Disposal of Waste Pharmaceuticals – No Sewering Provision

A Guide for South Dakota Healthcare Facilities

In order to reduce the volume of pharmaceuticals entering our state's sewage treatment plants, as of August 21, 2019, unwanted hazardous waste pharmaceuticals (for both people and animals) may no longer be flushed down the drain. Studies performed in the last five years have found increasing levels of pharmaceuticals in our nation's surface and ground waters. The source of the pharmaceuticals has been traced to discharges from Publicly Owned Treatment Works (POTWs). Although a large proportion of pharmaceuticals entering sewage treatment plants come from unabsorbed medicines eliminated naturally by the body, healthcare facilities can help reduce the load by not flushing pharmaceuticals down the drain.

Working together, the federal Drug Enforcement Agency (DEA) and the Environmental Protection Agency (EPA) established August 21, 2019 as the date in which all healthcare facilities (as defined in ARSD 74:28:27:01 adopting 84 FR No. 36) and reverse distributors across the nation are prohibited from discharging hazardous waste pharmaceuticals into sewer systems connected to Publicly Owned Treatment Works (POTWs). Alternatives for disposal depend upon whether the waste pharmaceuticals are subject to the state's Subpart P requirements and/or are considered controlled drugs regulated by the federal Drug Enforcement Administration (DEA). Healthcare facilities subject to the Subpart P hazardous waste requirements must ensure hazardous waste pharmaceuticals are disposed at a permitted hazardous waste facility (TSDF). Facilities generating controlled substances subject to DEA requirements must ensure those wastes are disposed at an incinerator meeting DEA criteria.

Questions regarding how your healthcare facility may be affected by this rule can be directed to staff with the Department of Agriculture and Natural Resources, Waste Management Program Hazardous Waste Section at 605-773-3153. Additional information can be obtained through the following links:

- South Dakota's Hazardous Waste Rules (Administrative Rules of South Dakota Chapter 74:28): https://sdlegislature.gov/Rules/Administrative/27552 (see ARSD 74:28:27:01 for the Pharmaceutical Waste requirements)
- Sewer Ban: https://www.epa.gov/hwgenerators/frequent-questions-about-management-standards-hazardous-waste-pharmaceuticals-and#ban
- Management of Hazardous Waste Pharmaceuticals – EPA website: https://www.epa.gov/hwgenerators/management-hazardous-waste-pharmaceuticals
- Disposal of Controlled Substances – DEA website: https://www.dea.gov/press-releases/2014/09/08/dea-releases-new-rules-create-convenient-safe-and-secure-prescription
- SDDANR-Hazardous Waste Section Website: https://danr.sd.gov/Environment/WasteManagement/HazardousWaste/default.aspx
- SDDANR-Managing Hazardous Pharmaceutical Waste Website: https://danr.sd.gov/Environment/WasteManagement/HazardousWaste/PharmaceuticalWaste.aspx