

**California Universal Waste Rule
DTSC Control Number R-97-08
Final Text**

Legend: This document presents the final text of the California Universal Waste Rule. Changes are shown from the existing text of Title 22, California Code of Regulations, as:

Underline underline Additions to existing text

Strikeout ~~strikeout~~ Deletions from existing text

For the convenience of reviewers, text adopted in the Cathode Ray Tube Emergency Regulations is shown as italic (*italic*) text and text deleted in the Cathode Ray Tube Emergency Regulations is shown as italic/strikeout (~~*italic/strikeout*~~)

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Article 2. Definitions

§66260.10. Definitions.

Additional definitions applicable to management of universal wastes are found in section 66273.9. When used in this division, the following terms have the meanings given below:

* * * *

NOTE: Authority cited: Sections 25141, 25150, 25158.1, 25158.4, 25159, 25159.5, 25187.7, 25200.10, 25204, 25218.3(d), 25316 and 58012, Health and Safety Code.
Reference: Sections 25110.02, 25110.1, 25110.5, 25111, 25112, 25112.5, 25113, 25114, 25115, 25117, 25117.1, 25117.3, 25117.8, 25117.9, 25117.11, 25118, 25119, 25120, 25121, 25121.5, 25122.7, 25123, 25123.3, 25123.5, 25123.6, 25141, 25150, 25158.2, 25159, 25159.5, 25187.7, 25200.10, 25201.6, 25204, 25218.1(f), 25218.3, 25229, 25316, 25361, 25501, 25529 and 58012, Health and Safety Code; and 40 CFR Sections 260.10, 261.1, 264.552, 264.1031, 268.2, ~~and~~ 270.2 and 273.6.

§66261.9. Requirements for Universal Waste.

(a) The wastes listed in this section are exempt from regulation under chapter 6.5 of division 20 of the California Health and Safety Code and its implementing regulations except as specified in chapter 23 and, therefore, are not fully regulated as hazardous waste. The wastes listed in this section are subject to regulation under chapter 23:

(1) Batteries as described in section 66273.2;

(2) Thermostats as described in section 66273.4; and

(3) Lamps as described in section 66273.5.

~~—— (a) The wastes listed in this section are conditionally exempt from classification as hazardous wastes provided that they are managed in compliance with the standards of chapter 23. Wastes conditionally exempt from classification as hazardous wastes pursuant to this section shall be known as "universal wastes".~~

~~—— (1) Batteries as described in section 66273.2;~~

~~—— (2) Thermostats as described in section 66273.4; and~~

~~—— (3) Lamps as described in section 66273.5; and~~

~~—— (4) Cathode ray tube materials as described in section 66273.6.~~

(b) Waste cathode ray tube materials as described in section 66273.6 are conditionally exempt from classification as hazardous waste provided that they are managed in compliance with the standards of chapter 23.

~~(b)~~ (c) Universal wastes shall be managed as hazardous wastes after arrival at a destination facility.

(d) Wastes specified in subsections (a) and (b) shall be known as "universal wastes".

NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR section 261.9.

§66262.11. Hazardous Waste Determination.

A person who generates a waste, as defined in section 66261.2, shall determine if that waste is a hazardous waste using the following method:

(a) the generator shall first determine if the waste is excluded from regulation under section 66261.4 or section 25143.2 of the Health and Safety Code;

(b) the generator shall then determine if the waste is listed as a hazardous waste in article 4 of chapter 11 or in Appendix X of chapter 11 of this division. If the waste is listed in Appendix X and is not listed in article 4 of chapter 11, the generator may determine that the waste from his particular facility or operation is not a hazardous waste by either:

(1) testing the waste according to the methods set forth in article 3 of chapter 11 of this division, or according to an equivalent method approved by the Department pursuant to section 66260.21; or

(2) applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used and the characteristics set forth in article 3 of chapter 11 of this division.

(c) For purposes of compliance with chapter 18 of this division (commencing with section 66268.1), or if the waste is not listed as a hazardous waste in article 4 (commencing with section 66261.30) or in Appendix X of chapter 11 of this division, the generator shall determine whether the waste exhibits any of the characteristics set forth in article 3 of chapter 11 of this division by either:

(1) testing the waste according to the methods set forth in article 3 (commencing with section 66261.20) of chapter 11 of this division, or according to an equivalent method approved by the Department under section 66260.21; or

(2) applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used.

(d) If the waste is determined to be hazardous, the generator shall refer to chapters 14, 15, ~~and 18~~, and 23 of this division for possible exclusions or restrictions pertaining to management of the specific waste.

NOTE: Authority cited: Sections ~~208~~, 25150, ~~and 25159~~, and 58012, Health and Safety Code. Reference: Sections 25115, 25117, 25159 and 25159.5, Health and Safety Code; 40 CFR Section 262.11.

§66264.1. Purpose, Scope and Applicability.

(a) The purpose of this chapter is to establish minimum standards which define the acceptable management of hazardous waste.

(b) The standards in this chapter apply to owners and operators of all facilities which transfer, treat, store, or dispose of hazardous waste, except as specifically provided otherwise in this chapter or chapters 11, 12 or 13 of this division.

(c) The requirements of this chapter apply to a person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Federal Marine Protection, Research, and Sanctuaries Act (33 U.S.C. section 1401, et seq.) only to the extent they are included in a permit by rule granted to such a person under chapter 20 of this division. Such person shall comply with the requirements of chapter 14 of this division when transferring, treating or storing hazardous waste before it is loaded onto an ocean vessel for incineration or disposal at sea.

(d) (Reserved)

(e) The requirements of this chapter apply to the owner or operator of a POTW which transfers, treats, stores, or disposes of hazardous waste only to the extent they are included in a permit by rule granted to such a person under chapter 20 of this division.

(f) (Reserved)

(g) The requirements of this chapter do not apply to:

(1) (reserved);

(2) the owner or operator of a facility managing recyclable materials described in section 66261.6(a)(2)(B) of this division (except to the extent they are referred to in article 8 of chapter 16 of this division);

(3) a generator accumulating waste on-site in compliance with section 66262.34 of this division;

(4) a farmer disposing of waste pesticides from the farmer's own use in compliance with section 66262.70 of this division;

(5) (reserved);

(6) (reserved);

(7) (reserved);

(8)(A) except as provided in subsection (g)(8)(B) of this section, a person engaged in treatment or containment activities during immediate response to any of the following situations:

1. a discharge of a hazardous waste;

2. an imminent and substantial threat of a discharge of hazardous waste;

3. a discharge of a material which, when discharged, becomes a hazardous waste;

(B) an owner or operator of a facility otherwise regulated by this chapter shall comply with all applicable requirements of articles 3 and 4 of this chapter;

(C) any person who is covered by subsection (g)(8)(A) of this section and who continues or initiates hazardous waste treatment or containment activities after the

immediate response is over is subject to all applicable requirements of this chapter and chapter 21 of this division for those activities;

(9) a transporter storing manifested shipments of hazardous waste in containers at a transfer facility, or a transfer facility storing manifested shipments of hazardous waste in containers, for six days or less, or 10 days or less for transfer facilities in areas zoned industrial by the local planning authority, and meeting the requirements of sections 66262.30 and 66263.18;

(10) the addition of absorbent material to waste in a container (as defined in section 66260.10 of this division) or the addition of waste to absorbent material in a container, provided that these actions occur at the time waste is first placed in the container; and sections 66264.17(b), 66264.171, and 66264.172 are complied with;

(11) persons managing hazardous waste in a hazardous waste management unit not subject to 40 CFR Part 264 (incorporated by reference in section 66260.11 of this division) pursuant to an exemption in 40 CFR Section 264.1(g), if the waste managed in that unit is identified as a hazardous waste solely because it exhibits the characteristic of toxicity set forth in section 66261.24(a)(1) of this division.

(12) Universal waste handlers and universal waste transporters (as defined in section 66273.9) handling the wastes listed below. These handlers are subject to regulation under chapter 23, when handling the below listed universal wastes:

(A) Batteries as described in section 66273.2;

(B) Thermostats as described in section 66273.4; and

(C) Lamps as described in section 66273.5.

(h) The requirements of this chapter apply to owners or operators of all facilities which transfer, treat, store, or dispose of hazardous wastes referred to in chapter 18 of this division.

NOTE: Authority cited: 25141, 25150, 25150.6, 25159, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25159, 25159.5, 25219, 25219.1 and 25219.2 Health and Safety Code; 40 CFR Section 264.1.

