

Universal Waste Regulations

This fact sheet explains the applicability of Pennsylvania's "Universal Waste Rule" - a set of regulations that simplifies how some very common hazardous wastes can be managed. The Universal Waste Rule allows certain hazardous wastes to be managed under streamlined requirements that will encourage collection, recycling or disposal of these wastes. The universal waste requirements are provided in Pennsylvania (25 Pa. Code Chapter 266b) and federal (40 CFR Part 273) regulations. This fact sheet provides an overview of selected requirements and citations to specific regulations that you can consult for information on the details of the requirements. Additional information is also available in the Department of Environmental Protection (DEP) document *Pennsylvania Hazardous Waste Regulation Compliance Guide - Requirements for Managing Universal Wastes* (2510-BK-DEP2564).

The universal waste regulations are applicable if you generate, import, treat, accumulate, store, transport, dispose or recycle a universal waste. Federal regulations allow for five types of materials (batteries, pesticides, mercury-containing equipment, lamps and aerosol cans) to be managed under the Universal Waste Rule. In addition, Pa. regulations allow for oil-based finishes and photographic solutions to be managed as universal wastes.

These materials are not always considered universal wastes. To be subject to the universal waste regulations, these materials must first become wastes and must be hazardous wastes. These materials become wastes after use when they are discarded, disposed or sent for reclamation. If they have not been used, these materials become wastes on the date the handler decides to discard them. In the case of recalled pesticides, the pesticide becomes a waste when the generator of the recalled pesticide agrees to participate in the recall and the person conducting the recall decides to discard the pesticide.

These materials also must meet the definition of hazardous waste under 40 CFR Part 261, "Identification and Listing of Hazardous Waste," before they are subject to the universal waste regulations. For additional information on identifying and managing hazardous waste, see the U.S. Environmental Protection Agency's (EPA) website "Steps in Complying with Regulations for Hazardous Waste" <https://www.epa.gov/hwgenerators/steps-complying-regulations-hazardous-waste>.

Types of Universal Wastes

The seven types of materials that may be universal wastes are defined below (see 40 CFR 273.9 and 25 Pa. Code 266b.3).

- **Battery** - a device consisting of one or more electrically connected electrochemical cells designed to receive, store and deliver electric energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed. This category includes all hazardous waste batteries. Some examples are nickel-cadmium batteries (Ni-Cad), sealed lead-acid, mercury oxide (button cell) and lithium-ion batteries. However, sealed lead-acid batteries (such as automotive batteries) are normally managed under 25 Pa. Code 266a, Subchapter G and 40 CFR 266, Subpart G.
- **Pesticide** - any substance intended for preventing, destroying, repelling or mitigating any pest, or intended for use as a plant regulator, defoliant or desiccant. The definition of pesticide does not include the following:
 - 1) A new animal drug under the Federal Food, Drug and Cosmetic Act (FFDCA) section 201(w);
 - 2) An animal drug determined by regulation of the U.S. Department of Health and Human Services not to be a new animal drug; or
 - 3) An animal feed under FFDCA 201(x) that bears or contains substances described in numbers 1 or 2 above.
- **Mercury-containing equipment** - a device or part of a device (including thermostats, but excluding batteries and lamps) that contain elemental mercury integral to its function. Some additional examples are thermometers, barometers, electric switches, electric relays, thermocouples, manometers and sphygmomanometers.
- **Lamp** - the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy. Some examples of common universal waste electric lamps include fluorescent, high intensity discharge, neon, mercury vapor and metal-halide lamps.
- **Aerosol cans** - a non-refillable receptacle containing a compressed, liquified or dissolved gas under pressure used to expel a liquid, paste or powder and fitted with a self-closing release device used to eject the contents by the gas.
- **Oil-based finishes** - any paint or other finish that may exhibit, or is known to exhibit, a hazardous waste characteristic, or which contains a listed hazardous waste, and is in the original packaging, or otherwise appropriately contained and clearly labeled. Examples of oil-based finishes include, but are not limited to, oil-based paints, lacquers, stains and aerosol paint cans.

