

## Hazardous Waste Rule Summaries

The Mississippi Department of Mississippi (MDEQ) is proposing revisions to the Mississippi Hazardous Waste Management Regulations to include ten Federal Regulations previously adopted by the U.S. Environmental Protection Agency (EPA) under the authority of Subtitle C of the Resource Conservation and Recovery Act (RCRA). For informational purposes, the MDEQ is providing the brief summaries of the Federal Register notifications of each of the rules proposed for adoption below. Any person interested in offering comments on the adoption of these Federal regulations should participate in the public comment process that has been noticed by MDEQ (see Public Notice). The first 6 rules listed below are rules that will be delegated to MDEQ by EPA for implementation in the State of Mississippi.

1. [80 FR 1694, January 13, 2015 – as amended by 83 FR 24664, May 30, 2018, – Revisions to the Definition of Solid Waste](#)

80 FR 1694 as amended by 83 FR 24664 revises several recycling-related provisions associated with the definition of solid waste used to determine hazardous waste regulation under Subtitle C of the Resource Conservation and Recovery Act (RCRA). The purpose of these revisions is to ensure that the regulations governing the recycling of hazardous secondary materials, as implemented, encourage reclamation in a way that does not result in increased risk to human health and the environment.

2. [80 FR 18777, April 8, 2015 – Vacature of the Comparable Fuels Rule and the Gasification Rule](#)

80 FR 18777 revises the regulations associated with the comparable fuels exclusion and the gasification exclusion, originally issued by EPA under the Resource Conservation and Recovery Act (RCRA) and subsequently adopted by MDEQ. These revisions implement vacatur orders by the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit), on June 27, 2014.

3. [83 FR 61552, November 30, 2018 – Safe Management of Recalled Airbags](#)

This interim final rule facilitates a more expedited removal of defective Takata airbag inflators from vehicles by dealerships, salvage yards and other locations for safe and environmentally sound disposal by exempting the collection of airbag waste from hazardous waste requirements so long as certain conditions are met.

4. [84 FR 5816, February 22, 2019 – Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine](#)

This rule creates a new part 266 subpart P for the management of hazardous waste pharmaceuticals by healthcare facilities and reverse distributors in lieu of the generator regulations in part 262. This new subpart prohibits the disposal of hazardous waste pharmaceuticals down the drain and eliminates the dual regulation of RCRA hazardous waste pharmaceuticals that are also Drug Enforcement

Administration controlled substances by finalizing a conditional exemption. The new subpart also maintains the household hazardous waste exemption for pharmaceuticals collected during pharmaceutical take-back programs and events, while ensuring their proper disposal and codifies EPA's prior policy on the regulatory status of nonprescription pharmaceuticals going through reverse logistics. This rulemaking takes two additional actions by finalizing an amendment to the P075 acute hazardous waste listing of nicotine and salts to exclude certain U.S. Food and Drug Administration approved over-the-counter nicotine replacement therapies, and in the preamble establishes a policy on the regulatory status of unsold retail items that are not pharmaceuticals and are managed via reverse logistics.

5. [84 FR 67202, December 9, 2019 – Universal Waste Regulations: Addition of Aerosol Cans](#)

This final rule adds hazardous waste aerosol cans to the universal waste program under the federal Resource Conservation and Recovery Act (RCRA) regulations. This change benefits the wide variety of establishments generating and managing hazardous waste aerosol cans, including the retail sector, by providing a clear, protective system for managing discarded aerosol cans, eases regulatory burdens, promotes the collection and recycling of these cans, and encourages the development of municipal and commercial programs to reduce the quantity of these wastes going to municipal solid waste landfills or combustors.

6. [85 FR 40594, July 7, 2020 – Modernizing Ignitable Liquids Determinations](#)

Today's rule finalizes updates to the flash point test methods from 1978, 1979, and 1980 (required for determining if a liquid waste is an ignitable hazardous waste) to include current ASTM International (ASTM) standards. EPA also finalized the codification of existing guidance to define "aqueous" as "50% water by weight." This rule updated the regulations to correct cross references to U.S. DOT regulations and to remove obsolete information in the ignitability regulation. Finally, through this rule making MDEQ is incorporating alternatives to the use of mercury thermometers in the air sampling and stack emissions methods 0010, 0011, 0020, 0023A, and 0051 in SW-846.

The rules summarized in bullets eight through ten will not be delegated to MDEQ for oversight and compliance. The U.S. EPA will continue to oversee the implementation of these rules in Mississippi. However, MDEQ must adopt these rules into the Mississippi Hazardous Waste Regulations to maintain consistency between the federal and state programs in accordance with 40 CFR 271.4 and MS Code 17-17-27(j).

7. [81 FR 85696, November 28, 2016– Imports and Exports of Hazardous Waste](#)

This rule amends existing regulations regarding the export and import of hazardous wastes from and into the United States. EPA made these changes to provide greater protection to human health and the environment by making existing export and import

related requirements more consistent with the current import-export requirements for shipments between members of the Organization for Economic Cooperation and Development (OECD); enabled electronic submittal to EPA of all export and import-related documents (e.g., export notices, export annual reports); and enabled electronic validation of consent in the Automated Export System (AES) for export shipments subject to RCRA export consent requirements prior to exit.

8. [82 FR 41015, August 29, 2017 – AES Filing Compliance Date for Hazardous Waste Export AES](#)

82 FR 41015 promulgated the compliance date of December 31, 2017, for the use of the Automated Export System (AES) as adopted by 81 FR 85696.

9. [82 FR 60894, December 26, 2017 – Confidentiality Determinations for Hazardous Waste Export and Import Documents](#)

This rule amends existing regulations regarding the export and import of hazardous wastes from and into the United States. Specifically, this rule applies a confidentiality determination such that no person can assert confidential business information (CBI) claims for documents related to the export, import, and transit of hazardous waste and export of excluded cathode ray tubes (CRTs). EPA made these changes to apply a consistent approach in addressing confidentiality claims for export and import documentation.

10. [83 FR 420, January 3, 2018 – Hazardous Waste Electronic Manifest User Fee Rule](#)

This rule establishes the methodology EPA uses to determine and revise the user fees applicable to the electronic and paper manifests to be submitted to the national electronic manifest system (e-Manifest system) that EPA is developing under the Hazardous Waste Electronic Manifest Establishment Act, P.L. 112-195. After the e-Manifest system's implementation date, certain users of the hazardous waste manifest are required to pay a prescribed fee for each electronic and paper manifest they use and submit to the national system so that EPA can recover the costs of developing and operating the national e-Manifest system. This final rule also announced the June 30, 2018 date that when EPA expected the system to be operational and when this rule and the earlier promulgated One Year Rule went into effect. EPA began accepting manifest submissions and collecting the corresponding manifest submission fees on this date.