§66265.1. Purpose, Scope, and Applicability.

(a) The purpose of this chapter is to establish minimum standards that define the acceptable management of hazardous waste during the period of interim status and until certification of final closure or, if the facility is subject to post-closure requirements, until post-closure responsibilities are fulfilled.

(b) Except as provided in section 66265.1080(b), the standards of this chapter, and of article 15.1 of chapter 14 of this division, apply to owners and operators of facilities that transfer, treat, store or dispose of hazardous waste who have fully complied with the requirements for interim status under Health and Safety Code section 25200.5 and section 66270.10 of this division until either a permit is issued under Health and Safety Code section 25200 or until applicable closure and post-closure responsibilities specified in this chapter are fulfilled, and those owners and operators of facilities in existence on November 19, 1980 who have failed to provide timely notification as required by 42 U.S.C. section 6930(a) and/or failed to file Part A of the permit application as required by section 66270.10(e) and (g). These standards apply to all transfer, treatment, storage and disposal of hazardous waste at these facilities, except as specifically provided otherwise in this chapter or chapters 11, 12 or 13 of this division.

(c) Notwithstanding subsection (b), no facility shall operate under interim status if the owner or operator has failed to file Part A of the permit application as required by section 66270.10(e) and (g). A facility operating under interim status shall not:

(1) manage hazardous wastes which are not specified in Part A of the permit application;

(2) employ processes not described in Part A of the permit application; or

(3) exceed the design capacities specified in Part A of the permit application.

(d) The requirements of this chapter do not apply to:

(1) a person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Federal Marine Protection, Research, and Sanctuaries Act (33 U.S.C. section 1401, et. seq). Such person shall comply with the requirements of this chapter when transferring, treating or storing hazardous waste before it is loaded onto an ocean vessel for incineration or disposal at sea, as provided in subsection (b) of this section;

(2) [reserved];

(3) the owner or operator of a POTW which transfers, treats, stores, or disposes of hazardous waste;

(4) [reserved];

(5) [reserved];

(6) the owner or operator of a facility managing recyclable materials described in section 66261.6(a)(2)(B) of this division (except to the extent they are referred to in article 8 of chapter 16 of this division);

(7) a generator accumulating waste on-site in compliance with section 66262.34 of

this division, except to the extent the requirements are included in section 66262.34 of this division;

(8) a farmer disposing of waste pesticides from the farmer's own use in compliance with section 66262.70 of this division;

(9) [reserved];

(10) [reserved];

(11)(A) except as provided in subsection (d)(11)(B) of this section, a person engaged in treatment or containment activities during immediate response to any of the following situations:

1. a discharge of a hazardous waste;

2. an imminent and substantial threat of a discharge of a hazardous waste;

3. a discharge of a material which, when discharged, becomes a hazardous waste;

(B) an owner or operator of a facility otherwise regulated by this chapter shall comply with all applicable requirements of articles 3 and 4 of this chapter;

(C) any person who is covered by subsection (d)(11)(A) of this section and who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this chapter and chapter 21 of this division for those activities.

(12) a transporter storing manifested shipments of hazardous waste in containers at a transfer facility, or a transfer facility storing manifested shipments of hazardous waste in containers, for six days or less, or 10 days or less for transfer facilities in areas zoned industrial by the local planning authority, and meeting the requirements of sections 66262.30 and 66263.18;

(13) the addition of absorbent material to waste in a container (as defined in section 66260.10 of this division) or the addition of waste to the absorbent material in a container provided that these actions occur at the time waste is first placed in the containers; and sections 66265.17(b), 66265.171, and 66265.172 are complied with;

(14) persons managing hazardous waste in a hazardous waste management unit not subject to 40 CFR Part 265 (incorporated by reference in section 66260.11 of this division) pursuant to an exemption in 40 CFR section 265.1(c), if the waste managed in that unit is identified as a hazardous waste solely because it exhibits the characteristic of toxicity set forth in section 66261.24(a)(1) of this division.

(15) Universal waste handlers and universal waste transporters (as defined in section 66273.9) handling the wastes listed below. These handlers are subject to regulation under chapter 23, when handling the below listed universal wastes:

(A) Batteries as described in section 66273.2;

(B) Thermostats as described in section 66273.4; and

(C) Lamps as described in section 66273.5.

(e) The owner or operator of a facility under subsections (d)(1) through (3) of this section shall be subject to the requirements of chapter 14 of this division to the extent they are included in a permit granted to such a person under 40 CFR Part 122 or under

Subchapter H (commencing with Part 220) of chapter I of 40 CFR.

(f) The following hazardous wastes shall not be managed at facilities subject to regulation under this chapter:

(1) EPA Hazardous Waste Nos. F020, F021, F022, F023, F026, or F027 unless:

(A) the wastewater treatment sludge is generated in a surface impoundment as part of the plant's wastewater treatment system;

(B) the waste is stored in tanks or containers;

(C) the waste is stored or treated in waste piles that meet the requirements of section 66264.250(c) as well as all other applicable requirements of article 12 of this chapter;

(D) the waste is burned in incinerators that are certified pursuant to the standards and procedures in section 66265.352; or

(E) the waste is burned in facilities that thermally treat the waste in a device other than an incinerator and that are certified pursuant to the standards and procedures in section 66265.383.

(g) The requirements of this chapter apply to owners or operators of all facilities which transfer, treat, store or dispose of hazardous waste referred to in chapter 18 of this division, and the chapter 18 standards are considered material conditions or requirements of the chapter 15 interim status standards.

NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25159, 25219.1 and 58012 Health and Safety Code. Reference: Sections 25141, 25150, 25159, 25159.5 , 25200.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 265.1.

§ 66268.1. Purpose, Scope and Applicability.

(a) This chapter identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances under which an otherwise prohibited waste may continue to be land disposed.

(b) Except as specifically provided otherwise in this chapter or chapter 11 of this division, the requirements of this chapter apply to persons who generate or transport hazardous waste and owners and operators of hazardous waste treatment, storage, and disposal facilities.

(c) Restricted wastes may continue to be land disposed as follows:

(1) where persons have been granted an extension to the effective date of a prohibition under article 3 of this chapter or pursuant to section 66268.5, with respect to those wastes covered by the extension;

(2) Where persons have been granted an exemption from a prohibition pursuant to a petition under section 66268.6, with respect to those wastes and units covered by the petition;

(3) RCRA hazardous wastes that are hazardous only because they exhibit a hazardous characteristic, and which are otherwise prohibited under this chapter, are not prohibited if the wastes:

(A) Are disposed into a nonhazardous or hazardous injection well; and

(B) Do not exhibit any prohibited characteristic of hazardous waste identified in sections 66261.21, 66261.22(a)(1), 66261.22(a)(2), 66261.23, and 66261.24(a)(1) at the point of injection.

(4) RCRA hazardous wastes that are hazardous only because they exhibit a hazardous characteristic, and which are otherwise prohibited under this chapter, are not prohibited if the wastes meet any of the following criteria, unless the wastes are subject to a specified method of treatment other than DEACT in section 66268.40, or are D003 reactive cyanide:

(A) The wastes are managed in a treatment system which subsequently discharges to waters of the U.S. pursuant to a permit issued under section 402 of the Clean Water Act; or

(B) The wastes are treated for purposes of the pretreatment requirements of section 307 of the Clean Water Act; or

(C) The wastes are managed in a zero discharge system engaged in Clean Water Act-equivalent treatment as defined in section 66268.37; and

(D) The wastes no longer exhibit a prohibited characteristic in sections 66261.21, 66261.22(a)(1), 66261.22(a)(2), 66261.23, and 66261.24(a)(1) at the point of land disposal (i.e., placement in a surface impoundment).

(5) where persons who own or operate a land treatment facility have been granted by the Department an exemption allowing the disposal of restricted hazardous waste in the land treatment facility pursuant to Health and Safety Code section 25179.12;

(6) where persons who own or operate a surface impoundment have been granted by the Department an exemption allowing the treatment of restricted waste in the surface impoundment in accordance with Health and Safety Code section 25179.11;

(7) where restricted hazardous waste in lab packs has not been restricted or prohibited by the USEPA pursuant to RCRA section 3004 (42 U.S.C. section 6924), as amended.

(d) The requirements of this chapter shall not affect the availability of a waiver under section 121(d)(4) of CERCLA (42 U.S.C. section 9621).

