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Technical Corrections/Hazardous Waste Generator Improvements/Pharmaceuticals/Definition of Solid Waste: U.S. Environmental Protection Agency Partial Withdrawal of Direct Final Rule

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The United States Environmental Protection Agency (“EPA”) issued a direct final rule on August 9th denominated:

Hazardous Waste Generator Improvements Rule, the Hazardous Waste Pharmaceuticals Rule, and the Definition of Solid Waste Rule; Technical Corrections

See 88 Fed. Reg. 54086.

The direct final rule made what were described as technical corrections to the following Resource Conservation and Recovery Act (“RCRA”) rules:

- Hazardous Waste Generator Improvements Rule
- Hazardous Waste Pharmaceuticals Rule
- Definition of Solid Waste Rule

EPA had described the technical corrections in the direct final rule as:

... minor corrections that fall within the same sections of the hazardous waste regulations but are independent of these three rules.

EPA states it received adverse comment on eight amendments in the August 9th direct final rule. As a result, the federal agency has published in the December 6th Federal Register withdrawal of amendments to specific provisions through correction to the direct final rule. See 88 Fed. Reg. 84710. In other words, they are only withdrawing eight amendments in that direct final rule for which adverse comments were received. All other amendments in the direct final rule will go into effect on the effective date which is December 7th.

The eight amendments that are being withdrawn are described by EPA as including:

1. Section 261.4(e)(1) introductory text related to sample waste generated or collected for the purpose of conducting treatability studies.

2. Section 262.11(d) introductory text related to identifying hazardous characteristics for listed hazardous wastes when the characteristic is already addressed by the listing.
3. Section 262.11(g) related to identifying hazardous characteristics for listed hazardous wastes when the characteristic is already addressed by the listing.
4. Section 262.16(b)(1) related to the accumulation limit for small quantity generators generating acute hazardous waste.
5. Section 262.17(a)(8)(i) introductory text related to LQG closure notification when closing a waste accumulation unit but not the whole facility.
6. Section 262.17(a)(8)(i)(A) related to LQG closure notification when closing a waste accumulation unit but not the whole facility.
7. Section 262.232(b)(6)(iv) related to adding “RCRA-” to the term “designated facility” to match the language of parallel provisions in this section.
8. Section 266.508(a)(2)(ii) related to allowing applicable EPA hazardous waste numbers (also known as waste codes) in addition to the required PHARMS code in item 13 of the hazardous waste manifest for shipments of hazardous waste pharmaceuticals from a healthcare facility subject to 40 CFR part 266 subpart P. We are also withdrawing language from this provision that allows the use of PHRM in lieu of PHARMS in item 13 of the hazardous waste manifest.

A copy of the Federal Register can be downloaded [here](#).