



*Commonwealth of Virginia*

***VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY***

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**Temporary Waiver of Permitting Requirements for  
Storage of Regulated Medical Waste at Virginia Department of Health Facilities  
April 14, 2020**

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On March 12, 2020, Governor Ralph Northam declared a state of emergency due to novel coronavirus (COVID-19). In the Declaration of State of Emergency Due to Novel Coronavirus, Executive Order 51, the Governor directed state agencies to render appropriate assistance to prepare for and mitigate the effects of the coronavirus (COVID-19) outbreak. In doing so, he ordered authorization for the heads of executive branch agencies, on behalf of their regulatory boards as appropriate, and with the concurrence of their Cabinet Secretary, to waive any state requirement or regulation.

Pursuant to the authority granted to the agency head by Executive Order 51 (2020), the Virginia Department of Environmental Quality (DEQ) has been working to evaluate storage requirements related to the management of COVID-19 contaminated wastes from drive-through test centers. Where regulated medical waste (RMW) is generated from drive-through test centers and stored offsite at facilities operated by the Virginia Department of Health (VDH), it may not be feasible for these facilities to meet the exemptions for storage of RMW without a permit ([9VAC20-120-170](#)), OR to obtain separate permits for offsite storage of RMW at each VDH facility ([9VAC20-120-160](#)).

Based on this evaluation, DEQ has determined that it is necessary to waive the requirement for offsite RMW storage facilities operated by VDH to obtain a permit by rule under 9VAC20-120-160 and Part X of the Virginia Regulated Medical Waste Management Regulations (VRMWMR, Sections 9 VAC20-120-680 through 840). This waiver will allow VDH to effectively operate drive-through test centers and properly manage all RMW generated.

This waiver only applies to the requirement for VDH facilities that accept RMW generated offsite from COVID-19 drive-through test centers to obtain a permit by rule from DEQ for RMW storage. VDH facilities accepting RMW generated offsite from drive-through test centers must still adhere to the applicable storage requirements outlined below:

**Storage on Loading Docks ([9VAC20-120-170.A.](#)):**

- RMW must be packaged, marked, and labeled for transport per [9VAC20-120-210](#).
- RMW may not be held for more than 24 hours on the loading dock.
- The RMW storage areas must be secure from unauthorized access.
- RMW packaging must be protected from damage and the elements.

**Storage Areas Inside the VDH Facility:**

- RMW must be packaged and labeled (properly sealed red biohazard bag placed in a rigid container, such as a reusable 96 gallon cart or single-use cardboard box) in accordance with [9VAC20-120-210](#) and [9VAC20-120-220](#).
- Sharps must be placed directly into puncture resistant containers in accordance with [9VAC20-120-240](#).
- RMW shall be stored in a designated storage area, with clean and impermeable floors ([9VAC20-120-340](#)).
- RMW storage areas shall have access controls, such as door locks, to prevent unauthorized access ([9VAC20-120-350](#)).
- Floor drains in RMW storage areas must discharge to the sanitary sewer, and ventilation shall discharge to minimize human exposure to the effluent ([9VAC20-120-370](#)).
- RMW shall not be stored longer than 7 days ([9VAC20-120-360](#)). If a longer storage time is needed, please notify the waste compliance manager in the appropriate DEQ [regional office](#).
- Reusable RMW containers, if used, shall be cleaned after each use in accordance with [9VAC20-120-260](#).
- RMW storage areas shall contain a spill clean-up kit containing absorbent material, disinfectant, red biohazard bags, and appropriate personal protective equipment as required by [9VAC20-120-270](#).
- Spills of RMW must be cleaned up following procedures of [9VAC20-81-280](#). EPA maintains a [list of disinfectants for use against SARS-CoV-2](#), the virus that causes COVID-19.

**Recordkeeping**

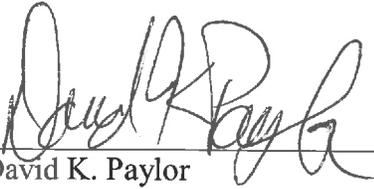
- Each VDH facility shall maintain a log of RMW received from off-site, including the generator, the amount, and its storage and receipt dates ([9VAC20-120-310](#)).

This waiver only applies to VDH facilities that receive and store RMW generated offsite from drive-through test centers. All other generators of RMW and permitted RMW transfer stations and treatment facilities must continue to comply with the applicable state requirements for management of RMW as outlined in the VRMWMR and their RMW permit, if applicable. Permitted RMW transfer stations and treatment facilities are also subject to the Department's [COVID-19 Compliance and Enforcement Guidance](#).

All RMW must be properly treated at a permitted RMW treatment facility (e.g. autoclave, incinerator) prior to disposal. This waiver does not waive the requirement for RMW treatment facilities to obtain a permit.

This waiver does not waive statutory requirements or limitations, nor does it amend any other regulatory requirements.

This waiver shall take effect on April, 14, 2020, and shall remain in full force and in effect until June 10, 2020, unless sooner amended or rescinded by further executive order.



David K. Paylor