(e) The following hazardous wastes are not subject to any provision of chapter 18:

(1) RCRA hazardous waste generated by small quantity generators of less than 100 kilograms of non-acute hazardous waste or less than 1 kilogram of acute hazardous waste per month, as defined in 40 CFR section 261.5;

(2) waste pesticides that a farmer disposes of pursuant to section 66262.70;

(3) solid hazardous wastes generated in the clean up or decontamination of any site contaminated only by hazardous wastes which have not been restricted or prohibited by the USEPA pursuant to section 3004 of the RCRA (42 U.S.C. section 6924), as amended, and which have complied with California Health and Safety Code section 25179.5(a)(4).

(4) Wastes identified or listed as RCRA hazardous waste after November 8, 1984 for which the Department has not promulgated land disposal prohibitions or treatment standards;

(5) *De minimis* losses to wastewater treatment systems of commercial chemical product or chemical intermediates that are ignitable (D001), corrosive (D002), or are organic constituents that exhibit the characteristic of toxicity (D012-D043), and that contain underlying hazardous constituents as defined in section 66260.10, are not considered to be prohibited wastes. *De minimis* is defined as losses from normal material handling operations (e.g. spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves or other devices used to transfer materials); minor leaks of process equipment; storage tanks or containers; leaks from well-maintained pump packings and seals; sample purgings; and relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; and rinsate from empty containers or from containers that are rendered empty by that rinsing; or

(f) Effective May 8, 1990, all hazardous wastes are prohibited from land disposal unless the wastes have been exempted, granted a variance or granted an extension under this chapter or pursuant to California Health and Safety Code sections 25179.8, 25179.9, 25179.10, 25179.11 and 25179.12, unless the wastes meet the applicable treatment standards specified under article 4 and article 11 of this chapter, or 40 CFR part 268 or unless the wastes have a treatment standard that has been repealed pursuant to Health and Safety Code section 25179.6.

(g) Universal waste handlers and universal waste transporters (as defined in section 66273.9) are exempt from sections 66268.7 and 66268.50 for the hazardous wastes listed below. These handlers are subject to regulation under chapter 23:

- (1) Batteries as described in section 66273.2;
- (2) Thermostats as described in section 66273.4; and
- (3) Lamps as described in section 66273.5.

NOTE: Authority cited: Sections 25141, 25150, 25159, 25179.6, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159, 25159.5, 25179.3, 25179.6, 25179.7, 25179.8, 25179.9, 25179.10, 25179.11 25179.12, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Sections 268.1.

§ 66270.1. Purpose and Scope of These Regulations.

(a) Coverage.

(1) These permit regulations establish provisions for the issuance and administration of hazardous waste permits pursuant to chapter 6.5 of division 20 of the Health and Safety Code (commencing with section 25100).

(2) The regulations in this chapter cover basic permitting requirements, such as application requirements, standard permit conditions, and monitoring and reporting requirements. These regulations are part of a regulatory scheme implementing chapter 6.5 (commencing with section 25100) of division 20 of the Health and Safety Code, set forth in different parts of Title 22, California Code of Regulations.

(3) Technical regulations. The permit program has separate additional regulations that contain technical requirements. These separate regulations are used by the Department to determine what requirements shall be placed in permits if they are issued. These separate regulations are located in chapters 14 and 16 of this division.

(b) Overview of the Permit Program. Not later than 90 days after the promulgation or revision of regulations in chapter 11 of this division, which result in a waste becoming subject to the requirements of this division, generators and transporters of that hazardous waste, and owners or operators of hazardous waste facilities that transfer, treat, store, or dispose of that waste shall file a notification of that activity under Health and Safety Code section 25153.6. After the promulgation of the chapter 11 regulations, transfer, treatment, storage or disposal of the newly regulated hazardous waste by any person who has not filed a notification with the Department and received a permit or grant of interim status is prohibited unless otherwise specifically authorized by the Department or another provision of this division. A permit application consists of two parts, Part A (see section 66270.13) and Part B (see section 66270.14 and applicable sections in sections 66270.15 through 66270.23). For “existing HWM facilities,” the requirement to submit an application is satisfied by submitting only Part A of the permit application until the date the Department sets for submitting Part B of the application. (Part A consists of Forms 1 and 3 of the Consolidated Permit Application Forms.) Timely submission of both notification under Health and Safety Code section 25153.6 and Part A qualifies owners and operators of existing HWM facilities (who are required to have a permit) for interim status under section 25200.5 of the Health and Safety Code. Facility owners and operators with interim status are treated as having been issued a permit until the Department makes a final determination on the permit application. Facility owners and operators with interim status shall comply with interim status standards set forth in chapter 15 of this division. For existing HWM facilities, the Department shall set a date, giving at least 60 days notice, for submission of Part B of the application.

There is no form for Part B of the application; rather, Part B shall be submitted in narrative form and contain the information set forth in the applicable sections of sections 66270.14 through 66270.23. Owners or operators of new HWM facilities shall submit

Parts A and B of the permit application at least 180 days before physical construction is expected to commence.

(c) Scope of the Permit Requirements. A permit is required for the “transfer”, “treatment,” “storage,” and “disposal” of any waste which is hazardous waste pursuant to section 66261.3. The terms “transfer,” “treatment,” “storage,” “disposal,” and “hazardous waste” are defined in section 66260.10. Owners and operators of hazardous waste management units shall have permits during the active life (including the closure period) of the unit. Owners or operators of surface impoundments, landfills, land treatment units, and waste pile units that received wastes after July 26, 1982, or that certified closure (according to section 66265.115) after January 26, 1983, shall have post-closure permits, unless they demonstrate closure by removal as provided under subsections (c)(5) and (6) of this section. If a post-closure permit is required, the permit shall address applicable chapter 14 Water Quality Monitoring, Environmental Monitoring, Corrective Action, and Post-closure Care Requirements of this division. The denial of a permit for the active life of a hazardous waste management facility or unit does not affect the requirement to obtain a post-closure permit under this section.

(1) Specific inclusions. Owners and operators of certain facilities require hazardous waste facility permits as well as permits under other programs for certain aspects of the facility operation. Permits are required for:

(A) injection wells that dispose of hazardous waste, and associated surface facilities that transfer, treat, store or dispose of hazardous waste;

(B) transfer, treatment, storage, or disposal of hazardous waste at facilities requiring an NPDES permit. However, the owner or operator of a publicly owned treatment works receiving hazardous waste shall be deemed to have a permit for treatment of that waste if the owner or operator complies with the requirements of Section 66270.60(d)(1).

(C) barges or vessels that dispose of hazardous waste by ocean disposal. However, the owner or operator of the barge or vessel shall be deemed to have a permit for ocean disposal from the barge or vessel if the owner or operator complies with the requirements of section 66270.60(d)(2).

(D) treatment of hazardous wastes using a Transportable Treatment Unit (TTU). However, the owner or operator of a transportable treatment unit (TTU) shall be deemed to have a permit to operate the TTU when the owner or operator submits completed TTU notifications as specified in Section 67450.2(a) and 67450.3(a)(3) and receives acknowledgments from the Department authorizing operation of the TTU pursuant to sections 67450.2(a)(3) and 67450.3(b).

(E) treatment of hazardous wastes using a Fixed Treatment Unit (FTU). However, the owner or operator of a fixed treatment unit (FTU) shall be deemed to have a permit to operate the FTU when the owner or operator submits a completed FTU facility-specific notification as specified in Section 67450.2(b) and receives an acknowledgment from CUPA or authorized agency authorizing operation of the FTU pursuant to section

67450.2(b)(5).

(F) operation of a temporary household hazardous waste collection facility (THHWCF). However, the operator of a THHWCF shall be deemed to have a permit to operate the THHWCF when the operator submits a completed THHWCF notification as specified in Section 66270.60(d)(5)(A).

(2) Specific exclusions. The following persons are among those who are not required to obtain a permit:

(A) generators who accumulate hazardous waste on site without meeting the definition of a storage facility set forth in Health and Safety Code Section 25123.3;

(B) farmers who dispose of hazardous waste pesticides from their own use as provided in section 66262.70;

(C) transporters storing manifested shipments of hazardous waste in containers at a transfer facility, and transfer facilities storing manifested shipments of hazardous waste in containers, for six days or less, or 10 days or less for transfer facilities in areas zoned industrial by the local planning authority, and meeting the requirements of sections 66262.30 and 66263.18;

(D) persons adding absorbent material to waste in a container (as defined in section 66260.10 of this division) and persons adding waste to absorbent material in a container, provided that these actions occur at the time waste is first placed in the container; and sections 66264.17(b), 66264.171, and 66264.172 of this division are complied with.

