

# STATE OF COLORADO

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Dedicated to protecting and improving the health and environment of the people of Colorado

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Colorado Department  
of Public Health  
and Environment

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Greg Krivec R.Ph. FASCP, Consultant Pharmacist  
Omnicare Pharmacy of Golden  
15000 W 6th Avenue, #300  
Golden, CO 80401-4800

Dear Mr. Krivec:

Thank you for your question: "Do RCRA requirements apply to assisted living facilities?"

**Answer:**

Yes, in many cases. If Assisted Living Residences (ALRs) take control of and responsibility for medication (i.e., stores, distributes and/or arranges for disposal), the waste medication is subject to RCRA Hazardous Waste Regulations.

For most health care facilities, being subject to RCRA Hazardous Waste Regulations means that the facility must meet the requirements for conditionally exempt small quantity generators (CESQGs). CESQG requirements may be found in 6 CCR 1007-3, Section 261.5 and include, but are not limited to:

- Determine which medication wastes are hazardous wastes when disposed;
- Stay below the weight thresholds applicable to CESQGs;
- Send hazardous waste to a disposal facility that is authorized to accept RCRA hazardous wastes from CESQGs (usually an out-of-state incinerator, NOT in a red sharps container);
- Minimize releases of waste medication to the environment (i.e., do not flush medications into the sewer).

Currently, in addition to the above requirements, the following types of health care facilities are also required to submit a hazardous waste self certification each year: long term care facilities, inpatient hospices, and some hospitals. ALRs are not currently required to submit the yearly self certification requirement but are required to comply with all of the other requirements listed above if the ALR is the one in control of waste medication.

**Regulatory Background:**

Generally, RCRA hazardous waste regulations apply to any business that generates waste. In contrast, waste generated by a household is exempt from regulation as hazardous waste. (See 6 CCR 1007-3, Section 261.4(b)(1)). If medication and medication waste is under the control of the ALR, it is the ALR

that is the generator of the waste, not the individual patient. The ALR is a business, not a private individual. Therefore medication waste from ALR facilities that control the medications is not household waste and therefore not exempt.

However, if the ALR is *not* in charge of the disposal of waste medication, and the waste medication is generated by a private individual in a household setting, in volumes and types that are typical of household use, the waste medication is subject to the reduced disposal requirements that apply to household waste. For example, if waste medication is returned to the resident or the resident's family, and the resident or resident's family disposes of the medication themselves, then the waste medication is considered household waste and is exempt from RCRA Hazardous Waste Regulations.

If you have any questions please feel free to contact Dan Goetz at 303-692-3341 or the Hazardous Materials and Waste Management Division's Customer Technical Assistance Line at 303-692-3320 or toll free at 888-569-1831 x 3320.

Sincerely,



Joe Schieffelin, Manager  
Hazardous Waste Program  
Hazardous Materials and Waste Management Division