Authority that documentation of the justification for reimbursement has been placed in the operating records and that reimbursement has been received.
- viii. Each policy of insurance must contain a provision allowing the assignment of the policy to a successor owner or operator. The assignment may be conditional upon the consent of the insurer, if the consent is not unreasonably refused.
- ix. The policy of insurance must provide that the insurer may not cancel, terminate or fail to renew the policy except for a failure to pay the premium. An automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. When there is a failure to pay the premium, the insurer may cancel the policy by sending notice of cancellation by certified mail to the owner, operator and Health Authority at least 120 days before the cancellation. When the insurer cancels the policy, the owner or operator shall obtain alternate financial assurance as specified in this Section.

The owner or operator may cancel the policy of insurance only when he substitutes alternate financial assurance in accordance with these regulations or when the owner and operator are no longer required to demonstrate financial responsibility in accordance with the requirements of these regulations.

- x. As used in this Section, "face amount" means the total amount the insurer is obligated to pay under the policy.

**(4) Alternate mechanisms approved by the Health Authority**

- i. An owner or operator may satisfy the requirements of these regulations by obtaining any other mechanism which:
  - A. Meets the criteria specified in paragraph 3, subparagraph (b) of this Section, and
  - B. Is approved by the Health Authority.
- ii. A mechanism obtained pursuant to these regulations must be obtained by the owner

or operator before the initial receipt of solid waste and maintained until the owner and operator are no longer required to demonstrate financial responsibility pursuant to these regulations.

**(5)** An assumption of responsibility by the State

When this State assumes legal responsibility for an owner's or operator's compliance with the requirements for closure or assures that money will be available from the State to cover the related expenses, the owner or operator shall be deemed to be in compliance with the requirements of this Section. Any assumption of responsibility by this State must meet the criteria specified in paragraph 3, subparagraph (b) of this Section.

**(6)** An owner or operator may satisfy the requirements of these regulations by establishing more than one mechanism for financial assurance per facility. The combination of mechanisms must provide financial assurance for an amount at least equal to the current estimate of the cost for closure.

**(b) General requirements for all financial assurance mechanisms**

**(1)** An entity providing the mechanism used to demonstrate financial assurance pursuant to these regulations shall reimburse or make payments to the owner, operator or any other person or party designated by the Health Authority, from that mechanism, for expenses in such amounts as the Health Authority shall direct in writing.

**(2)** Any such mechanism must:

- i. Ensure that the amount of money assured is sufficient to cover the cost of closure;
- ii. Ensure that money will be available in a timely fashion, when needed; and
- iii. Be legally valid, binding and enforceable under applicable state and federal law.

**(3)** No mechanism may be held or issued by a corporate parent or subsidiary of the owner or operator.

## **Section 12**

### **INSPECTIONS AND ENFORCEMENT**

#### **12.0 INSPECTIONS**

- a) An owner or operator of a biohazardous waste management facility must allow Environmental Health Specialists (EHSs) of the Health Authority, i.e., Deputy Health Officers, entry to their facility during operating hours in order to conduct an inspection of all biohazardous waste, solid waste, materials derived from solid waste, structures, equipment, operations, and records. The purpose of the inspection is to ensure compliance with the provisions of the Waste Management Permit issued by the Solid Waste Management Authority (SWMA), these regulations, and all applicable federal, state, and/or local laws, regulations, ordinances, and codes.
- b) Inspections, surveys, and visits may be made as often as the Health Authority determines is necessary to ensure compliance with all applicable laws, regulations, ordinances, and codes. Copies of records, diagrams, and other documents shall be provided upon request and photographs shall be taken of the site, equipment, and operations, as deemed necessary, by the Health Authority during the inspection.
- c) The agent or agents of the Health Authority, i.e., EHSs/Deputy Health Officers, shall properly identify themselves with a photo-identification card/badge upon entry on the site.
- d) No person shall interfere with the EHSs/Deputy Health Officers and/or other employees of the Health Authority in the performance of their duties.
- e) An inspection report will be provided to the owner or operator of the biohazardous waste management facility. All violations shall be corrected within the timeframe specified in the inspection report.
- f) A Cease and Desist Order and/or Notice of Violation may be issued for violations of all SWMA regulations and other SWMA matters for which a hearing is provided for by law.