(E) Universal waste handlers and universal waste transporters (as defined in section 66273.9) managing the wastes listed below. These handlers are subject to regulation under chapter 23:

1. Batteries as described in section 66273.2;
2. Thermostats as described in section 66273.4; and
3. Lamps as described in section 66273.5.

(3) Further exclusions.

(A) A person is not required to obtain a permit for treatment or containment activities which are necessary to perform an immediate response to any of the following situations:

1. a discharge of a hazardous waste;
2. an imminent and substantial threat of a discharge of hazardous waste;
3. a discharge of a material which, when discharged, becomes a hazardous waste.

(B) Any person who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this chapter for those activities.

(4) Permits for less than an entire facility. The Department may issue or deny a permit for one or more units at a facility without simultaneously issuing or denying a permit to all of the units at the facility. The interim status of any unit for which a permit has not been issued or denied is not affected by the issuance or denial of a permit to any other unit

at the facility.

(5) Closure by removal. Owners/operators of surface impoundments, land treatment units, and waste piles closing by removal or decontamination under the standards of chapter 15 of this division shall obtain a post-closure permit unless they can demonstrate to the Department that the closure met the standards for closure-by-removal or decontamination in sections 66264.228, 66264.280(e), or 66264.258, respectively. The demonstration may be made in the following ways:

(A) if the owner/operator has submitted a Part B application for a post-closure permit, the owner/operator may request a determination, based on information contained in the application, that the closure-by-removal or decontamination standards of chapter 14 of this division were met. If the Department believes that the chapter 14 standards were met, the Department will notify the public of this proposed decision, allow for public comment, and reach a final determination according to the procedures in paragraph (c)(6) of this section.

(B) If the owner/operator has not submitted a Part B application for a post-closure permit, the owner/operator may petition the Department for a determination that a post-closure permit is not required because the closure met the applicable closure-by-removal or decontamination standards of chapter 14 of this division.

1. The petition shall include data demonstrating that the applicable chapter 14 closure-by-removal or decontamination standards were met.

2. The Department shall approve or deny the petition according to the procedures outlined in subsection (c)(6) of this section.

(6) Procedures for closure equivalency determination.

(A) If a facility owner/operator seeks an equivalency demonstration under section 66270.1(c)(5), the Department shall provide the public, through a newspaper notice, the opportunity to submit written comments on the information submitted by the owner/operator within 30 days from the date of the notice. The Department shall also, in response to a request or at the Department's own discretion, hold a public hearing whenever such a hearing might clarify one or more issues concerning the equivalence of the closure under chapter 15 of this division to a closure-by-removal or decontamination under chapter 14 of this division. The Department shall give public notice of the hearing at least 30 days before it occurs. Public notice of the hearing may be given at the same time as notice of the opportunity for the public to submit written comments, and the two notices may be combined.

(B) The Department shall determine whether the closure under chapter 15 of this division met the closure-by-removal or decontamination requirements of chapter 14 of this division within 90 days of receipt of a petition requesting a closure equivalency determination. If the Department finds that the closure did not meet the applicable chapter 14 standards, the Department shall provide the owner/operator with a written statement of the reasons why the closure failed to meet chapter 14 standards. The owner/operator may submit additional information in support of an equivalency demonstration within 30 days

after receiving such written statement. The Department shall review any additional information submitted and make a final determination within 60 days.

(C) If the Department determines that the facility did not close in accordance with the closure-by-removal or decontamination standards of chapter 14 of this division, the facility is subject to post-closure permitting requirements.

(d) Where waste discharge requirements are established pursuant to sections 13260 and 13263 of the Water Code, they shall be incorporated as a condition of the Hazardous Waste Facility Permit issued to the applicant pursuant to this chapter to the extent the Department determines the waste discharge requirements are not less stringent than this division or chapter 6.5 of division 20 of the Health and Safety Code. The Department may establish in the permit more stringent requirements which the Department determines are necessary or appropriate to carry out this division of chapter 6.5 of division 20 of the Health and Safety Code.

NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25159, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25159, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 270.1.

Chapter 23. Standards for Universal Waste Management

Article 1. General

§66273.1. Scope.

(a) This chapter establishes requirements for managing the following:

(1) Batteries as described in section 66273.2;

(2) Thermostats as described in section 66273.4; ~~and~~

(3) Lamps as described in section 66273.5; ~~and~~

(4) *Cathode ray tube materials as described in section 66273.6.*

(b) This chapter provides an alternative set of management standards in lieu of regulation as hazardous wastes under chapters 10 through 22 of this division.

NOTE: Authority cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR section 273.1.

§66273.2. Applicability--Batteries.

(a) Batteries covered under chapter 23. The requirements of this chapter apply to persons managing batteries, as described in section 66273.9, except those listed in subsection (b) of this section.

(b) Batteries not covered under this chapter. The requirements of this chapter do not apply to persons managing the following batteries:

(1) Automotive type spent lead-acid batteries. Automotive-type spent lead acid storage batteries are managed under article 7 of chapter 16. Small sealed lead-acid storage batteries are not automotive type lead-acid batteries.

(2) Batteries, as described in section 66273.9, that are not yet wastes under chapter 11, including those that do not meet the criteria for waste generation in subsection (c).

(3) Batteries, as described in Section 66273.9, that do not exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11.

(c) Generation of waste batteries.

(1) A used battery becomes a waste on the date it is discarded (e.g., when sent for reclamation).

(2) An unused battery becomes a waste on the date the handler decides to discard it.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.2.

§66273.3. [Reserved.]

§66273.4. Applicability--Mercury Thermostats.

(a) Thermostats covered under chapter 23. The requirements of this chapter apply to persons managing thermostats, as described in Section 66273.6, except those listed in subsection (b) of this section.

(b) Thermostats not covered under chapter 23. The requirements of this chapter do not apply to persons managing the following thermostats:

(1) Thermostats that are not yet wastes under chapter 11. Subsection (c) of this section describes when thermostats become wastes.

(2) Thermostats that do not exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11.

(c) Generation of waste thermostats.

(1) A used thermostat becomes a waste on the date it is discarded (e.g., sent for reclamation).

(2) An unused thermostat becomes a waste on the date the handler decides to discard it.

NOTE: Authority Cited: Sections 25141, 25150 and 58012, Health and Safety Code.
Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code; 40 CFR
Section 273.4.

§66273.5. Applicability--Lamps.

(a) Lamps covered under this chapter. The requirements of this chapter apply to persons managing lamps as described in section 66273.9, except those listed in subsection (b) of this section.

(b) Lamps not covered under this chapter. The requirements of this chapter do not apply to persons managing the following lamps:

(1) Lamps that are not yet wastes under chapter 11 as provided in subsection (c) of this section.

(2) Lamps that do not exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11.

(3) Lamps which are not destined for an authorized recycling facility.

(c) Generation of waste lamps.

(1) A used lamp becomes a waste on the date it is discarded.

(2) An unused lamp becomes a waste on the date the handler decides to discard it.

NOTE: Authority Cited: Sections 25141, 25150, ~~25219.1~~ and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, and 25179.4, ~~25219, 25219.1, and 25219.2~~, Health and Safety Code; 40 CFR Section 273.5.

§66273.7. [Reserved.]

§66273.8. Household, Conditionally Exempt Small Quantity Generator, and Electronic Product Generator Exemptions.

(a) ~~Through February 8, 2006, Universal waste batteries, universal waste lamps and universal waste mercury thermostats produced by a household, as defined in section 66273.9, produced incidental to owning or leasing and maintaining a place of residence, is not classified as hazardous waste~~ may be managed as non-hazardous solid waste, provided it is recycled by a destination facility or is disposed in a landfill permitted to accept municipal solid waste or hazardous waste.

~~—— (b) Universal waste batteries, universal waste lamps and universal waste mercury thermostats produced by a conditionally exempt small quantity universal waste generator, as defined in section 66273.9, is not classified as hazardous waste provided it is managed according to the following criteria:~~

~~—— (1) No more than 25 fluorescent lighting tubes are discarded in any one day at any one location; and~~

~~—— (2) The generator's total generation of hazardous waste and universal waste does not exceed 100 kilograms (220 pounds) or, if the generator generates acutely hazardous waste, 1 kilogram (2.2 pounds), in any calendar month; and~~

~~—— (3) The waste is disposed in a landfill permitted to accept municipal solid waste or hazardous waste; and~~

~~—— (4) The generator remains in compliance with 40 CFR section 261.5.~~

(b) Through February 8, 2004, 220 pounds or less per month of universal waste batteries, universal waste thermostats, and universal waste lamps generated by conditionally exempt small quantity universal waste generators as defined in section 66273.9 may be managed as non-hazardous waste, provided it is recycled by a destination facility or is disposed in a landfill permitted to accept municipal solid waste or hazardous waste and the generator remains in compliance with subsections (c)(2), (c)(3), and (c)(4) of this section. The quantity limit applies to the total amounts of universal waste batteries, universal waste thermostats, and universal waste lamps added together.

