




2022 AWMA Southern Section Waste Division Updates

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Hazardous Waste Branch

September 21, 2022



Mississippi Department of Environmental Quality

- ▶ Office of Pollution Control
- ▶ Waste Division
 - ▶ Solid Waste Management programs;
 - ▶ Hazardous Waste Management program;
 - ▶ Recycling and Waste Reduction program;
 - ▶ Pollution Prevention, Waste Minimization, and enhance programs
 - ▶ Underground Injection Control program

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MDEQ Regulatory Updates

- ▶ Regulatory Review Process
 - ▶ Mississippi Commission on Environmental Quality
- ▶ Revisions to the Mississippi Nonhazardous Solid Waste Management Regulations
- ▶ Revisions to the Mississippi Hazardous Waste Management Regulations
 - ▶ Effective July 1, 2022



Regulatory Revision Process

- Develop and finalize MDEQ internal draft of Regulations;
- Hold Preliminary Stakeholder Meeting (where appropriate);
- Review and Finalize draft regulations
- Develop Small Business Impact assessment (where required);
- Submit proposed revisions to the Small Business Review Committee for comment;
- Issue public notices and hold a public hearing (In-person, virtual, or both);



Final Approved Regulations

- Collect and consider all comments, in finalizing the regulations.
- Develop and submit final draft regulations to the Commission
- Allow 30 day appeal period after approval before the regulations are effective. Hold evidentiary hearing before the Permit Board if necessary.
- Submit proposal to EPA for approval for Delegated program areas.



Revisions to Mississippi Nonhazardous Solid Waste Management Regulations

- ▶ Adopted in 1993, content last updated in 2005 and incorporated into the State Administrative Procedures Act Rules in 2013.
- ▶ Sets standards for all solid waste management facilities to ensure the protection of human health and the environment.
- ▶ Referenced as Title 11, Part 4, Chapter 1 Mississippi Commission on Environmental Quality Regulation Regarding Nonhazardous Solid Waste Management Regulations.



Regulatory Revisions Under Consideration

▶ Exemption Clarifications

- ▶ Wastewater, Agricultural wastes
- ▶ Beneficial use of by products, e.g. slag; composting

▶ Proposed Changes to Definitions

▶ Landfill Siting Criteria

- ▶ Surface water, drinking water sources, property line, residences, floodplains, and geologic buffers



Proposed Changes to Procedures and Regulations

▶ Proposed Changes to Permitting Procedures

- ▶ Emergency authorizations, short term project permits, R, D & D Permits

▶ Proposed Changes to Landfill Regulations

- ▶ Screening program requirements, R, D, & D landfill proposals and updates, owner requirements and financial assurance
- ▶ Coal Combustion Residuals Rule



Updates and Proposed Changes to Regulations

- **Proposed Changes to Transfer Station and Storage Regulations**
 - Clarifies conditions for the Statewide General Permit
- **Proposed Changes to Rubbish Disposal Site Regulations**
 - Clarifies requirements for Rubbish site operations
- **Proposed Changes to Processing Facility Regulations**
 - Sets permitting and operation requirements
 - Category I and II



Updates and Proposed Changes to Regulations

- **Proposed Changes to Land Application Regulations**

- Clarifies language, conditions, permit limits, reporting, and recordkeeping requirements

- **Proposed Changes to Composting Facility Regulations**

- Categorizes Composting facilities into Type A, B, and C

- **PFA**s

- CERCLA, Appendix VIII
- Groundwater and Remediation Division (GARD)



Hazardous Waste Updates

- **Incinerator Backlog**
 - **Amendments to Mississippi Hazardous Waste Management Regulations**
 - **PFAS**
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Revisions to Mississippi Hazardous Waste Management Regulations

- **2017 - Generator Improvement Rule (GIR)**
- Sets standards for Generators, Transporters, and Treatment, Storage, and Disposal Facilities to ensure protection of human health and the environment
- Referenced as Title 11, Part 3, Chapter 1 Mississippi Commission on Environmental Quality Regulation Regarding Hazardous Waste Management Regulations.
- **Last Amended May 26, 2022**