#### **12.1 ENFORCEMENT**

- (a) The SWMA may suspend or revoke its approval to operate a biohazardous waste management facility when the owner or operator of the facility fails to comply with the provisions of the Waste Management Permit, the design or operating plans for the facility, these regulations, or applicable federal, state, and/or local, laws, regulations, ordinances, and codes.
- (b) Whenever the Health Authority finds a condition in the operation of a facility which, in the

judgment of the Health Authority, constitutes a substantial hazard to public health and/or the environment, the Health Authority may, without warning, notice or hearing, issue a written order to the owner or operator citing the condition, specifying the corrective action to be taken, and specifying the time within which the action must be taken. The order may state that the permit is immediately suspended and all operations shall be immediately discontinued. Any person to whom such an order is issued shall comply with it immediately. Upon written request to the SWMA received within five (5) business days following service of the order, the person shall be afforded a hearing within 30 days of the date said request is received by the SWMA to contest the terms of the order or suspension of the permit.

- (c) For substantial hazards to public health or the environment, repeated violations of any of the requirements of these regulations, or for interference with the EHSs/Deputy Health Officers/Employees of the Health Authority in the performance of their duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the SWMA. Before taking such an action, the SWMA shall notify the owner in writing, stating the reasons for which the permit may be suspended for cause, pending its revocation or a hearing relative thereto.
- (d) The SWMA may permanently revoke a facility permit following service of the notice unless a written request for a hearing is filed with the SWMA within five (5) business days of service.
- (e) The hearings provided for in this Section shall be conducted by a SWMA Hearing Officer at a time and place designated in writing. Based upon the record of the hearing, the SWMA Hearing Officer shall make a finding and may sustain, modify or rescind any official notice or order considered in the hearing. A written order specifying the Hearing Officer's decision shall be furnished to the owner or operator by the SWMA. Any party aggrieved by a decision of the Hearing Officer(s) may seek judicial review of the decision of the Hearing Officer(s), in accordance with the provisions of NRS 233B.130(2), and NRS 233B.131 through 233B.150, inclusive.
- (f) Any person who violates these regulations may be subject to enforcement actions pursuant to NRS 444.592 through NRS 444.610 and NRS 444.630 through NRS 444.645; which include administrative, civil, and criminal penalties.

## **Section 13**

### **SUSPENSION OR REVOCATION OF PERMITS**

#### **13.1 GROUNDS FOR SUSPENSION OR REVOCATION**

The enforcement agency may suspend, amend, or revoke any medical waste permit issued by the enforcement agency for any of the following reasons:

- (a) Violation by the permittee of any of the provisions of this part or any regulation adopted pursuant to this part.
- (b) Violation of any term or condition of the permit.
- (c) Aiding, abetting, or permitting the violation specified in subdivision (a) or (b) or interference in the performance of the duty of the enforcement agency's designee(s).
- (d) Proof that the permittee has intentionally made false statements, or failed to disclose fully all relevant facts, in any material regard, on the application for a medical waste permit.
- (e) The conviction of a permittee, or the person in charge of the activity subject to the medical / biohazardous waste permit, of any crime that is substantially related to the qualifications or duties of the permittee or the person in charge of the activity, or that is substantially related to the functions that are subject to the medical / biohazardous waste permit. For purposes of this section, a conviction means a plea or verdict of guilty or a conviction following a plea of nolo contendere. An action to revoke or suspend the medical / biohazardous waste permit may be taken when the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal. The enforcement agency shall take into account all competent evidence of rehabilitation furnished by the permittee or person in charge of the permitted activity.
- (f) A change in any condition that requires a temporary or permanent modification, reduction, or termination of the permitted operation to bring it into compliance with the requirements of this part and the regulations adopted pursuant to this part.

#### **13.2 PROCEEDINGS**

Proceedings conducted by the enforcement agency for the suspension or revocation of a medical / biohazardous waste permit shall be in accordance with the procedural requirements set forth by the Southern Nevada District Board of Health.

#### **13.3 TEMPORARY PERMIT SUSPENSION**

The enforcement agency may temporarily suspend a medical / biohazardous waste permit prior to any hearing, when it has determined that this action is necessary to protect the public welfare. The enforcement agency shall notify the permittee of the temporary suspension and the effective date thereof and, at the same time, shall serve the permittee with an accusation. Upon receipt of a notice of defense by the permittee, the matter shall, within 60 days, be set for hearing before the Board. The temporary suspension shall remain in effect until the final decision is made by the Board.

## **Section 14**

### **SEVERABILITY**

#### **14.1 SEVERABILITY CLAUSE**

Should any Section, paragraph, sentence, phrase, or provision of these Regulations be held invalid for any reason, the remainder of these Regulations shall not be affected. [The remainder of these Regulations shall remain in effect.](#)

#### **14.2 EFFECTIVE DATE**

These Regulations are effective upon approval by the Health Authority.