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Gray Davis
Governor

15-DAY PUBLIC NOTICE AND COMMENT PERIOD
NOTICE OF PUBLIC AVAILABILITY OF POST-HEARING CHANGES

MERCURY WASTE CLASSIFICATION AND MANAGEMENT

Department Reference Number: R-02-04

Pursuant to Government Code section 11346.8, subdivision (c), notice is hereby given that the Department of Toxic Substances Control (DTSC) has revised the text of the proposed regulations, which would establish a list of mercury-containing product categories that would be hazardous wastes when discarded, and would establish management standards for these and several other types of discarded mercury-containing products, in accordance with the State's existing universal waste regulations.

DTSC mailed the original text and made it available for public review and comment on August 16, 2002. A public hearing was held on September 30, 2002, during which DTSC accepted written and oral testimony. In addition, written comments were accepted during the 45-day public comment period that ended September 30, 2002. DTSC has now made post-hearing changes to the proposed text. DTSC has determined that these changes do not impact the findings of the previously proposed Negative Declaration prepared pursuant to the California Environmental Quality Act (CEQA). The public notice for the Negative Declaration was published on August 30, 2002 and the 30-day public comment period for that document ended on September 30, 2002.

DTSC considers these new changes to the rulemaking to be nonsubstantial changes, as defined by California Code of Regulations, title 1, section 40, and/or sufficiently related changes, as defined by California Code of Regulations, title 1, section 42.

This notice includes all revisions made to the text since the original public comment period began on August 16, 2002. Notice is given that any interested persons may submit comments regarding these revisions and only these revisions of the text by email to regs@dtsc.ca.gov or by mail to:

Ms. Joan Ferber
Department of Toxic Substances Control
Environmental Analysis and Regulations Section
P.O. Box 806
Sacramento, CA 95812-0806

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at www.dtsc.ca.gov.

Written comments submitted prior to 5:00 p.m. on November 20, 2002, will be considered.

A copy of the revised text is attached. The changes to the original text are indicated as follows:

Underline	<u>Underline</u> Text proposed to be added to existing regulations in the first public comment period.
Strikeout	Strikeout Text proposed to be deleted from existing regulations in the first public comment period.
Bold/double underline	<u>Bold/double underline</u> Text proposed to be added to the rulemaking in this public comment period (most current revisions).
Bold/strikeout	Bold/strikeout Text proposed to be deleted from existing regulations in this public comment period (most current revisions).
Bold underline/strikeout	<u>Bold underline/strikeout</u> Text proposed in the first public comment period that is proposed to be deleted in this public comment period (most current revisions).
Italic strikeout	<i>Italic strikeout</i> Text adopted in the Restoration of Universal Waste Rule Enforcement Authority Emergency Regulations that is proposed to be deleted in this public comment period (most current revisions).

Note that text that has not been modified for this comment period has not been reprinted in this notice and is represented by an ellipsis (***) .

DTSC is also incorporating, as "Studies Relied On":

- DTSC's final Mercury Report. This report was published by DTSC in August, 2002, and is posted on DTSC's web site (www.dtsc.ca.gov);
- 58 Federal Register (FR) 8102 (February 11, 1993): Proposed Universal Waste Rule;
- 59 FR 38288 (July 27, 1994): Proposed Universal Waste Lamps Rule;
- 60 FR 25492 (May 11, 1995): Final Universal Waste Rule; and

- 64 FR 36466 (July 6, 1999): Final Universal Waste Lamps Rule.

These documents may be examined by contacting Ms. Joan Ferber at the number found below.

The information that forms the basis for the revisions is available for public inspection between 8:00 a.m. and 5:00 p.m. at the Environmental Analysis and Regulations Section, located at 1001 I Street, 22nd Floor, Sacramento, California. Requests and inquiries concerning this matter may be directed to Ms. Joan Ferber, Environmental Analysis and Regulations Section, DTSC, at the address indicated above or by telephone at (916) 322-6409. If Ms. Ferber is unavailable, please call Ms. Nicole Sotak at (916) 327-4508 or Mr. James McRitchie at (916) 327-8642.

Inquiries regarding technical aspects of the proposed revisions should be directed to Mr. André Algazi, of the Hazardous Waste Management Program, DTSC, at (916) 324-3114 or by email at aalgazi@dtsc.ca.gov. If Mr. Algazi is unavailable, please call Ms. Corey Yep at (916) 324-5772. However, such oral inquiries are not part of the rulemaking record.

