

Revision Checklist 209 Summary

Rule Title:	Hazardous Waste Management System; Modification of the Hazardous Waste Program; Mercury Containing Equipment
Checklist Title:	Universal Waste Rule: Specific Provisions for Mercury Containing Equipment
Reference:	70 <u>FR</u> 45508 - 45522
Promulgation Date:	August 5, 2005
Effective Date:	August 5, 2005
Cluster:	RCRA Cluster XVI
Provision Type:	Non-HSWA
Linkage:	142D, 176
Optional:	Yes

Summary: Today's rule adds mercury-containing equipment to the federal list of universal wastes regulated under the Resource Conservation and Recovery Act (RCRA) hazardous waste regulations. It effectively replaces the requirements regarding universal waste thermostats, which are a subset of mercury containing equipment. Handlers of universal wastes are subject to less stringent standards for storing, transporting, and collecting these wastes. EPA has concluded that regulating spent mercury-containing equipment as a universal waste will lead to better management of this equipment and will facilitate compliance with hazardous waste requirements.

State Authorization: This rule is placed in RCRA Cluster XVI. The State modification deadline is July 1, 2007 (or July 1, 2008 if a State statutory change is necessary).

This rule is promulgated pursuant to non-HSWA authority and is considered to be less stringent than the current Federal requirements. Therefore, States will not be required to adopt and seek authorization for this rule.

Attorney General (AG) Certification Guidance: Specific AG certification of statutory authority may not be required for this checklist as long as the AG has previously demonstrated authority for identification and listing of hazardous waste, hazardous waste generator standards, hazardous waste transporter standards, hazardous waste TSD standards, hazardous waste permits, monitoring and testing, and export of hazardous waste.

Program Description (PD) Guidance: A State seeking authorization for this checklist should determine whether the revisions impact the program described in the Program Description.

Incorporation by Reference Guidance: There is no special guidance for States that incorporate by reference.