

**Revision Checklists 142 A-E Summary**

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| <b>Rule Title:</b>        | Universal Waste Rule (Hazardous Waste Management System; Modification of the Hazardous Waste Recycling Regulatory Program); Final Rule   |
| <b>Checklist Titles:</b>  | A. Universal Waste Rule: General Provisions<br>B. Universal Waste Rule: Specific Provisions for Batteries<br>C. Universal Waste Rule: Specific Provisions for Pesticides<br>D. Universal Waste Rule: Specific Provisions for Thermostats<br>E. Universal Waste Rule: Provisions for Petitions to Add a New Universal Waste |
| <b>Reference:</b>         | 60 <u>FR</u> 25492-25551   |
| <b>Promulgation Date:</b> | May 11, 1995   |
| <b>Effective Date:</b>    | May 11, 1995   |
| <b>Cluster:</b>           | RCRA Cluster V   |
| <b>Provision Type:</b>    | Non-HSWA   |
| <b>Linkage:</b>           | Revision Checklist 176   |
| <b>Optional:</b>          | Yes  |

**Summary:** The Universal Waste Rule promulgates streamlined hazardous waste management regulations governing the collection and management of certain widely used wastes known as universal wastes. The specific wastes covered by this rule include: 1) hazardous waste batteries, 2) hazardous waste pesticides that are either recalled or collected in waste pesticide collection programs, and 3) hazardous waste thermostats. Other wastes may be added to the universal waste regulations in the future, but at this time only these three wastes are included. A petition process is included in this rule that allows a State the flexibility to add wastes to its list of universal wastes without requiring the wastes to be added at the Federal level.

This rule's purpose is to greatly ease the regulatory burden on retail stores and establishments or individuals that wish to collect or generate the three universal wastes. This rule should also greatly facilitate programs developed to reduce the quantity of these wastes going to municipal solid waste landfills or combustors. This rule is designed to help assure that universal wastes will go to appropriate treatment or recycling facilities pursuant to the full hazardous waste regulatory controls rather than to solid waste landfills or combustors.

Note that Public Law 104-142, at §104, subjects the collection, storage, or transportation of used rechargeable batteries and other covered batteries to applicable provisions of the Universal Waste Rule upon the enactment of the Law (May 13, 1996). States wishing to regulate used rechargeable batteries and other covered batteries must adopt standards identical to the applicable standards in the Universal Waste Rule. Note that the above types of batteries are regulated by the Universal Waste Rule. The

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provisions of the Universal Waste Rule that apply to these batteries are the general provisions addressed by Revision Checklist 142A as well as the specific provisions addressed by Revision Checklist 142B.

**State Authorization:** This rule is placed in RCRA Cluster V. Because it introduces less stringent management standards, this rule is considered optional. If a State chooses to adopt this rule, the modification deadline is July 1, 1996 (or July 1, 1997 if a State statutory change is necessary). These changes do not go into effect until States become authorized for them because this rule was promulgated under pre-HSWA authorities. Only final authorization is available.

While this rule is optional, EPA strongly encourages States to adopt the universal waste standards because they will help to streamline the handling of certain hazardous wastes. To this end, EPA has broken this rule into a series of five checklists to allow States to choose those portions that they would like to adopt. The first checklist, Revision Checklist 142 A, addresses the general requirements associated with this rule and is required in order for a State to be authorized for the universal waste standards. States may adopt any of the next four checklists, Revision Checklists 142 B, 142 C, and 142 D, each of which addresses one of the wastes included in this rule, and the final checklist--Revision Checklist 142E--which addresses petitions to add wastes as universal wastes. In order to be authorized for this rule, a State must, in addition to Revision Checklist 142 A, adopt at least one of the three checklists addressing the three universal wastes, and/or 2) adopt the checklist addressing petitions to add more wastes as universal wastes.

The State Revision Application must include: 1) applicable regulations, 2) AG statement addendum, 3) Revision Checklist 142 A and at least one of the following--Revision Checklist 142 B, Revision Checklist 142 C, Revision Checklist 142 D, and Revision Checklist 142E--and 4) other application materials, i.e., a program description and an MOA, as determined by the Regional Office.

**Attorney General's Statement Entry:** A new section, "XXIII. Universal Wastes", should be added to the Model Attorney General's Statement with the following entries:

#### **XXIII. UNIVERSAL WASTES**

A. [OPTIONAL: This is a reduced requirement. However, to be authorized for the universal waste provisions, a State must adopt this requirement (i.e., the General Provisions) and 1) at least one of the universal wastes at Subsections XXIII B-XXIII D, and/or 2) the universal waste petitions provision.] State statutes and regulations provide hazardous waste management standards for the collection and management of certain widely generated wastes determined "universal wastes" as indicated in Revision Checklist 142 A.