Dated: _____

James McRitchie, Chief
Office of Environmental Analysis,
Regulations and Audits

Amend California Code of Regulations, title 22, division 4.5, chapter 10, section 66260.10 to read:

§ 66260.10. Definitions.

* * *

“Maximum organic vapor pressure” means the sum of the individual organic constituent partial pressures exerted by the material contained in a tank, at the maximum vapor pressure-causing conditions (i.e., temperature, agitation, pH effects of combining wastes, etc.) reasonably expected to occur in the tank. For the purpose of chapter 14, and 15, maximum organic vapor pressure is determined using the procedures specified in section 66265.1084(c).

“Mercury-containing motor vehicle light switch” means any motor vehicle switch found in the hood or trunk of a motor vehicle that contains mercury.

“Metallic shoe seal” means a continuous seal that is constructed of metal sheets which are held vertically against the wall of the tank by springs, weighted levers, or other mechanisms and is connected to the floating roof by braces or other means. A flexible coated fabric (envelope) spans the annular space between the metal sheet and the floating roof.

* * *

NOTE: Authority cited: Sections 25141, 25150, 25158.1, 25158.4, 25159, 25159.5, 25187.7, 25200.10, 25204, 25218.3(d), 25316 and 58012, Health and Safety Code. Reference: Sections 25110.02, 25110.1, 25110.5, 25111, 25112, 25112.5, 25113, 25114, 25115, 25117, 25117.1, 25117.3, 25117.8, 25117.9, 25117.11, 25118, 25119, 25120, 25121, 25121.5, 25122.7, 25123, 25123.3, 25123.5, 25123.6, 25141, 25150, 25158.2, 25159, 25159.5, 25187.7, 25200.10, 25201.6, 25204, 25218.1(f), 25218.3, 25229, 25316, 25361, 25501, 25529 and 58012, Health and Safety Code; and 40 CFR Sections 260.10, 261.1, 264.552, 264.1031, 268.2, 270.2 and 273.6.

Amend California Code of Regulations, title 22, division 4.5, chapter 11, section 66261.3 to read:

§ 66261.3. Definition of Hazardous Waste.

* * *

(b) A waste which is not excluded from classification as a waste or hazardous waste under the provisions of section 66261.4(b) or Health and Safety Code section 25143.2(b) or 25143.2(d) becomes a hazardous waste when any of the following events occur:

(1) ~~in~~in the case of a waste listed in article 4 of this chapter, when the waste first meets the listing description set forth in article 4 of this chapter;

(2) ~~in~~in the case of a waste listed in article 4.1 of this chapter, when the waste first meets the listing description set forth in article 4.1 of this chapter;

~~(2)(3)~~(3) ~~in~~in the case of a mixture of waste and one or more hazardous wastes listed in article 4 of this chapter, when the hazardous waste listed in article 4 of this chapter is first added to the waste.

~~(4) in the case of a mixture of waste and one or more intact, discarded mercury-containing products listed as hazardous wastes in article 4.1 of this chapter, when the listed hazardous wastes are generated and can be, but are not, removed from the waste.~~

~~(3)(5)~~(4) In the case of any other waste (including a waste mixture), when the waste exhibits any of the characteristics identified in article 3 of this chapter.

(c)(1) A hazardous waste will remain a hazardous waste unless and until it meets the criteria of subsection (d) of this section. Except as otherwise provided in subsections ~~(c)(2), and (c)(3), (c)(4), and (c)(5)~~ of this section, any waste generated from the treatment, storage, or disposal of a hazardous waste, including any sludge, spill residue, ash, emission control dust or leachate including precipitation run-off is a hazardous waste. (However, materials that are reclaimed from wastes and that are used beneficially are not wastes and hence are not hazardous wastes under this provision unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal.)

(2) Waste pickle liquor sludge generated by lime stabilization of spent pickle liquor from the iron and steel industry (SIC Codes 331 and 332) is not hazardous even though it is generated from the treatment, storage, or disposal of a hazardous waste, unless it exhibits one or more of the characteristics of hazardous waste.

* * *

(4) Biological treatment sludge from the treatment of one of the following wastes listed in 40 CFR § 261.32 - organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes (EPA Hazardous Waste No. K156), and wastewaters from the production of carbamates and carbamoyl oximes (EPA Hazardous Waste No. K157) - is not a hazardous waste even though it is generated from the treatment, storage, or

disposal of a hazardous waste, unless it exhibits one or more of the characteristics of hazardous waste.

