

# S.C. Hazardous Waste Management Regulations Update

September 2020

The Environmental Protection Agency (EPA) publishes in the Federal Register periodic updates to the Federal Hazardous Waste regulations (40 CFR 260 - 273). If the updated regulations are considered by the EPA to be more stringent than existing regulations, DHEC is required to adopt them. If the EPA determines the updated regulations are less stringent than existing regulations, DHEC is not required to adopt them, but generally does to remain consistent with federal regulations.

The administrative process DHEC uses when adopting regulations is described [here](#).

Below is a summary of recent and planned revisions to the S.C. Hazardous Waste Management Regulations.

## **Definition of Solid Waste Rule**

DHEC adopted as final two optional portions of the Definition of Solid Waste (DSW) rule in June 2020. The two portions include requirements for proper management of hazardous waste being recycled (referred to as “hazardous secondary material”), as well as financial assurance for proper management of hazardous secondary material, and the Remanufacturing Exclusion, which encourages recycling of certain high-value solvents.

These portions of the DSW rule were published in the June 26, 2020 State Register and therefore are effective in South Carolina.

## **Safe Management of Recalled Airbags**

The EPA published an Interim Final Rule on Safe Management of Recalled Airbags in the Federal Register on November 30, 2018 (83 FR 231). This rule responds to an urgent public need to safely manage recalled Takata airbags. More information can be found on this rule on the EPA’s website at <https://www.epa.gov/hw/interim-final-rule-safe-management-recalled-airbags>

This rule requires Legislative review.

A Notice of Proposed Regulation was published in the State Register on August 28, 2020 for a 30-day public comment period. The DHEC Board is scheduled to conduct a hearing on the Airbags rule at its November 13, 2020 meeting. If the DHEC Board approves the Airbags rule, it will be submitted to the Legislature for review in January 2021.

### **Universal Waste Regulations: Addition of Aerosol Cans**

The EPA published the Universal Waste Regulations: Addition of Aerosol Cans rule in the Federal Register on December 9, 2019 (84 FR 236). This rule adds hazardous waste aerosol cans to universal waste under Part 273 of the hazardous waste management regulations. The addition of hazardous waste aerosol cans to universal waste under RCRA will allow management of used hazardous waste aerosol cans in an environmentally protective manner. It also promotes the collection and recycling of aerosol cans, thus reducing the quantity disposed in landfills.

More information on the Aerosol Cans rule may be found at <https://www.epa.gov/hw/increasing-recycling-adding-aerosol-cans-universal-waste-regulations>

This rule requires Legislative review.

A Notice of Proposed Regulation was published in the State Register on August 28, 2020 for a 30-day public comment period. The DHEC Board is scheduled to conduct a hearing on the Aerosol Cans rule at its November 13, 2020 meeting. If the DHEC Board approves the Aerosol Cans rule, it will be submitted to the Legislature for review in January 2021.

### **Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine**

The EPA published the Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine Rule in the Federal Register on February 22, 2019 (84 FR 36). This rule establishes procedures for safe management of hazardous waste pharmaceuticals by healthcare facilities and reverse distributors. It eliminates dual regulation of RCRA hazardous waste pharmaceuticals that are also regulated as controlled substances by the federal Drug Enforcement Administration. The rule maintains the exemption of household hazardous waste for pharmaceuticals collected during take-back programs. It also no longer considers federal Food and Drug Administration approved over-the-counter replacements for nicotine therapies (i.e., nicotine patches, gums, and lozenges) as acutely hazardous waste (P075). Finally, the rule prohibits disposal of hazardous waste pharmaceuticals “down the drain”, also known as non-sewering. The non-sewering ban became effective nationally on August 21, 2019.

More information on this rule may be found at <https://www.epa.gov/hwgenerators/management-pharmaceutical-hazardous-waste>

This rule does not require Legislative review.

A Notice of Proposed Regulation was published in the State Register on August 28, 2020 for a 30-day public comment period. The DHEC Board is scheduled to conduct a hearing on the Pharmaceutical rule at its November 13, 2020 meeting. If the DHEC Board approves the

Pharmaceutical rule, it will be published as a final rule in the S.C. State Register on November 27, 2020.

**For More Information**

EPA maintains a web site which includes information on these and other rules that DHEC uses during the adoption process and can be found at this [link](#). The EPA web site includes checklists for use by States when adopting rules, copies of Federal Register notices, etc.

For additional information on adoption of hazardous waste regulations in South Carolina, please email us at [hwreg@dhec.sc.gov](mailto:hwreg@dhec.sc.gov).