(c) From February 9, 2004 through February 8, 2006, universal waste batteries, universal waste lamps, and universal waste mercury thermostats produced by a conditionally exempt small quantity universal waste generator, as defined in section 66273.9, may be managed as non-hazardous solid waste, provided they are managed according to the following criteria:

(1) Universal wastes are disposed as non-hazardous waste in no more than the following quantities:

(A) No more than 30 universal waste lamps in any calendar month; and

(B) No more than 20 pounds of universal waste batteries in any calendar month;

and

(C) No universal waste thermostats.

(2) The generator's total generation of RCRA hazardous waste and universal waste

does not exceed 100 kilograms (220 pounds) or, if the generator generates acutely hazardous waste, 1 kilogram (2.2 pounds) of acutely hazardous waste, in any calendar month;

(3) The waste is recycled by a destination facility or disposed in a landfill permitted to accept municipal solid waste or hazardous waste; and

(4) The generator remains in compliance with 40 CFR section 261.5.

(d) Persons who commingle the household and conditionally exempt small quantity universal waste generator wastes described in subsection (a), (b), and (c) of this section together with other universal waste regulated under this chapter shall manage the commingled waste under the requirements of this chapter.

(e) Persons managing universal waste identified as household hazardous waste pursuant to 40 CFR section 261.4 and persons identified as conditionally exempt small quantity generators pursuant to 40 CFR section 261.5 may, at their option, manage their universal wastes under this chapter. If these persons decide to not manage their waste pursuant to this chapter, as provided in this section, these wastes must be managed pursuant to the standards for other hazardous wastes under this division and Chapter 6.5 of the Health and Safety Code.

(e)(f) "Electronic product generators," as defined in section 66273.9, are exempt from the requirements contained in sections 66273.82 through 66273.89 pertaining to CRT devices provided the generator manages the CRT devices in accordance with all of the following conditions:

(1) The electronic product generator does not dispose of any CRT device; and

(2) The electronic product generator does not disassemble or otherwise treat any CRT device; and

(3) All CRT devices generated by the electronic product generator are transported to a CRT material handler or to a permitted household hazardous waste collection facility.

NOTE: Authority Cited: Sections 25141, 25150, 25150.6, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Sections 261.4, 261.5 and 273.8.

§66273.9. Definitions.

“Battery” means a device consisting of one or more electrically connected electrochemical cells which is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

“Cathode ray tube” or “CRT” means a vacuum tube or picture tube used to convert an electrical signal into a visual image.

“Conditionally exempt small quantity universal waste generator” means a generator of universal waste who generates ~~no more than 100 kilograms (220 pounds) of hazardous wastes and no more than 1 kilogram (2.2 pounds) of acutely hazardous waste in any calendar month including all universal waste other than CRT material and all hazardous waste.~~

(1) Through February 8, 2004:

(A) no more than 100 kilograms (220 pounds) of RCRA hazardous wastes and no more than 1 kilogram (2.2 pounds) of acutely hazardous waste in any calendar month including all universal waste and all RCRA hazardous waste, but excluding CRT materials; and

(B) remains in compliance with 40 CFR section 261.5; and

(2) from February 9, 2004 through February 8, 2006:

(A) no more than 100 kilograms (220 pounds) of RCRA hazardous wastes and no more than 1 kilogram (2.2 pounds) of acutely hazardous waste in any calendar month including all universal waste and all RCRA hazardous waste; and

(B) no more than 30 universal waste lamps in any calendar month; and

(C) no more than 20 pounds of universal waste batteries in any calendar month; and

(D) remains in compliance with 40 CFR section 261.5.

“CRT device” means any electronic device that contains one or more CRTs including, but not limited to, computer monitors, televisions, cash registers and oscilloscopes.

“CRT glass” means any glass released, derived or otherwise generated from the treatment or breakage of one or more CRTs.

“CRT material” means all or any of the following:

(a) a CRT, as defined in this section, that is or has become a waste pursuant to section 66273.6(c);

(b) a CRT device, as defined in this section, that is or has become a waste pursuant to section 66273.6(c);

(c) CRT glass, as defined in this section, that is or has become a waste pursuant to section 66273.6(c) and that is reclaimed at a CRT glass manufacturer or at a primary

or secondary lead smelter.

“CRT material handler” means any person that generates, accumulates, stores, treats, or recycles any CRT material.

“Destination facility” means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in section 66273.13 and section 66273.33(a), (b), and (c) and section 66273.83. A facility at which a particular category of universal waste is only accumulated, is not a destination facility for purposes of managing that category of universal waste.

“Electronic Product Generator” means a generator of a total of five or less CRT devices per year.

“Generator” or “producer” means:

(a) any person, by site, whose act or process produces hazardous waste identified or listed in chapter 11 of this division or whose act first causes a hazardous waste to become subject to regulation.

(b) any person, by site, whose act or process produces universal waste as defined in this section or whose act first causes a universal waste to become subject to regulation.

“Household” means a private residence. For the purposes of this section, household does not mean a hotel, motel, bunkhouse, ranger station, crew quarters, campground, picnic ground, or day-use recreation facility.

“Lamp”, also referred to as “universal waste lamp” is defined as the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, and infra-red regions of the electromagnetic spectrum. Examples of common universal waste electric lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high pressure sodium, and metal halide lamps.

“Large Quantity Handler of Universal Waste” means a universal waste handler (as defined in this section) who accumulates 5,000 kilograms or more total of universal waste (batteries, thermostats, or lamps, calculated collectively) at any time. This designation as a large quantity handler of universal waste is retained through the end of the calendar year in which 5,000 kilograms or more total of universal waste is accumulated.

“Offsite” means any site which is not onsite.

“On-site” means the same or geographically contiguous property which may be divided by public or private right-of-way, provided that the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along the right of way. Non-contiguous properties owned by the same person but connected by a right-of-way which he controls and to which the public does not have access, are also considered on-site property.

“Small Quantity Handler of Universal Waste” means a universal waste handler (as defined in this section) who does not accumulate 5,000 kilograms or more total of universal waste (batteries, thermostats, or lamps, calculated collectively) at any time.

“Thermostat” means a temperature control device that contains metallic mercury in

an ampule attached to a bimetal sensing element, and mercury- containing ampules that have been removed from these temperature control devices in compliance with the requirements of sections 66273.13(c)(2) or 66273.33(c)(2).

"Universal Waste" means any of the following wastes that are conditionally exempt from classification as hazardous wastes pursuant to section 66261.9:

- (a) Batteries as described in section 66273.2;
- (b) Thermostats as described in section 66273.4;
- (c) Lamps as described in section 66273.5; *and*
- (d) *Cathode ray tube materials as described in section 66273.6.*

"Universal Waste Handler":

(a) Means:

(1) A generator (as defined in section 66260.10 and this section) of universal waste; or

(2) The owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates universal waste, and sends universal waste to another universal waste handler, to a destination facility, or to a foreign destination.

(b) Does not mean:

(1) A person who treats (except under the provisions of section 66273.13 or section 66273.33 (a), (b), or (c)), disposes of, or recycles universal waste; or

(2) A person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.

(3) A CRT material handler, as defined in this section.

"Universal Waste Transfer Facility" means any transportation-related facility including loading docks, parking areas, storage areas and other similar areas where shipments of universal waste are held during the normal course of transportation for ten days or less.

"Universal Waste Transporter" means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Sections 261.4, 261.5, and 273.9.

Article 2. Standards for Small Quantity Handlers of Universal Waste

§66273.10. Applicability.

This article applies to small quantity handlers of universal waste (as defined in section 66273.9) except as provided for households and for conditionally exempt small quantity universal waste generators in section 66273.8.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.10.

§66273.11. Prohibitions.

A small quantity handler of universal waste is:

- (a) Prohibited from disposing of universal waste; and
- (b) Prohibited from diluting or treating universal waste, except by responding to releases as provided in section 66273.17; or by managing specific wastes as provided in section 66273.13.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.11.

§66273.12. Notification.