(5) Waste consisting of only material derived from the treatment or recycling of one or more hazardous wastes listed in article 4.1 of this chapter is not a hazardous waste, provided the material does not exhibit any of the characteristics identified in article 3 of this chapter, and does not meet any listing description in article 4.1 of this chapter.

* * *

Amend California Code of Regulations, title 22, division 4.5, chapter 11, section 66261.9 to read:

§ 66261.9. Requirements for Universal Waste.

(a) The **hazardous** wastes listed in this section are exempt from **the requirements under the management requirements of** chapter 6.5 of division 20, ~~except for article 8,~~ of the California Health and Safety Code and its implementing regulations except as specified in chapter 23 and, therefore, are not fully regulated as hazardous waste. The wastes listed in this section are subject to regulation under chapter 23, ~~and article 8 of chapter 6.5 of division 20 of the Health and Safety Code~~ **and shall be known as “universal wastes.”**:

- (1) Batteries as described in section 66273.2;
- (2) Thermostats as described in section 66273.4; ~~and~~
- (3) Lamps as described in section 66273.5- (including, but not limited to, M003 wastes);
- (4) Mercury-containing motor vehicle switches, ~~(including, but not limited to, M001 Wastes)~~ **mercury-containing motor vehicle light switches as specified in Health and Safety Code section 25214.5, (M001 Wastes)** and motor vehicles that contain such switches **(M001 Wastes)**, as described in section 66273.7.1;
- (5) Non-automotive mercury switches and products that contain such switches (including, but not limited to, M002 Wastes), as described in section 66273.7.2;
- (6) Dental amalgam wastes, as described in section 66273.7.3;
- (7) Pressure or vacuum gauges, as described in section 66273.7.4;
- (8) Mercury-added novelties (including, but not limited to, M004 Wastes), as described in section 66273.7.5.;
- (9) Mercury counterweights and dampers, as described in section 66273.7.6;
- (10) Mercury thermometers, as described in section 66273.7.7;
- (12) Dilators **and weighted tubing**, as described in section 66273.7.8;
- (13) Mercury-containing rubber flooring, as described in section 66273.7.9, and
- (14) Mercury gas flow regulators, as described in section 66273.7.10.

* * *

~~(d) Wastes specified in subsections (a) and (b) shall be known as “universal wastes”.~~

NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25117.2, 25141, 25150, 25159.5, 25214.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR section 261.9.

Add California Code of Regulations, title 22, division 4.5, chapter 11, article 4.1, section 66261.50 to read:

Article 4.1. Additional Lists of Hazardous Wastes

§ 66261.50. Mercury-Containing Products That Are Hazardous Wastes When Discarded.

The following mercury-containing products are listed hazardous wastes when discarded:

California
Hazardous
Waste
Number

Hazardous Waste

-
- | | |
|-------------|--|
| <u>M001</u> | <u>Mercury-containing motor vehicle light switches, as defined in section 66273.9, and any motor vehicle or portion of a motor vehicle that contains such switches, when any person decides to crush, bale, shred, or shear the vehicle. Motor vehicles and portions of motor vehicles from which all mercury-containing light switches have been removed are not included in this category. A light switch that cannot be removed from a vehicle due to accidental damage to the vehicle is not included. This listing becomes effective on January 1, 2005.</u> |
| <u>M002</u> | <u>Non-automotive mercury switches and any product that contains such switches. Includes any mercury switch that does not meet the listing description for M001, including but not limited to, mercury switches from household appliances and household appliances from which mercury switches have not been removed; relays; silent wall switches; and float switches. Also includes mercury-containing flame sensors and household appliances from which all mercury flame sensors have not been removed. Appliances and other products from which all mercury switches and flame sensors have been removed are not included in this category. This listing becomes effective on February 9, 20042006.</u> |
| <u>M003</u> | <u>Lamps that contain intentionally-added mercury and products with lamps that contain intentionally-added mercury. A lamp is defined as the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, and infrared regions of the electromagnetic spectrum. Products from which all mercury-containing lamps have been removed are not included in this category. This listing does not apply to liquid crystal displays (LCDs) with mercury back lighting, or products that contain such LCDs,</u> |

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or vehicles that contain mercury-added lamps. This listing becomes effective on February 9, ~~2006~~**2004**.

* * *

Amend California Code of Regulations, title 22, division 4.5, chapter 14, section 66264.1 to read:

§ 66264.1. Purpose, Scope and Applicability.

