

7035.9140 MANAGEMENT PLAN CERTIFICATION PROCEDURES.

Subpart 1. **Management plan application.** Persons required by part 7035.9130 to have an approved management plan shall comply with items A to E.

A. A management plan submitted to the commissioner for approval must provide the information listed in part 7035.9130 and be signed.

B. An existing facility owner or operator or a commercial transporter shall submit a management plan within 45 days of the adoption of parts 7035.9100 to 7035.9150.

C. A facility owner or operator or commercial transporter that begins the transport, storage, decontamination, or disposal of infectious waste after adoption of parts 7035.9120 to 7035.9150 shall submit to the commissioner a copy of the management plan before initiating the handling of the infectious waste.

D. A generator that also incinerates infectious waste shall submit a management plan for incineration activities in addition to any plan required by the Minnesota Department of Health.

E. A facility owner or operator that has an approved management plan shall update and resubmit a plan every two years. The updated plan must be submitted at least 30 days before the expiration date of the plan.

Subp. 2. **Certification fees.** Management plans prepared by facility owners or operators that store, decontaminate, or dispose of infectious waste, other than at the facility that generates the infectious waste, or a management plan prepared by a facility owner or operator that incinerates onsite at a hospital must be submitted to the commissioner with the certification fee required under Minnesota Statutes, section 116.79, subdivision 4.

Subp. 3. **Commercial transporter registration.** Commercial transporters must register with the commissioner. To obtain registration, the commercial transporter must comply with the requirements of subpart 1. Registered transporters shall receive registration cards to be kept in each single unit vehicle or trailer and at the address identified as the principal place of business. The vehicle identification number must be displayed as required in part 7035.9120, subpart 4, item D, subitem (1).

Subp. 4. **Exemption from commercial transporter registration.** Exemption from registration does not include exemption from the packaging and labeling requirements of part 7035.9120, subpart 1. The following are exempt from commercial transporter registration requirements:

A. generators that transport their own infectious waste to an approved facility;

B. a generator that provides not-for-compensation or at cost infectious waste collection and transport services for other generators;

C. groups of generators that provide not-for-compensation infectious waste collection and transport services for the group; and

D. persons who provide collection and transportation of sharps for households as part of the feasibility study required by Laws 1989, chapter 337, section 10.

Subp. 5. **Transporter registration fees.** Management plans prepared by commercial transporters of infectious waste must be submitted to the commissioner with the registration fee required under Minnesota Statutes, section 116.80, subdivision 3.

Subp. 6. **Signatories to management plans.** All management plans must be signed by the following persons:

A. for corporations, by an executive officer, or an agent or representative of the executive officer if the agent or representative is responsible for the implementation and evaluation of the management plan; and

B. for a municipality, or state, federal, or other public agency, either an executive officer or a ranking elected official and the individual responsible for the implementation and evaluation of the management plan.

Subp. 7. **Duration of management plan.** A management plan is effective for two years after the date of plan approval unless enforcement actions result in the revocation of the plan.

Subp. 8. **Review and approval or denial of management plans.**

A. All management plans shall be reviewed for completeness by the commissioner. If the management plan is incomplete, the commissioner shall promptly advise the signatory of the incompleteness. Further processing of the management plan may be suspended until the necessary information is supplied.

B. A management plan shall be approved if the plan is determined to be complete and consistent with these parts. A letter of approval signed by the commissioner shall be sent to the applicant upon approval of the plan. Part 7001.0100, subparts 4 and 5; and 7001.0110 do not apply to these approvals. Approval under this part is not a permit under chapter 7001. Nothing in this part exempts facilities or generators from applicable agency permit requirements and compliance with agency rules.

C. Approval shall be denied if the plan does not comply with these parts and other applicable state or federal laws or rules.

Statutory Authority: *MS s 116.07; 116.75*

History: *15 SR 836; 30 SR 529*

Published Electronically: *October 4, 2013*