A small quantity handler of universal waste is not required to notify the Department or the U.S. EPA of universal waste handling activities.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.12.

§66273.13. Waste Management.

(a) Universal waste batteries. A small quantity handler of universal waste shall manage universal waste batteries in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) A small quantity handler of universal waste shall contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container shall be closed, structurally sound, compatible with the contents of the battery, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(2) A small quantity handler of universal waste may conduct the following activities as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but shall be immediately closed after removal):

- (A) Sorting batteries by type;
- (B) Mixing battery types in one container;
- (C) Discharging batteries so as to remove the electric charge;
- (D) Regenerating used batteries;
- (E) Disassembling batteries or battery packs into individual batteries or cells;
- (F) Removing batteries from consumer products; or
- (G) Removing electrolyte from batteries.

(3) A small quantity handler of universal waste who removes electrolyte from batteries, or who generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed above, shall determine whether the electrolyte and/or other solid waste exhibit a characteristic of hazardous waste identified in article 3 of chapter 11.

(A) If the electrolyte and/or other solid waste exhibits a characteristic of hazardous waste, it is subject to all applicable requirements of this division. The handler is considered the generator of the hazardous electrolyte and/or other waste and is subject to chapter 12.

(B) If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

(b) Universal waste thermostats. A small quantity handler of universal waste shall manage universal waste thermostats in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) A small quantity handler of universal waste shall contain any universal waste thermostat that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container shall be closed, structurally sound, compatible with the contents of the thermostat, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable

conditions.

(2) A small quantity handler of universal waste may remove mercury- containing ampules from universal waste thermostats provided the handler:

(A) Removes the ampules in a manner designed to prevent breakage of the ampules;

(B) Removes ampules only over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);

(C) Ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules, from the containment device to a container that meets the requirements of section 66262.34;

(D) Immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of section 66262.34;

(E) Ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA and CalOSHA exposure levels for mercury;

(F) Ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;

(G) Stores removed ampules in closed, non-leaking containers that are in good condition;

(H) Packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation; and

(3)(A) A small quantity handler of universal waste who removes mercury-containing ampules from thermostats shall determine whether the following exhibit a characteristic of hazardous waste identified in article 3 of chapter 11:

1. Mercury or clean-up residues resulting from spills or leaks; and/or

2. Other solid waste generated as a result of the removal of mercury-containing ampules (e.g., remaining thermostat units).

(B) If the mercury, residues, and/or other solid waste exhibit a characteristic of hazardous waste, it shall be managed in compliance with all applicable requirements of this division. The handler is considered the generator of the mercury, residues, and/or other waste and shall manage it is subject to chapter 12.

(C) If the mercury, residues, and/or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

(c) Lamps. A small quantity handler of universal waste shall manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) A small quantity handler of universal waste shall contain any lamp in containers

or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages shall remain closed and shall lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

(2) A small quantity handler of universal waste shall immediately clean up and place in a container any lamp that is broken and shall place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Containers shall be closed, structurally sound, compatible with the contents of the lamps and shall lack evidence of leakage, spillage or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1, 25219.2 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.13.

§66273.14. Labeling/Marking.

A small quantity handler of universal waste shall label or mark the universal waste to identify the type of universal waste as specified below:

(a) Universal waste batteries (i.e., each battery), or a container in which the batteries are contained, shall be labeled or marked clearly with any one of the following phrases: "Universal Waste--Battery(ies), or "Waste Battery(ies)," or "Used Battery(ies);"

(b) Universal waste thermostats (i.e., each thermostat), or a container in which the thermostats are contained, shall be labeled or marked clearly with any one of the following phrases: "Universal Waste--Mercury Thermostat(s)," or "Waste Mercury Thermostat(s)," or "Used Mercury Thermostat(s)".

(c) Each lamp or a container or package in which such lamps are contained shall be labeled or marked clearly with one of the following phrases: "Universal Waste--Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."

NOTE: Authority Cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.14.

§66273.15. Accumulation Time Limits.

(a) A small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from another handler, unless the requirements of subsection (b) of this section are met.

(b) A small quantity handler of universal waste may accumulate universal waste for longer than one year from the date the universal waste is generated, or received from another handler, if such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal. However, the handler bears the burden of proving that such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal.

(c) A small quantity handler of universal waste who accumulates universal waste shall be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration by:

(1) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;

(2) Marking or labeling each individual item of universal waste (e.g., each battery or thermostat) with the date it became a waste or was received;

(3) Maintaining an inventory system on-site that identifies the date each universal waste became a waste or was received;

(4) Maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received;

(5) Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or

(6) Any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

NOTE: Authority Cited: Sections 25141, 25150, 25150.6, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.15.

§66273.16. Employee Training.

A small quantity handler of universal waste shall inform all employees who handle or have responsibility for managing universal waste. The information shall describe proper handling and emergency procedures appropriate to the type(s) of universal waste handled at the facility.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.16.

§66273.17. Response to Releases.

(a) A small quantity handler of universal waste shall immediately contain all releases of universal wastes and other residues from universal wastes.

(b) A small quantity handler of universal waste shall determine whether any material resulting from the release is hazardous waste, and if so, shall manage the hazardous waste in compliance with all applicable requirements of this division. The handler is considered the generator of the material resulting from the release, and shall manage it in compliance with chapter 12.

(c) Waste consisting only of residues of leaking, broken, or otherwise damaged universal waste may be managed as universal waste provided that the leaking, broken, or otherwise damaged universal waste is repackaged according to the standards of section 66273.13.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: Section 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.17.

§66273.18. Off-site Shipments.

(a) A small quantity handler of universal waste is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.

(b) If a small quantity handler of universal waste self-transportes universal waste off-site, the handler becomes a universal waste transporter for those self-transportation activities and shall comply with the transporter requirements of article 4 of this chapter while transporting the universal waste.

(c) If a universal waste being offered for offsite transportation meets the definition of hazardous materials under 49 CFR parts 171 through 180, a small quantity handler of universal waste shall package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with the applicable Department of Transportation regulations under 49 CFR parts 172 through 180;

(d) Prior to sending a shipment of universal waste to another universal waste handler, the originating handler shall ensure that the receiving handler agrees to receive the shipment.

(e) If a small quantity handler of universal waste sends a shipment of universal waste to another handler or to a destination facility and the shipment is rejected by the receiving handler or destination facility, the originating handler shall either:

- (1) Receive the waste back when notified that the shipment has been rejected, or
- (2) Agree with the receiving handler on a destination facility to which the shipment will be sent.

(f) A small quantity handler of universal waste may reject a shipment containing universal waste, or a portion of a shipment containing universal waste that he has received from another handler. If a handler rejects a shipment or a portion of a shipment, he shall contact the originating handler to notify him of the rejection and to discuss reshipment of the load. The handler shall:

- (1) Send the shipment back to the originating handler, or
- (2) If agreed to by both the originating and receiving handler, send the shipment to a destination facility.

(g) If a small quantity handler of universal waste receives a shipment containing hazardous waste that is not a universal waste, the handler shall immediately notify the Department of the illegal shipment, and provide the name, address, and phone number of the originating shipper. The Department will provide instructions for managing the hazardous waste.

(h) If a small quantity handler of universal waste receives a shipment of non-hazardous, non-universal waste, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

NOTE: Authority Cited: Sections 25141, 25150, 25150.6, 25219.1 and 58012, Health and

Safety Code. Reference: 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Sections 273.18.

§66273.19. Tracking Universal Waste Shipments.

A small quantity handler of universal waste is not required to keep records of shipments of universal waste.

NOTE: Authority Cited: Sections 25141, 25150, 25150.6, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.19.

§66273.20. Exports.

A small quantity handler of universal waste who sends universal waste to a foreign destination other than to those OECD countries specified in section 66262.58(a)(1) (in which case the handler is subject to the requirements of article 8 of chapter 12) shall:

- (a) Comply with the requirements applicable to a primary exporter in section 66262.53, 66262.56(a) (1) through (4), (6), and (b) and 66262.57;
- (b) Export such universal waste only upon consent of the receiving country and in conformance with the EPA Acknowledgement of Consent as defined in article 5 of chapter 12; and
- (c) Provide a copy of the EPA Acknowledgment of Consent for the shipment to the transporter transporting the shipment for export.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Sections 273.20.

Article 3. Standards for Large Quantity Handlers of Universal Waste

§66273.30. Applicability.

This article applies to large quantity handlers of universal waste (as defined in section 66273.9).

NOTE: Authority Cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.30.