* * *

(g) The requirements of this chapter do not apply to:

* * *

~~(12) Universal waste handlers and universal waste transporters (as defined in section 66273.9), handling the wastes listed below. These handlers are subject to regulation under chapter 23, when handling the below listed universal wastes:~~ Persons who manage universal wastes. These persons are subject to regulation under chapter 23 when managing universal wastes listed in section 66261.9 of this division.

~~(A) Batteries as described in section 66273.2;~~

~~(B) Thermostats as described in section 66273.4; and~~

~~(C) Lamps as described in section 66273.5 (including, but not limited to, M003 Wastes);~~

~~(D) Mercury-containing motor vehicle switches (including, but not limited to, M001 Wastes), and motor vehicles that contain such switches (M001 Wastes), as described in section 66273.7.1;~~

~~(E) Non-automotive mercury switches and products that contain such switches (including, but not limited to, M002 Wastes), as described in section 66273.7.2;~~

~~(F) Dental amalgam wastes, as described in section 66273.7.3;~~

~~(G) Pressure or vacuum gauges, as described in section 66273.7.4;~~

~~(H) Mercury-added novelties (including, but not limited to, M004 Wastes), as described in section 66273.7.5;~~

~~(I) Mercury counterweights and dampers, as described in section 66273.7.6;~~

~~(J) Mercury thermometers, as described in section 66273.7.7;~~

~~(K) Dilators, as described in section 66273.7.8;~~

~~(L) Mercury containing rubber flooring, as described in section 66273.7.9;~~

and

(M) Mercury gas flow regulators, as described in section 66273.7.10.

* * *

NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25159, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25118, 25141, 25159, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 264.1.

Amend California Code of Regulations, title 22, division 4.5, chapter 15, section 66265.1 to read:

§ 66265.1. Purpose, Scope, and Applicability.

* * *

(d) The requirements of this chapter do not apply to:

* * *

~~(15) Universal waste handlers and universal waste transporters (as defined in section 66273.9), handling the wastes listed below. These handlers persons are subject to regulation under chapter 23, when handling the below listed universal wastes: Persons who manage universal waste. These persons are subject to regulation under chapter 23 when managing universal wastes listed in section 66261.9 of this division.~~

~~(A) Batteries as described in section 66273.2;~~

~~(B) Thermostats as described in section 66273.4; and~~

~~(C) Lamps as described in section 66273.5 (including, but not limited to, M003 Wastes);~~

~~(D) Mercury-containing motor vehicle switches (including, but not limited to, M001 Wastes), and motor vehicles that contain such switches (M001 Wastes), as described in section 66273.7.1;~~

~~(E) Non-automotive mercury switches and products that contain such switches (including, but not limited to, M002 Wastes), as described in section 66273.7.2;~~

~~(F) Dental amalgam wastes, as described in section 66273.7.3;~~

~~(G) Pressure or vacuum gauges, as described in section 66273.7.4;~~

~~(H) Mercury-added novelties (including, but not limited to, M004 Wastes), as described in section 66273.7.5;~~

~~(I) Mercury counterweights and dampers, as described in section 66273.7.6;~~

~~(J) Mercury thermometers, as described in section 66273.7.7;~~

~~(K) Dilators, as described in section 66273.7.8;~~

~~(L) Mercury containing rubber flooring, as described in section 66273.7.9;~~

~~and~~

~~(M) Mercury gas flow regulators, as described in section 66273.10.~~

* * *

NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25159, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25118, 25141, 25150, 25159, 25159.5, 25200.5, 25219, 25219.1 and 25219.2, Health and Safety Code; and 40 CFR Section 265.1.

Amend California Code of Regulations, title 22, division 4.5, chapter 18, section 66268.1 to read:

§ 66268.1. Purpose, Scope and Applicability.

* * *

(g) ~~Universal waste handlers and universal waste transporters (as defined in section 66273.9)~~ Persons who manage universal waste are exempt from sections 66268.7 and 66268.50. ~~for the hazardous wastes listed below.~~ These ~~handlers persons~~ are subject to regulation under chapter 23, when managing universal wastes listed in section 66261.9 of this division.:

