

# S.C. Hazardous Waste Management Regulations Update

December 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.

## **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 (Pharm 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>

The Pharmaceutical Rule became effective upon publication in the S.C. State Register on November 27, 2020.

### **Safe Management of Recalled Airbags**

The EPA published an Interim Final Rule on Safe Management of Recalled Airbags (Airbags Rule) 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.

The DHEC Board conducted a public hearing on the Airbags Rule at its November 13, 2020 meeting and voted to approve the rule for submittal to the S.C. Legislature in January 2021. If approved by the Legislature, the rule will become effective in approximately June 2021.

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

The EPA published the Universal Waste Regulations: Addition of Aerosol Cans Rule (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.

The DHEC Board conducted a public hearing on the Aerosol Cans Rule at its November 13, 2020 meeting and voted to approve the rule for submittal to the S.C. Legislature in January 2021. If approved by the Legislature, the rule will become effective in approximately June 2021.

### **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).