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Federal Authority: RCRA §§2002, 3001, 3002, 3003, 3004, 3005, 3010, 3013, 3017, and 7004; 40 CFR 260.10, 261.5(c), 261.5(f)(3)(vi), 261.5(g)(3)(vi), 261.9 intro, 262.10(b), 262.11(d), 264.1(g)(11) intro, 265.1(c)(14) intro, 268.1(f) intro, 270.1(c)(2)(viii) intro, 273.1(a) intro, 273.1(b), 273.5, 273.6, 273.10, 273.11, 273.12, 273.14 intro, 273.15-273.31, 273.32(a)(1)&(2), 273.32(b), 273.34 intro, 273.35-273.70 as amended May 11, 1995 (60 FR 25492).

#### Citation of Laws and Regulations: Date of Enactment and Adoption

#### Remarks of the Attorney General

B. [OPTIONAL: This is a reduced requirement. However, this requirement and the requirements at Subsection XXIII A are necessary for authorization of this requirement.] State statutes and regulations include hazardous waste batteries as a universal waste as indicated in Revision Checklist 142 B.

Federal Authority: RCRA §§3001, 3002, 3003, 3004, 3005, 3010, 3013, 3017, and 7004; 40 CFR 260.10, 261.6(a)(3), 261.9(a), 264.1(g)(11)(i), 265.1(c)(14)(i), 266.80(a), 266.80(b) intro, 268.1(f)(1), 270.1(c)(2)(viii)(A), 273.1(a)(1), 273.2, 273.6, 273.13(a), 273.14(a), 273.33(a), and 273.34(a) as amended May 11, 1995 (60 FR 25492).

#### Citation of Laws and Regulations: Date of Enactment and Adoption

#### Remarks of the Attorney General

C. [OPTIONAL: This is a reduced requirement. However, this requirement and the requirements at Subsection XXIII A are necessary for authorization of this requirement.] State statutes and regulations include hazardous waste pesticides that are either recalled or collected in waste pesticide collection programs as a universal waste as indicated in Revision Checklist 142 C.

Federal Authority: RCRA §§3001, 3002, 3003, 3004, 3005, 3010, 3013, 3017, and 7004; 40 CFR 260.10, 261.9(b), 264.1(g)(11)(ii), 265.1(c)(14)(ii), 268.1(f)(2), 270.1(c)(2)(viii)(B), 273.1(a)(2), 273.3, 273.6, 273.13(b), 273.14(b)&(c), 273.32(a)(3), 273.33(b), and 273.34(b)&(c) as amended May 11, 1995 (60 FR 25492).

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D. [OPTIONAL: This is a reduced requirement. However, this requirement and the requirements at Subsection XXIII A are necessary for authorization of this requirement.] State statutes and regulations include hazardous waste thermostats as a universal waste as indicated in Revision Checklist 142 D.

Federal Authority: RCRA §§3001, 3002, 3003, 3004, 3005, 3010, 3013, 3017, and 7004; 40 CFR 260.10, 261.9(c), 264.1(g)(11)(iii), 265.1(c)(14)(iii), 268.1(f)(3), 270.1(c)(2)(viii)(C), 273.1(a)(3), 273.4, 273.6, 273.13(c), 273.14(d), 273.33(c), and 273.34(d) as amended May 11, 1995 (60 FR 25492).

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E. [OPTIONAL: This is a reduced requirement. However, this petition process can be authorized only if the State is authorized for the Subsection XXIII A requirements.] State statutes and regulations allow petitions to include other wastes as universal wastes as indicated in Revision Checklist 142 E.

Federal Authority: RCRA §3001, 3002, 3003, 3004, 3005, 3010, and 3013; 40 CFR 260.20(a), 260.23, 273.80, and 273.81 as amended May 11, 1995 (60 FR 25492).

Citation of Laws and Regulations; Date of Enactment and AdoptionRemarks of the Attorney General

**Adoption by Reference Guidance Update:** The following Part 273 entry should be inserted in the Guidelines for State Adoption of Federal Regulations by Reference in the table at Section VIII, "Adoption of Specific CFR Parts":

| Federal Citation   | Guidance  |
|--|---|
| <b>40 CFR Part 273</b>                                     |   |
| 273.20(b)<br>273.20(c)<br>273.40(b)<br>273.40(c)<br>273.56 | The "EPA Acknowledgement of Consent" is an export paper that is prepared by EPA. Thus, a State which adopts Part 273 by reference should not apply the blanket substitution of terms to these sections; the term "EPA Acknowledgement of Consent" should remain as such. (Also see the entry for Part 262, Subpart E, for a detailed discussion on the governmental functions related to exports that are not delegable to States.) |