§66273.31. Prohibitions.

A large quantity handler of universal waste is:

- (a) Prohibited from disposing of universal waste; and
- (b) Prohibited from diluting or treating universal waste, except by responding to releases as provided in section 66273.37; or by managing specific wastes as provided in section 66273.33.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.31.

§66273.32. Notification.

(a)(1) Except as provided in subsections (a) (2) and (3) of this section, a large quantity handler of universal waste shall have sent written notification of universal waste management to the Regional Administrator, and received an EPA Identification Number, before meeting or exceeding the 5,000 kilogram storage limit.

(2) A large quantity handler of universal waste who has already notified the U.S. EPA of his hazardous waste management activities and has received an EPA Identification Number is not required to renotify under this section.

(b) This notification shall include:

- (1) The universal waste handler's name and mailing address;
- (2) The name and business telephone number of the person at the universal waste handler's site who should be contacted regarding universal waste management activities;
- (3) The address or physical location of the universal waste management activities;
- (4) A list of all of the types of universal waste managed by the handler (e.g, batteries, thermostats, lamps);
- (5) A statement indicating that the handler is accumulating more than 5,000 kilograms of universal waste at one time and the types of universal waste (e.g, batteries, thermostats, lamps) the handler is accumulating above this quantity.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.32.

§66273.33. Waste Management.

(a) Universal waste batteries. A large quantity handler of universal waste shall manage universal waste batteries in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) A large quantity handler of universal waste shall contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container shall be closed, structurally sound, compatible with the contents of the battery, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(2) A large quantity handler of universal waste may conduct the following activities as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but shall be immediately closed after removal):

- (A) Sorting batteries by type;
- (B) Mixing battery types in one container;
- (C) Discharging batteries so as to remove the electric charge;
- (D) Regenerating used batteries;
- (E) Disassembling batteries or battery packs into individual batteries or cells;
- (F) Removing batteries from consumer products; or
- (G) Removing electrolyte from batteries.

(3) A large quantity handler of universal waste who removes electrolyte from batteries, or who generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed above, shall determine whether the electrolyte and/or other solid waste exhibit a characteristic of hazardous waste identified in article 3 of chapter 11.

(A) If the electrolyte and/or other solid waste exhibit a characteristic of hazardous waste, it shall be managed in compliance with all applicable requirements of this division. The handler is considered the generator of the hazardous electrolyte and/or other waste and is subject to chapter 12.

(B) If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

(b) Universal waste thermostats. A large quantity handler of universal waste shall manage universal waste thermostats in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) A large quantity handler of universal waste shall contain any universal waste thermostat that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container shall be closed, structurally sound, compatible with the contents of the thermostat, and shall lack evidence

of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(2) A large quantity handler of universal waste may remove mercury- containing ampules from universal waste thermostats provided the handler:

(A) Removes the ampules in a manner designed to prevent breakage of the ampules;

(B) Removes ampules only over or in a containment device (e.g., tray or pan sufficient to contain any mercury released from an ampule in case of breakage);

(C) Ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules, from the containment device to a container that meets the requirements of section 66262.34;

(D) Immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of section 66262.34;

(E) Ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA and CalOSHA exposure levels for mercury;

(F) Ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;

(G) Stores removed ampules in closed, non-leaking containers that are in good condition;

(H) Packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation; and

(3)(A) A large quantity handler of universal waste who removes mercury-containing ampules from thermostats shall determine whether the following exhibit a characteristic of hazardous waste identified in article 3 of chapter 11:

1. Mercury or clean-up residues resulting from spills or leaks; and/or

2. Other solid waste generated as a result of the removal of mercury-containing ampules (e.g., remaining thermostat units).

(B) If the mercury, residues, and/or other solid waste exhibit a characteristic of hazardous waste, it shall be managed in compliance with all applicable requirements of this division. The handler is considered the generator of the mercury, residues, and/or other waste and is subject to chapter 12.

(C) If the mercury, residues, and/or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

(c) Lamps. A large quantity handler of universal waste shall manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) A large quantity handler of universal waste shall contain any lamp in containers

or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages shall remain closed and shall lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

(2) A large quantity handler of universal waste shall immediately clean up and place in a container any lamp that is broken and shall place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Containers shall be closed, structurally sound, compatible with the contents of the lamps and shall lack evidence of leakage, spillage or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: Section 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.33.

§66273.34. Labeling/Marking.

A large quantity handler of universal waste shall label or mark the universal waste to identify the type of universal waste as specified below:

(a) Universal waste batteries (i.e., each battery), or a container or tank in which the batteries are contained, shall be labeled or marked clearly with the any one of the following phrases: "Universal Waste-- Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies);"

(b) Universal waste thermostats (i.e., each thermostat), or a container or tank in which the thermostats are contained, shall be labeled or marked clearly with any one of the following phrases: "Universal Waste--Mercury Thermostat(s)," or "Waste Mercury Thermostat(s)," or "Used Mercury Thermostat(s)."

(c) Each lamp or a container or package in which such lamps are contained shall be labeled or marked clearly with any one of the following phrases: "Universal Waste--Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."

NOTE: Authority Cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.34.

§66273.35. Accumulation Time Limits.

(a) A large quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from another handler, unless the requirements of subsection (b) of this section are met.

(b) A large quantity handler of universal waste may accumulate universal waste for longer than one year from the date the universal waste is generated, or received from another handler, if such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal. However, the handler bears the burden of proving that such activity was solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal.

(c) A large quantity handler of universal waste shall be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration by:

(1) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;

(2) Marking or labeling the individual item of universal waste (e.g., each battery or thermostat) with the date it became a waste or was received;

(3) Maintaining an inventory system on-site that identifies the date the universal waste being accumulated became a waste or was received;

(4) Maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received;

(5) Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or

(6) Any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

NOTE: Authority Cited: Sections 25141, 25150, 25150.6, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.35.

§66273.36. Employee Training.

A large quantity handler of universal waste shall ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relative to their responsibilities during normal facility operations and emergencies.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.36.

§66273.37. Response to Releases.

(a) A large quantity handler of universal waste shall immediately contain all releases of universal wastes and other residues from universal wastes.

(b) A large quantity handler of universal waste shall determine whether any material resulting from the release is hazardous waste, and if so, shall manage the hazardous waste in compliance with all applicable requirements of this division. The handler is considered the generator of the material resulting from the release, and is subject to chapter 12.

(c) Waste consisting only of residues of leaking, broken, or otherwise damaged universal waste may be managed as universal waste provided that the leaking, broken, or otherwise damaged universal waste is repackaged according to the standards of section 66273.33.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.37.

§66273.38. Off-site Shipments.

(a) A large quantity handler of universal waste is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.

(b) If a large quantity handler of universal waste self-transportes universal waste off-site, the handler becomes a universal waste transporter for those self-transportation activities and shall comply with the transporter requirements of article 4 of this chapter while transporting the universal waste.

(c) If a universal waste being offered for off-site transportation meets the definition of hazardous materials under 49 CFR parts 171 through 180, a large quantity handler of universal waste shall package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with the applicable Department of Transportation regulations under 49 CFR parts 172 through 180;

(d) Prior to sending a shipment of universal waste to another universal waste handler, the originating handler shall ensure that the receiving handler agrees to receive the shipment.

(e) If a large quantity handler of universal waste sends a shipment of universal waste to another handler or to a destination facility and the shipment is rejected by the receiving handler or destination facility, the originating handler shall either:

- (1) Receive the waste back when notified that the shipment has been rejected, or
- (2) Agree with the receiving handler on a destination facility to which the shipment will be sent.

(f) A large quantity handler of universal waste may reject a shipment containing universal waste, or a portion of a shipment containing universal waste that he has received from another handler. If a handler rejects a shipment or a portion of a shipment, he shall contact the originating handler to notify him of the rejection and to discuss reshipment of the load. The handler shall:

- (1) Send the shipment back to the originating handler, or
- (2) If agreed to by both the originating and receiving handler, send the shipment to a destination facility.

(g) If a large quantity handler of universal waste receives a shipment containing hazardous waste that is not a universal waste, the handler shall immediately notify the Department of the illegal shipment, and provide the name, address, and phone number of the originating shipper. The Department will provide instructions for managing the hazardous waste.

(h) If a large quantity handler of universal waste receives a shipment of non-hazardous, non-universal waste, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

NOTE: Authority Cited: Sections 25141, 25150, 25150.6, 25219.1, 25219.2, and 58012,

Health and Safety Code. Reference: Sections 25141, 25150, 25159, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.38.

