

CORRESPONDENCE/MEMORANDUM

State of Wisconsin

DATE: July 10, 2003

FILE REF: WA-742 02

TO: Jay Hochrath, AD/5
Jack Sullivan, AD/5

FROM: Sue Bangert, WA/3

SUBJECT: Management of Wisconsin-Specific Universal Wastes - Revised

Wisconsin's hazardous wastes are regulated under ch. 291, Wis. Stats., and chs. NR 600 to 690, Wis. Adm. Code. The purpose of these regulations is to ensure environmentally sound management and disposal of hazardous waste.

While these regulations were developed to be protective of the environment, there are situations where these regulations may make recycling of certain commonly generated hazardous wastes difficult. To address this problem, and to encourage environmentally sound collection, management, and recycling, Wisconsin developed the Universal Waste Rules, ch. NR 690, Wis. Adm. Code. This chapter provides reduced regulatory requirements for certain hazardous wastes identified in that rule chapter as "universal wastes."

The wastes currently regulated under this chapter include **hazardous waste batteries, pesticides, and mercury thermostats**. This list of wastes is consistent with EPA's original list of Universal Wastes, found in 40 CFR, Part 273. Wisconsin can seek to add new hazardous wastes to the State's list of Universal Wastes, and Department staff intend to propose expanding this rule to include additional wastes, and appropriate management standards. This guidance memo identifies and discusses these wastes and their associated management standards. To avoid confusion, this expanded list of wastes, found in Table I (below), will be designated as *Wisconsin-Specific Universal Wastes*, since it is more extensive than the federal list of universal wastes.

Until these rules are officially expanded, this memo requests that the Department exercise discretion in enforcing the normal hazardous waste management requirements for the specific waste streams outlined in Table I.

Some of the reduced requirements from hazardous waste regulation include:

- A solid or hazardous waste transportation license is not required to transport *Wisconsin-Specific Universal Wastes* to another handler or a destination facility.
- *Wisconsin-Specific Universal Wastes* do not require a hazardous waste manifest during shipment within Wisconsin.
- Small and large quantity generators of hazardous waste do not have to report *Wisconsin-Specific Universal Wastes* as hazardous waste on the annual report.
- Small and large quantity hazardous waste generators may accumulate *Wisconsin-Specific Universal Wastes* on-site for one year.

Persons who do not choose to comply with the management standards outlined in this guidance are subject to full hazardous waste regulation under chs. NR 600 to 685, Wis. Adm. Code.

This guidance applies only to Wisconsin-Specific Universal Wastes, listed in Table I below, that are being recycled. Wastes that are not recycled, or are not managed according to this memo, are subject to full hazardous waste regulation.

This guidance applies only to wastes listed in Table I that are hazardous. Some of the wastes listed in Table I may not consistently be hazardous; however, as with all wastes, the generator must make this determination using analytical information or knowledge. To avoid having to make a hazardous waste determination, the Department recommends managing these wastes, hazardous or non-hazardous, in accordance with this guidance.

Table I. Wisconsin-Specific Universal Wastes

Containers of mercury	Containers of mercury include less than one pound of liquid mercury removed from unsealed mercury containing devices, and stored in a container. The storage containers must be closed, structurally sound, compatible with the contents, and lack evidence of spillage or damage that could cause leakage under reasonable conditions
Scaled mercury containing devices	Scaled mercury containing devices include scaled devices containing elemental mercury, including, but not limited to electrical relays or switches, thermometers, thermocouples, or gauges containing elemental mercury.
Lamps	Lamps include incandescent, fluorescent, high-pressure sodium, mercury vapor, neon, metal [JMS1]halide, and high intensity discharge (HID) lamps.

Note: Standards for persons managing CRTs are addressed in a separate memo titled, "Management of Cathode Ray Tubes in Wisconsin," dated July 9, 2003.

Management standards for Wisconsin-Specific Universal Wastes:

All wastes listed in Table I of this memo should be managed in a manner that protects human health and the environment. If any hazardous waste or hazardous substance, including any waste covered in this memo, is discharged to the environment, the response procedures of ch. NR 706, Wis. Adm. Code, apply.

Lamps should be managed according to the hazardous waste lamp requirements in 40 CFR Part 273, Standards for Universal Waste Management.

Definition of Wisconsin-Specific Universal Waste Handlers:

Universal waste handlers, as defined in s. NR 690.03(11), Wis. Adm. Code, include generators and owners or operators of facilities that receive, accumulate or send universal wastes to other handlers, or destination facilities. Wisconsin-specific universal waste that is not recycled is subject to applicable solid and hazardous waste regulations that usually require storage, treatment, transport and other licenses or approvals from the Wisconsin Department of Natural Resources.