- ~~(1) Batteries as described in section 66273.2;~~
 - ~~(2) Thermostats as described in section 66273.4; and~~
 - ~~(3) Lamps as described in section 66273.5 (including, but not limited to, M003 Wastes);~~
 - ~~(4) Mercury-containing motor vehicle switches (including, but not limited to, M001 Wastes), and motor vehicles that contain such switches (M001 Wastes), as described in section 66273.7.1;~~
 - ~~(5) Non-automotive mercury switches and products that contain such switches (including, but not limited to, M002 Wastes), as described in section 66273.7.2;~~
 - ~~(6) Dental amalgam wastes, as described in section 66273.7.3;~~
 - ~~(7) Pressure or vacuum gauges, as described in section 66273.7.4;~~
 - ~~(8) Mercury-added novelties (including, but not limited to, M004 Wastes), as described in section 66273.7.5;~~
 - ~~(9) Mercury counterweights and dampers, as described in section 66273.7.6;~~
 - ~~(10) Mercury thermometers, as described in section 66273.7.7~~
 - ~~(11) Dilators, as described in section 66273.7.8;~~
 - ~~(12) Mercury containing rubber flooring, as described in section 66273.7.9;~~
- and
- ~~(13) Mercury gas flow regulators, as described in section 66273.10.~~

NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25159, 25179.6, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25118, 25141, 25150, 25159, 25159.5, 25179.3, 25179.6, 25179.7, 25179.8, 25179.9, 25179.10, 25179.11, 25179.12, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 268.1.

Amend California Code of Regulations, title 22, division 4.5, chapter 20, section 66270.1 to read:

§ 66270.1. Purpose and Scope of These Regulations.

(c) * * *

(2) Specific exclusions. The following persons are among those who are not required to obtain a permit:

* * *

(E) Universal waste handlers and universal waste transporters (as defined in section 66273.9) managing the wastes listed below. These handlers are subject to regulation under chapter 23: Persons who manage universal waste. These persons are subject to regulation under chapter 23 when managing universal wastes listed in section 66261.9 of this division.

1. Batteries as described in section 66273.2;

2. Thermostats as described in section 66273.4; and

3. Lamps as described in section 66273.5 (including, but not limited to, M003 Wastes);

4. Mercury-containing motor vehicle switches (including, but not limited to, M001 Wastes), and motor vehicles that contain such switches (M001 Wastes), as described in section 66273.7.1;

5. Non-automotive mercury switches and products that contain such switches (including, but not limited to, M002 Wastes), as described in section 66273.7.2;

6. Dental amalgam wastes, as described in section 66273.7.3;

7. Pressure or vacuum gauges, as described in section 66273.7.4;

8. Mercury-added novelties (including, but not limited to, M004 Wastes), as described in section 66273.7.5;

9. Mercury counterweights and dampers, as described in section 66273.7.6;

10. Mercury thermometers, as described in section 66273.7.7;

11. Dilators, as described in section 66273.7.8;

12. Mercury containing rubber flooring, as described in section 66273.7.9;

and

13. Mercury gas flow regulators, as described in section 66273.10.

* * *

NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25159, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25118, 25141, 25159, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 270.1.

Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.1 to read:

§ 66273.1. Scope.

(a) This chapter establishes requirements for managing the following:

- (1) Batteries as described in section 66273.2;
- (2) Thermostats as described in section 66273.4;
- (3) Lamps as described in section 66273.5 (including, but not limited to, M003

Wastes); and

(4) Cathode ray tube materials as described in section 66273.6;

(5) Mercury-containing motor vehicle switches (including, but not limited to, **M001 Wastes**), mercury-containing motor vehicle light switches as specified in Health and Safety Code section 25214.5 (M001 Wastes), and motor vehicles that contain such switches (M001 Wastes), as described in section 66273.7.1;

(6) Non-automotive mercury switches and products that contain such switches (including, but not limited to, M002 Wastes), as described in section 66273.7.2;

(7) Dental amalgam wastes, as described in section 66273.7.3;

(8) Pressure or vacuum gauges, as described in section 66273.7.4;

(9) Mercury-added novelties (including, but not limited to, M004 Wastes), as described in section 66273.7.5.;

(10) Mercury counterweights and dampers, as described in section 66273.7.6;

(11) Mercury thermometers, as described in section 66273.7.7

(12) Dilators **and weighted tubing**, as described in section 66273.7.8;

(13) Mercury-containing rubber flooring, as described in section 66273.7.9; and

(14) Mercury gas flow regulators, as described in section 66273.10.

(b) This chapter provides an alternative set of management standards in lieu of regulation as hazardous wastes under chapters 10 through 16, 18, and 20 through 22 of this division.

* * *

Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.5 to read:

§ 66273.5. Applicability--Lamps.

