



Department of
**Environment &
Conservation**

Hazardous Waste Amendments Update

Tennessee Rule Chapter 0400-12-01

June 2, 2021

INTRODUCTION

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STATE AUTHORIZATION

- Tennessee is required to adopt the Federal Regulations promulgated to **maintain program authorization**.
- State RCRA programs must be **at least as stringent** as the federal requirements, but states can adopt **more stringent** requirements as well.
- The general schedule for States to update their regulations is that the state program **must be modified** by July 1 of each year to reflect changes occurring between July 1 of the previous year to June 30 of the current year.

Recent Updates

- **Generator Improvement Rule**
 - **Effective Date**
 - **May 13, 2021**

- **Aerosol Can Rule**
 - **Pending Effective Date**
 - **June 3, 2021**

Pharmaceutical Rule

FEDERAL REGISTERS:

- **February 22, 2019** **Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine**

EPA COMMENTS

STATE LAWS AND THIS BOARD'S POLICIES

TECHNICAL CORRECTIONS AND HOUSEKEEPING

Pharmaceutical Rule

- **May 12, 2021** Filed Public Notice for the Public Hearing with the Secretary of State (SOS).
- **July 6, 2021** Public Meeting
William R. Snodgrass TN Tower
312 Rosa L. Parks Ave.
2nd Floor, Conference Rooms A, B, and C
Nashville, Tennessee 37243.
- **July 6, 2021** Written comments must be submitted by 4:30 p.m.

DRAFT AMENDMENT

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

- **Prohibits** the disposal of hazardous waste pharmaceuticals down the drain;
- Eliminates the dual regulation of hazardous waste pharmaceuticals that are also Drug Enforcement Administration controlled substances;
- Preserves the household hazardous waste exemption for pharmaceuticals collected during pharmaceutical take-back programs and events, while providing for their proper disposal;
- Codifies the Environmental Protection Agency's prior policy on the status of nonprescription pharmaceuticals going through reverse logistics;

DRAFT AMENDMENT

Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine (cont.)

- Defines when containers that held hazardous waste pharmaceuticals are considered “empty;”
- Amends the listing description of the P075 acute hazardous waste listing for nicotine and salts to indicate that U.S. Food and Drug Administration-approved over-the-counter nicotine replacement therapies are not included in the listing;
- Counts hazardous waste pharmaceuticals in the calendar month generation rate for the purpose of paying the generator annual maintenance fee, except a hazardous waste pharmaceutical that is also Drug Enforcement Administration controlled substance and is conditionally exempt under subparagraph (16)(g) of Rule 0400-12-01-.09; and
- Removes any potential discrepancies with the universal waste terms defined in Rule 1200-12-01-.01 and Rule 0400-12-01-.12.

STATE REGULATIONS

A copy of the draft/final rules are available at:

<https://sos.tn.gov/division-publications/rules-and-regulations>

<https://www.tn.gov/environment/ppo-public-participation/ppo-public-participation/ppo-waste>

Questions?

CONTACT

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