TWO MINUTE TRAINING

TO: *CH2M HILL PLATEAU REMEDIATION COMPANY*

FROM: *PAUL W. MARTIN, RCRA Subject Matter Expert*
CHPRC Environmental Protection, Hanford, WA

SUBJECT: *UNIVERSAL WASTE, ONE-YEAR ACCUMULATION, AND MULTIPLE HANDLERS AT ONE FACILITY*

DATE: *SEPTEMBER 13, 2018*

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TWO MINUTE TRAINING

SUBJECT: Universal Waste, One-Year Accumulation, and Multiple Handlers at One Facility

Q: Last week's Two Minute Training (2MT) stated that a universal waste (UW) handler may accumulate UW for no longer than one year and that when the UW is sent to another UW handler, the subsequent UW handler could also accumulate for no longer than one year, i.e., each subsequent UW handler could accumulate UW for up to one year since each location is regulated as a separate handler. But what if a facility had multiple UW handlers on one site? Could UW from multiple onsite UW handlers be sent to an onsite consolidation location, i.e., another separate UW handler, and the consolidation location accumulate the UW for up to one year?

A: Funny you should ask!

Per an EPA guidance memo dated February 1, 1997, (RO 14081), EPA clarified:

"The definition of a universal waste handler includes facilities that receive universal waste from other handlers (273.6). A facility is allowed to consolidate and/or collect universal waste, provided the waste is sent on to other handlers, recyclers, or treatment/disposal facilities (60 FR 25500; May 11, 1995). Moreover, if the facility has several locations at which universal wastes are consolidated and/or collected, each location would be regulated as a separate handler."

And to clarify the above, the May 11, 1995, Federal Register and page 25500 stated:

There are two types of handlers of universal waste. The first type of handler is a person who generates, or creates, universal waste. This is a person who uses batteries, pesticides, or thermostats and who eventually decides that they are no longer usable and thus are waste. Contractors or repair people who decide that batteries or thermostats are no longer usable and remove them from service also generate universal waste, and thus are handlers of universal waste. The second type of handler is a person who receives universal waste from generators or other handlers, consolidates the waste, and then sends it on to other handlers, recyclers, or treatment/disposal facilities. Universal waste handlers accumulate universal waste, but do not treat, recycle, or dispose of the waste. Each separate location (e.g., generating location or collecting location) is considered a separate universal waste handler. Thus, if one company has several locations at which universal waste is generated or collected, each location is a separate handler.

In terms of the one-year accumulation requirement, the highlighted wording means that each separate UW handler, even subsequent UW handlers located on the same site, could accumulate UW for up to one year. This also means that if an onsite UW handler sends universal waste to an onsite consolidation location, since the onsite consolidation location is also a separate UW handler, the consolidation location would also be able to accumulate UW for up to one year.

And this makes sense, since the UW regulations were promulgated to streamline management of UW, to facilitate environmentally-sound collection, and to increase the proper recycling of UW. As EPA stated in the May 11, 1995, Federal Register on page 25492:

"The current RCRA regulations have been a major impediment to national collection and recycling campaigns for these wastes. This rule will greatly ease the regulatory burden on retail stores and others that wish to collect or generate these wastes. It should greatly facilitate programs developed to reduce the quantity of these wastes going to municipal solid waste landfills or combustors. It will, also, assure that the wastes subject to this system will go to appropriate treatment or recycling facilities pursuant to the full hazardous waste regulatory controls."

Interpreting the one-year UW accumulation requirement as an absolute limitation - similar to the ≤90-day accumulation limit - is one of the impediments and burdens the UW rules were intended to ease.

SUMMARY:

- In general, UW may be accumulated for no longer than 1 year from the date of generation or receipt from another UW handler.
- A facility/company can have multiple, separate UW handlers.
- According to EPA, even if the UW handlers are onsite, each subsequent handler of UW has up to one year of accumulation.

The February 1, 1997, EPA guidance memo and an excerpt from the May 11, 1995, Federal Register is attached to the e-mail. If you have any questions, please contact me at Paul_W_Martin@rl.gov or at (509) 376-6620.

FROM: Paul W. Martin **DATE:** 9/13/18 **FILE:** 2MT\2018\091318.rtf

TWO MINUTE TRAINING – ATTACHMENT

SUBJECT: Universal Waste, One-Year Accumulation, and Multiple Handlers at One Facility

February 1, 1997
EPA 530-R-97-005b
NTIS SUB-9224-97-002

Universal Waste Consolidation Point Regulation

The universal waste management standards of 40 CFR Part 273 outline the streamlined provisions for handlers, transporters, and destination facilities that manage universal wastes. Section 273.6 defines a universal waste as hazardous batteries, pesticides, and thermostats. A handler, defined as a generator of universal waste (i.e., any person, by site, whose act or process produces hazardous waste or whose act first causes waste to become subject to regulation) is allowed to accumulate waste on site for up to one year. If a facility is not a generator of universal waste, yet is receiving universal waste and functioning as a consolidation and/or collection point, would the facility be regulated under the universal waste regulations?

Yes, the facility would be regulated under the universal waste regulations if it is consolidating and/or collecting universal waste from generators or other handlers. The definition of a universal waste handler includes facilities that receive universal waste from other handlers (273.6). A facility is allowed to consolidate and/or collect universal waste, provided the waste is sent on to other handlers, recyclers, or treatment/disposal facilities (60 FR 25500; May 11, 1995). Moreover, if the facility has several locations at which universal wastes are consolidated and/or collected, each location would be regulated as a separate handler. Additional RCRA requirements may apply if the facility is handling other types of hazardous waste (i.e., non-universal waste). RO 14081

25492 Federal Register / Vol. 60, No. 91 / Thursday, May 11, 1995 / Rules and Regulations

Universal Waste Rule (Hazardous Waste Management System; Modification of the Hazardous Waste Recycling Regulatory Program)

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On February 11, 1993, the Environmental Protection Agency proposed new streamlined hazardous waste management regulations
governing the collection and management of certain widely generated wastes (batteries, pesticides and thermostats) known as universal wastes
(58 FR 9346). Additional information was noticed for comment on June 20, 1994 (59 FR 31568). Today's final rule promulgates streamlined universal waste management regulations which are very similar to the February 11, 1993 proposal.

The new streamlined hazardous waste management regulations promulgated today govern the collection and management of certain widely generated wastes identified as universal wastes. This final rule will greatly facilitate the environmentally-sound collection and increase the proper recycling or treatment of hazardous waste nickel cadmium and other batteries, certain hazardous waste pesticides, and mercury-containing thermostats. The current RCRA regulations have been a major impediment to national collection and recycling campaigns for these wastes. This rule will greatly ease the regulatory burden on retail stores and others that wish to collect or generate these wastes. It should greatly facilitate programs developed to reduce the quantity of these wastes going to municipal solid waste landfills or combustors. It will, also, assure that the wastes subject to this system will go to appropriate treatment or recycling facilities pursuant to the full hazardous waste regulatory controls. It also will serve as a prototype system to which EPA may add other similar wastes in the future. A petition process is also included through which additional wastes could be added to the universal waste regulations in the future. These regulations are set forth in 40 CFR part 273.

https://www.gpo.gov/fdsys/pkg/FR-1995-05-11/pdf/95-11143.pdf