



PUBLIC NOTICE NO. 25-06

**NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS WASTE BUREAU
SANTA FE, NEW MEXICO
October 31, 2025**

**NOTICE OF REGULATORY ADOPTION AND BEGINNING OF COMPLIANCE PERIOD BEGINNING
JULY 1, 2026 FOR HAZARDOUS WASTE REGULATIONS 2018-2024**

The New Mexico Environment Department has updated its Hazardous Waste Program to include recent changes to the federal regulations that are incorporated into the New Mexico Hazardous Waste Regulations, at Chapter 20.4.1 of the New Mexico Administrative Code.

Under the authority of NMSA 1978 74-4-4, the New Mexico Environmental Improvement Board established the prospective adoption of changes to federal hazardous waste regulations that are found in Chapter 40 of the Code of Federal Regulations, in a rulemaking before the board effective December 1, 2018. Under prospective adoption, the New Mexico Environment Department can modify its regulatory program to reflect updates in the standards of hazardous waste rules for entities that manage these hazardous wastes. Since the time prospective adoption of the state Hazardous Waste Management Regulations began in 2018, several changes have been added to the federal hazardous waste standards.

The changes to the Hazardous Waste Management Regulations as a result of this action can be found on the fact sheet associated with this public notice and includes the following changes:

- An addition of a regulatory exemption for recalled and removed defective airbags by automotive maintenance businesses, dealerships, and recycling facilities that are sent to authorized airbag waste disposal facilities.
- Significant changes to the handling of hazardous waste pharmaceuticals, that allows for reverse distribution of creditable excess pharmaceuticals to authorized reverse distribution facilities.
- Conformance of New Mexico's aerosol can universal waste standards to the new federal universal waste regulations for aerosol cans. Under the newer federal standard that updates New Mexico's prior state regulations, aerosol cans that are not empty must be stored in sturdy containers in good condition, and establishes minimum safety and design standards for aerosol can puncturing devices.
- An addition of recycling standards for certified refrigerant recycling facilities
- Updates to references for the more recent and advanced test methods adopted by the U.S. EPA to define the characteristic of ignitability in analysis of waste samples, and other test methods as are currently used by analytical laboratories.
- Corrections of typographical errors and other technical corrections; and
- Updates to import/export provisions that are managed by the federal government.

Under the authority of NMSA 9-7A, NMED is charged with administering the hazardous waste laws to ensure the protection of human health and the environment. In order to ensure that the regulated community has sufficient opportunity to adjust to these changes, NMED will provide a compliance period for compliance with any additional regulatory provisions or exemptions. NMED requires compliance with the regulatory changes by July 1, 2026.

How to participate

Comments will be accepted via mail, email, and NMED's Smart Comment Portal at <https://nmed.commentinput.com/comment/search>. All other related information will be available on NMED's website through the Smart Comment Portal.

A copy of the Public Notice and a Fact Sheet providing further details on the regulatory changes are available electronically on the NMED website at: www.env.nm.gov/hazardous-waste/hazardous-waste-regulation-and-authorization/.

Any person seeking additional information regarding this notice or the Hazardous Waste Management Regulations may contact:

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Members of the public and other interested parties may submit comment on NMED's action. NMED will now receive public comment through **5:00 p.m. MDT, November 30, 2025**. Only comments and/or requests received on or before 5:00 p.m. MDT, November 30, 2025, will be considered.

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NMED will respond in writing to all significant public comment. This response will also be posted on the NMED website in addition to NMED notifying all persons providing written comments.

ARRANGEMENTS FOR PERSONS WITH DISABILITIES

Any person with a disability requiring assistance or auxiliary aid should contact Kate Cardenas, Non-Discrimination Coordinator, by phone at (505) 469-0732, or via email at: nd.coordinator@env.nm.gov. Toll-free numbers are available for TDD or TDY users to access the New Mexico Relay Network at 1-800-659-1779 (voice); TTY users: 1-800-659-8331.

DISCRIMINATION

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, or if you believe that you have been discriminated against with respect to a NMED program or activity, you may contact: Kate Cardenas, Non-Discrimination Coordinator, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@env.nm.gov. You may also visit our website at <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> to learn how and where to file a complaint of discrimination.