§66273.39. Tracking Universal Waste Shipments.

(a) Receipt of shipments. A large quantity handler of universal waste shall keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The record for each shipment of universal waste received shall include the following information:

(1) The name and address of the originating universal waste handler or foreign shipper from whom the universal waste was sent;

(2) The quantity of each type of universal waste received (e.g., batteries, thermostats, lamps);

(3) The date of receipt of the shipment of universal waste.

(b) Shipments off-site. A large quantity handler of universal waste shall keep a record of each shipment of universal waste sent from the handler to other facilities. The record may take the form of a log, invoice, manifest, bill of lading or other shipping document. The record for each shipment of universal waste sent shall include the following information:

(1) The name and address of the universal waste handler, destination facility, or foreign destination to whom the universal waste was sent;

(2) The quantity of each type of universal waste sent (e.g., batteries, thermostats, lamps);

(3) The date the shipment of universal waste left the facility.

(c) Record retention.

(1) A large quantity handler of universal waste shall retain the records described in subsection (a) of this section for at least three years from the date of receipt of a shipment of universal waste.

(2) A large quantity handler of universal waste shall retain the records described in subsection (b) of this section for at least three years from the date a shipment of universal waste left the facility.

NOTE: Authority Cited: Sections 25141, 25150, 25150.6, 25219.1, 25219.2, and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.39.

§66273.40. Exports.

A large quantity handler of universal waste who sends universal waste to a foreign destination other than to those OECD countries specified in section 66262.58(a)(1) (in which case the handler is subject to the requirements of article 8 of chapter 12) shall:

(a) Comply with the requirements applicable to a primary exporter in section 66262.53, 66262.56(a)(1) through (4), (6), and (b) and 66262.57;

(b) Export such universal waste only upon consent of the receiving country and in conformance with the EPA Acknowledgement of Consent as defined in article 5 of chapter 12; and

(c) Provide a copy of the EPA Acknowledgement of Consent for the shipment to the transporter transporting the shipment for export.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.40.

Article 4. Standards for Universal Waste Transporters

§66273.50. Applicability.

This article applies to universal waste transporters (as defined in section 66273.9).

NOTE: Authority Cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.50.

§66273.51. Prohibitions.

A universal waste transporter is:

- (a) Prohibited from disposing of universal waste; and
- (b) Prohibited from diluting or treating universal waste, except by responding to releases as provided in section 66273.54.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.51.

§66273.52. Waste Management.

(a) A universal waste transporter shall comply with all applicable U.S. Department of Transportation regulations in 49 CFR part 171 through 180 for transport of any universal waste that meets the definition of hazardous material in 49 CFR 171.8. For purposes of the Department of Transportation regulations, a material is considered a hazardous waste if it is subject to the Hazardous Waste Manifest Requirements of the U.S. Environmental Protection Agency specified in 40 CFR part 262. Because universal waste does not require a hazardous waste manifest, it is not considered hazardous waste under the Department of Transportation regulations.

(b) Some universal waste materials are regulated by the Department of Transportation as hazardous materials because they meet the criteria for one or more hazard classes specified in 49 CFR 173.2. As universal waste shipments do not require a manifest under chapter 12 and are conditionally exempt from classification as a hazardous waste, they may not be described by the DOT proper shipping name "hazardous waste, (I) or (S), n.o.s.", nor may the hazardous material's proper shipping name be modified by adding the word "waste".

NOTE: Authority Cited: Sections 25141, 25150, 25150.6, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.52.

§66273.53. Storage Time Limits.

(a) A universal waste transporter may only store the universal waste at a universal waste transfer facility for ten days or less in an area zoned “industrial” and for six days or less in all other areas.

(b) If a universal waste transporter stores universal waste for more than ten days in an area zoned “industrial” or for more than six days in any other area, the transporter becomes a universal waste handler and shall comply with the applicable requirements of article 2 or 3 of this chapter while storing the universal waste.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.53.

§66273.54. Response to Releases.

(a) A universal waste transporter shall immediately contain all releases of universal wastes and other residues from universal wastes.

(b) A universal waste transporter shall determine whether any material resulting from the release is hazardous waste, and if so, it is subject to all applicable requirements of this division. If the waste is determined to be a hazardous waste, the transporter is subject to chapter 12.

(c) Waste consisting only of residues of leaking, broken, or otherwise damaged universal waste may be managed as universal waste provided that the leaking, broken, or otherwise damaged universal waste is repackaged according to the standards of section 66273.13 or 66273.33.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.54.

§66273.55. Off-site Shipments.

(a) A universal waste transporter is prohibited from transporting the universal waste to a place other than a universal waste handler, a destination facility, or a foreign destination.

(b) If the universal waste being shipped offsite meets the Department of Transportation's definition of hazardous materials under 49 CFR section 171.8, the shipment shall be properly described on a shipping paper in accordance with the applicable Department of Transportation regulations under 49 CFR part 172.

NOTE: Authority Cited: Sections 25141, 25150, 25150.6, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.55.

§66273.56. Exports.

A universal waste transporter transporting a shipment of universal waste to a foreign destination other than to those OECD countries specified in section 66262.58(a)(1) (in which case the transporter is subject to the requirements of article 8 of chapter 12) may not accept a shipment if the transporter knows the shipment does not conform to the EPA Acknowledgment of Consent. In addition the transporter shall ensure that:

(a) A copy of the EPA Acknowledgment of Consent accompanies the shipment;
and

(b) The shipment is delivered to the facility designated by the person initiating the shipment.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.56.

Article 5. Standards for Destination Facilities

§66273.60. Applicability.

(a) The owner or operator of a destination facility (as defined in section 66273.9) is subject to all applicable requirements of chapters 14, 15, 16, 18, 20, and 22 of this chapter, and the notification requirement under Health and Safety Code section 25153.6:

(b) The owner or operator of a destination facility that recycles universal waste shall comply with the applicable provisions of chapter 14 or 15 and the applicable provisions of chapter 20.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.60.

§66273.61. Off-site Shipments.

(a) The owner or operator of a destination facility is prohibited from sending or taking universal waste to a place other than a universal waste handler, another destination facility or foreign destination.

(b) The owner or operator of a destination facility may reject a shipment containing universal waste, or a portion of a shipment containing universal waste. If the owner or operator of the destination facility rejects a shipment or a portion of a shipment, he shall contact the shipper to notify him of the rejection and to discuss reshipment of the load. The owner or operator of the destination facility shall:

- (1) Send the shipment back to the original shipper, or
- (2) If agreed to by both the shipper and the owner or operator of the destination facility, send the shipment to another destination facility.

(c) If the a owner or operator of a destination facility receives a shipment containing hazardous waste that is not a universal waste, the owner or operator of the destination facility shall immediately notify the Department of the illegal shipment, and provide the name, address, and phone number of the shipper. The Department will provide instructions for managing the hazardous waste.

(d) If the owner or operator of a destination facility receives a shipment of non-hazardous, non-universal waste, the owner or operator may manage the waste in any way that is in compliance with applicable federal or state solid waste regulations.

NOTE: Authority Cited: Sections 25141, 25150, 25150.6, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.61.

§66273.62. Tracking Universal Waste Shipments.

(a) The owner or operator of a destination facility shall keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The record for each shipment of universal waste received shall include the following information:

(1) The name and address of the universal waste handler, destination facility, or foreign shipper from whom the universal waste was sent;

(2) The quantity of each type of universal waste received (e.g., batteries, thermostats, lamps);

(3) The date of receipt of the shipment of universal waste.

(b) The owner or operator of a destination facility shall retain the records described in subsection (a) of this section for at least three years from the date of receipt of a shipment of universal waste.

NOTE: Authority Cited: Sections 25141, 25150, 25150.6, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.62.

Article 6. Import Requirements

§66273.70. Imports.

Persons managing universal waste that is imported from a foreign country into the United States are subject to the applicable requirements of this chapter, immediately after the waste enters the United States, as indicated in subsections (a) through (c) of this section:

(a) A universal waste transporter is subject to the universal waste transporter requirements of article 4.

(b) A universal waste handler is subject to the small or large quantity handler of universal waste requirements of article 2 or 3, as applicable.

(c) An owner or operator of a destination facility is subject to the destination facility requirements of article 5.

(d) Persons managing universal waste that is imported from an OECD country as specified in section 66262.58(a)(1) are subject to subsections (a) through (c) of this section, in addition to the requirements of article 8 of chapter 12.

NOTE: Authority Cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.70.