Mississippi Hazardous Waste Management Regulation Updates

- **40 C.F.R. Parts 260 – 273, Part 279**
- **Aerosol Can Universal Waste**
- **Revisions to Definition of Solid Waste**
- Hearing was held March 10, 2022
- Adopted by the MDEQ Commission on May 26, 2022
- **Effective July 1, 2022**



Hazardous Waste Updates

- **Revisions to the Definition of Solid Waste**

- 80 FR 1694, January 13, 2015 – as amended by 83 FR 24664, May 30, 2018

- **Vacatur of the Comparable Fuels Rule and the Gasification Rule**

- 83 FR 18777, April 8, 2015

- **Safe Management of Recalled Airbags (Takata)**

- 83 FR 61552, November 30, 2018



Hazardous Waste Rule Amendments

- ▶ **Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 listing for Nicotine**
 - ▶ 84 FR 5816, February 22, 2019
- ▶ **Universal Waste Regulations: Addition of Aerosol Cans**
 - ▶ 84 FR 67202, December 9, 2019
- ▶ **Modernizing Ignitable Liquids Determinations**
 - ▶ 85 FR 40594, July 7, 2020



Adopted Rules that remain under EPA enforcement authority

- **Imports and Exports of Hazardous Waste**
 - 81 FR 85696, November 28, 2016
 - **AES Filing Compliance Date for Hazardous Waste Export AES**
 - 82 FR 41015, August 29, 2017
 - **Confidentiality Determinations for Hazardous Waste Export and Import Documents**
 - 82 FR 60894, December 26, 2017
 - **Hazardous Waste Electronic Manifest User Fee Rule**
 - 83 FR 420, January 3, 2018
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Aerosol Can Universal Waste

- ▶ In March 2018, EPA proposed adding aerosol cans to the Universal Waste program
- ▶ Based on existing Universal Waste rules
- ▶ In Mississippi, the Rule is effective: **July 1, 2022**



Universal vs Hazardous Waste

- ▶ Puncturing Units remain subject to Hazardous Waste rules
 - ▶ Generate new waste stream subject to waste determination §262.11
 - ▶ Follow written procedures using specific equipment for puncturing cans
 - ▶ Ensure human health, safety, and protection of environment – fire
 - ▶ Punctured contents managed per waste determination
 - ▶ Hazardous or nonhazardous



Aerosol Can Universal Waste

- ▶ Container Management
 - ▶ Damaged or leaking cans and containers
 - ▶ Allowed to manage cans
 - ▶ Sorting cans by type
 - ▶ Mixing cans into one container
 - ▶ Removing actuators
- ▶ Employee Training
- ▶ Response to Releases



Aerosol Can Universal Waste

- ▶ Marking/Labeling
 - ▶ “Universal Waste - Aerosol Can(s),”
 - ▶ “Waste Aerosol Can(s),” or
 - ▶ “Used Aerosol Can(s)”
- ▶ Marking the Earliest Date
- ▶ 1-year accumulation



Hazardous Waste Pharmaceutical Rule

- Final rule amends P075 listing for Nicotine
- Management of hazardous waste pharmaceuticals
 - Healthcare facilities
 - Reverse distributors
- Became effective **July 1, 2022**



Revisions to the Definition of Solid Wastes

- **Hazardous Secondary Materials**

- Generator controlled exclusion §261.4(a)(23)

- **Transfer Based Exclusion**

- Hazardous secondary materials transferred to a third party for recycling §261.4(a)(24) & (25)
- Recycling factors for consideration
- Containment and emergency preparedness provisions



Four-Factor Recycling Legitimacy

➤ **3 factors must be addressed**

- Hazardous secondary material
- Valuable product or intermediate
- Managed as a valuable commodity

➤ **1 factor must be considered**

- Contain hazardous constituent (Appendix VIII of §261)
- Exhibits hazardous characteristic
- Consider legitimacy as a whole



Questions?

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