Persons who wish to handle Wisconsin-specific universal wastes covered under this memo need to:

- Ensure the waste is recycled;
- Manage the waste in a way that prevents releases;
- Ensure containers are closed, structurally sound, and compatible with the contents;

- Label waste as universal waste-, "used[JMS2]-", or "waste-" lamps, mercury, etc. to clearly identify the type of waste;
- Demonstrate the length of time the waste has been accumulated on-site; (Handlers may accumulate waste on-site for up to one year. Waste may be accumulated for more than one year for the purpose of accumulating quantities necessary to facilitate proper recovery, treatment or disposal.)
- Train employees on proper handling and emergency procedures;
- Respond to spills and manage any resulting residues promptly, and appropriately; and
- Transport their waste to another waste handler, or destination facility; arrangements must be made prior to shipping the waste to another waste handler.

Large Quantity Handlers, handlers accumulating 5,000 kilograms or more total of universal or Wisconsin-specific universal waste, must comply with the following additional requirements:

- Keep records to document compliance with this guidance, and
- Obtain an EPA identification number, following the notification requirements in s. NR 600.05, Wis. Adm. Code.

Handlers that remove liquid mercury from unsealed devices need to:

- Meet the appropriate small or large quantity handler requirements for removing mercury-containing ampules from thermostats in s. NR 690.13(3)(b) and (c), or 690.33(3)(b) and (c), Wis. Adm. Code.

Handlers managing waste in conformity with this memo will not be required to report waste related activities, as outlined in s. NR 610.08(1)(g), or 615.11(1), Wis. Adm. Code. Handlers that dilute, treat, or dispose of waste covered by this memo are subject to full hazardous waste regulation.

Wisconsin-Specific Universal Waste Transporters: Universal waste transporters, as defined in NR 690.03(13), Wis. Adm. Code, include persons engaged in the off-site transportation of Universal Waste. Persons who wish to transport Wisconsin-specific universal wastes covered by this memo need to:

- Comply with all applicable United States and Wisconsin Department of Transportation regulations, including, but not limited to, packaging, labeling, marking, and placarding requirements;
- Comply with handler requirements if waste is stored for more than ten days;
- Respond to releases and manage residues promptly, and appropriately;
- Transport universal waste to a handler or destination facility;
- Ensure that tools or equipment used to load or unload waste will not damage the effectiveness of the closure of any container; and
- Ensure that containerized waste is loaded in such a manner that the containers are reasonably secured against movement within the transport vehicle.

Transporters may store waste in transit for up to ten days without being subject to handler requirements. Transporters that dilute, treat, or dispose of waste covered by this memo are subject to full hazardous waste regulation.

Wisconsin-Specific Universal Waste Destination Facilities:

Destination facilities, as defined in s. NR 690.03(2), Wis. Adm. Code, are facilities that treat, dispose, or recycle universal wastes. A facility at which a particular category of universal waste is only accumulated is not a destination facility, but is considered to be a handler. Destination facilities are subject to full hazardous waste regulation in chs. NR 600 to 685, Wis. Adm. Code, and sub ch. V, NR 690, Wis. Adm. Code.

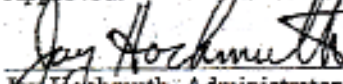
Disclaimer:

This guidance is in effect from the date this memo is signed until the Department promulgates final rules on the management of these Wisconsin specific universal wastes. The Department may modify or withdraw this memo, in whole or in part, at any time.

The Department believes that this guidance will encourage recycling and improve the proper and responsible management of Wisconsin-specific universal wastes by substantially easing certain existing hazardous waste management requirements. After considering the issues presented in this memorandum, the Special Waste Team recommends that the Department allow handlers and transporters of Wisconsin-specific universal wastes to manage the wastes in the manner proposed herein. This approach meets the needs of handlers and transporters of universal wastes and protects public health and the environment.

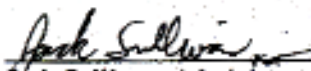
This document is intended solely as guidance, and does not contain any mandatory requirements except where reference is made to requirements found in statute or administrative rule. This guidance does not establish or affect legal rights or obligations, and is not finally determinative of any of the issues addressed. This guidance does not create any rights enforceable by any party in litigation with the State of Wisconsin or the Department of Natural Resources. Any regulatory decisions made by the Department of Natural Resources in any matter addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.

Approved:


Jay Hochmuth, Administrator
Division of Air and Waste

Dated:

7/10/03


Jack Sullivan, Administrator
Division of Enforcement and Science

7/10/03

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