- **Photographic solutions** - silver-bearing waste streams resulting from photographic processing solutions or rinse water.

Pesticides and Batteries Not Subject to Universal Waste Regulations

The following pesticides are not subject to the universal waste regulations:

- Recalled or unused pesticides that are managed by farmers on their own farms in accordance with 40 CFR 262.70;
- Unused pesticides that are not wastes because the generator has not yet decided to discard them; and
- Recalled pesticides that are not wastes because the person conducting the recall has not yet discarded the pesticide or has decided to treat the waste in such a way that the pesticide is not a solid waste (e.g., use or reuse).

The following batteries are not subject to the universal waste regulations:

- Spent lead-acid batteries that are managed under 40 CFR Part 266, Subpart G, and 25 Pa. Code Chapter 266a, Subchapter G, "Spent Lead-Acid Batteries Being Reclaimed."

Types of Universal Waste Activity

There are three major categories of universal waste activity, each of which is regulated differently. The entities that conduct these activities are defined in 40 CFR 273.9 as follows:

- **Universal Waste Handlers.** You are a handler of universal wastes if you generate universal wastes, receive universal wastes from other universal waste handlers, accumulate universal wastes or send universal wastes to another handler, destination facility or foreign destination. There are two categories of universal waste handlers based on the amount of universal wastes accumulated on-site as follows:
 - **Small Quantity Handler of Universal Waste (SQHUW).** You are a SQHUW if you accumulate a total less than 5,000 kilograms of universal waste at one time. The requirements for SQHUWs are found in 40 CFR Part 273, Subpart B, and 25 Pa. Code Chapter 266b, Subchapter B.
 - **Large Quantity Handler of Universal Waste (LQHUW).** You are a LQHUW if you accumulate a total of 5,000 kilograms or more of universal waste at one time. The requirements for LQHUWs are found in 40 CFR Part 273, Subpart C, and 25 Pa. Code Chapter 266b, Subchapter C.
- **Universal Waste Transporters.** You are a universal waste transporter if you are engaged in the off-site transportation of universal wastes by air, rail, highway or water. The requirements for universal waste transporters are found in 40 CFR Part 273, Subpart D, and 25 Pa. Code Chapter 266b, Subchapter D. (see EPA's webpage "Hazardous Waste Transportation") <https://www.epa.gov/hw/hazardous-waste-transportation>
- **Destination Facilities.** You are a destination facility if you treat, dispose or recycle any type of universal waste. If you only accumulate universal waste, you are not a destination facility. In addition, the following waste management activities are not considered treatment, disposal or recycling for purposes of determining whether you are a destination facility:
 - Sorting batteries by type;
 - Mixing battery types in a container;
 - Discharging batteries to remove the electrical charge;
 - Regenerating used batteries;
 - Disassembling batteries or battery packs into individual batteries or cells;
 - Removing batteries from consumer products;
 - Removing electrolyte from batteries; and
 - Removing mercury-containing ampules from mercury-containing equipment in a manner designed to prevent breakage, as required by 40 CFR 273.13 and 40 CFR 273.33, depending on the type of equipment and the quantity of universal waste handled by the facility.

The requirements for destination facilities are set forth in 40 CFR Part 273, Subpart E, and 25 Pa. Code Chapter 266b, Subchapter E. If you are a destination facility, you must have a hazardous waste management permit and you are subject to all applicable requirements for hazardous waste treatment, storage and disposal facilities (TSDFs) in 40 CFR Parts 264, 265, 266, 268 and 270 and 25 Pa. Code Chapters 264a-266a, 268a and 270a.

Additional Information

Additional information, including the applicable regulations, is available from the DEP's Division of Hazardous Waste Management at 717-787-6239, RA-Hazwaste@pa.gov or through the following websites:

Pa. Regulations website: www.pacodeandbulletin.gov (Title 25: Environmental Protection)

U.S. Environmental Protection Agency website: www.epa.gov/hw (Hazardous Waste)

For more information, visit www.dep.pa.gov, search [Hazardous Waste](#).