

THIS IS A COURTESY COPY OF THIS NOTICE. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE MAY 19, 2014, NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE NOTICE, THE OFFICIAL VERSION WILL GOVERN.

ENVIRONMENTAL PROTECTION

ENVIRONMENTAL MANAGEMENT

DIVISION OF SOLID AND HAZARDOUS WASTE

Notice of Action on Petition for Rulemaking

Solid Waste; Regulated Medical Waste, Generator Recordkeeping, N.J.A.C. 7:26-3A.21

Petitioner: New Jersey State Funeral Directors Association, Inc.

Take notice that the Department of Environmental Protection (Department) is granting the petition for rulemaking filed on February 21, 2014 by the New Jersey State Funeral Directors Association, Inc. (petitioner).

The Petition

The petitioner requests that the Department amend the Regulated Medical Waste provisions of the Solid Waste rules to exclude from the regulated medical waste annual reporting threshold calculation at N.J.A.C. 7:26-3A.21(d) embalming effluent (body fluids, blood, and blood product from the embalming process) from a registered funeral home facility and disposed of into a sanitary sewer system. The petitioner asserts that the effluent is not being transported and/or disposed of off-site, and the inclusion of this effluent in the calculation of regulated medical waste annual reporting threshold has resulted in more than 500 small generators being included in the regulated medical waste reporting system when the Department has specifically sought to eliminate such generators from the reporting process. Additionally, the waste is already largely excluded for fee calculation purposes. According to the petitioner, granting the

THIS IS A COURTESY COPY OF THIS NOTICE. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE MAY 19, 2014, NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE NOTICE, THE OFFICIAL VERSION WILL GOVERN.

petition is consistent with the Department's goal of eliminating unnecessary paperwork for small generators. Notice of receipt of the petition was published in the April 7, 2014, New Jersey Register. (See 46 N.J.R. 643(b).)

The Department's Response to the Petition

The petitioner previously suggested this same amendment to the rules in its comment on the proposal of amendments to the Solid Waste Rules, N.J.A.C. 7:26A, which were adopted in 2005. (See 36 N.J.R. 4602(a), 37 N.J.R. 2497(a).) In response to the comment, the Department declined to make the requested change, because the reporting information provided by funeral homes under N.J.A.C. 7:26-2A.21(d) regarding the quantities of embalming effluent discharged to the municipal wastewater system enabled the Department to document the amounts of such waste generated and disposed of into sewer systems. The Department believed that funeral homes that did not discharge to a municipal sewer system were likely discharging the embalming effluent into septic systems, which discharges are improper unless the funeral home has a New Jersey Pollutant Discharge Elimination System – Discharge to Ground Water (NJPDES-DGW) permit for the discharge in accordance with N.J.A.C. 7:14A. The Department needed time to evaluate the Statewide impact of the discharges to septic systems, so that it could address the management of embalming effluent by the funeral home industry in New Jersey as a whole.

Since that time, the Department has met with funeral home directors and advised those funeral home directors who do not discharge to a municipal sewer system to collect the regulated medical waste in an above ground tank for disposal off-site, rather than discharge to a septic

THIS IS A COURTESY COPY OF THIS NOTICE. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE MAY 19, 2014, NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE NOTICE, THE OFFICIAL VERSION WILL GOVERN.

system. In the alternative, funeral homes may obtain a NJPDES-DGW permit from the Department to discharge regulated medical waste to a septic system. This permit requires compliance with the Ground Water Quality Standards and enables the Department to monitor any discharges to a septic system, including the amount discharged, to ensure the protection of human health and the environment.

The Department has concluded that amending the rule as requested to exclude this embalming effluent (body fluids, blood, and blood product from the embalming process) from a registered funeral home facility, disposed of into a sanitary sewer system, from annual regulated medical waste generator reporting will not limit the Department's ability to monitor the regulated medical waste management practices of these funeral homes, as required by the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. The petitioner does not request that funeral homes be exempt from the registration requirements at N.J.A.C. 7:26-3A.8(f), applicable to each generator, transporter, intermediate handler, collection facility, transfer station, and destination facility for regulated medical waste. Therefore, the Department continues to be able to identify all registered regulated medical waste generators, include funeral homes, and monitor their waste management practices to ensure the protection of human health and the environment.

Accordingly, the petition is granted.

The Department has negotiated and reached an agreement with the petitioner for a 90 day extension, until October 20, 2014, of the deadline established at N.J.A.C. 1:30-1.4(a)2, which requires the Department to initiate rulemaking within 90 days of granting the petition. A copy of this notice has been mailed to the petitioner in accordance with N.J.A.C. 1:30-4.2.