(a) Lamps covered under this chapter. The requirements of this chapter apply to persons managing **the following:**

(1) lamps, as described in section 66273.9, that exhibit a characteristic of a hazardous waste, as set forth in article 3 of chapter 11;

(2) on or after February 9, 2004:

(A) mercury-added lamps, as described in section 66273.9, that meet listing description M003 in section 66261.50; and

(B) products that contain such lamps, except those listed in subsection (b) of this section.

(b) Lamps not covered under this chapter. The requirements of this chapter do not apply to persons managing the following **lamps:**

(1) Lamps that are not yet wastes under chapter 11 as provided in subsection (c) of this section.

(2) Lamps that do not exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11 and do not contain mercury (i.e., lamps that do not meet the listing description for M003 wastes in section 66261.50).

(3) Lamps which are not destined for an authorized recycling facility, these lamps are regulated as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division.

(4) Vehicles that contain mercury-added lamps, unless such vehicles exhibit a characteristic of a hazardous waste, as set forth in article 3 of chapter 11.

(5) Waste motor vehicles from which all mercury-added lamps have not been removed that are crushed, baled, sheared, or shredded; if they exhibit a characteristic of a hazardous waste in article 3 of chapter 11, these motor vehicles are regulated as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division.

(c) Generation of waste lamps.

(1) A used lamp becomes a waste on the date it is discarded.

(2) An unused lamp becomes a waste on the date the handler decides to discard it.

NOTE: Authority cited: Sections 25141, 25150 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5 and 25179.4, Health and Safety Code; 40 CFR Section 273.5.

Add California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.7.1 to read:

§ 66273.7.1. Applicability—Motor Vehicles that Contain Mercury Switches and Switches Removed from Motor Vehicles.

(a) Switches and vehicles covered under chapter 23. Except as provided in subsection (b), the requirements of this chapter apply to persons managing the following:

(1) Mercury-containing motor vehicle switches, as described in section 66273.9, that exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11.

(2) On or after January 1, 2005:

(A) mercury-containing motor vehicle **light** switches, as described in section 66273.9, that meet listing description M001 in section 66261.50;

(B) motor vehicles that contain such switches; and

(C) portions of motor vehicles that contain such switches.

(b) Switches and vehicles not covered under chapter 23. The requirements of this chapter do not apply to persons managing the following:

(1) Mercury-containing motor vehicle switches that are not wastes under chapter 11. Subsection (c) of this section describes when motor vehicle switches become wastes.

(2) Motor vehicle switches that do not contain mercury.

(3) Motor vehicles and portions of motor vehicles from which all mercury-containing switches have been removed.

(4) Waste mercury-containing motor vehicle switches that are not destined for an authorized recycling facility; these switches are regulated as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division.

(5) Waste motor vehicles and portions of motor vehicles from which all mercury **light** switches have not been removed (other than switches that cannot be removed due to accidental damage to the vehicle), and that are crushed, baled, sheared, or shredded; **(If they exhibit a characteristic of a hazardous waste in article 3 of chapter 11, these motor vehicles or portions of motor vehicles are regulated as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division.)**

(c) Generation of waste mercury-containing motor vehicle switches and waste motor vehicles with mercury **light** switches.

(1) A used mercury-containing motor vehicle switch becomes a universal waste on the date a handler removes it from a motor vehicle and decides to discard it.

(2) On or after January 1, 2005, a motor vehicle from which any mercury-containing **light** switches have not been removed becomes a universal waste on the date any person decides to crush, bale, shear, or shred it.

(3) An unused mercury-containing motor vehicle switch becomes a waste on the date the handler decides to discard it.

Add California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.7.2 to read:

§ 66273.7.2. Applicability—Products that Contain Mercury Switches and Switches Removed from Products.

(a) Switches and products covered under chapter 23. Except as provided in subsection (b), the requirements of this chapter apply to persons managing the following:

(1) Non-automotive mercury switches, and products that contain such switches, as described in section 66273.9, that exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11.

(2) On or after February 9, ~~2004~~2006, non-automotive mercury switches, and products that contain such switches, as described in section 66273.9, that meet listing description M002 in section 66261.50.

(b) Switches and products not covered under chapter 23. The requirements of this chapter do not apply to persons managing the following:

(1) Non-automotive mercury switches, and products that contain such switches, that are not wastes under chapter 11. Subsection (c) of this section describes when non-automotive mercury switches, and products that contain such switches, become wastes.

(2) Non-automotive switches, and products that contain such switches, that do not contain mercury.

(3) Until February 8, 2004, products that contain mercury switches that do not exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11.

(4) Products from which all non-automotive mercury switches have been removed.

(5) Waste non-automotive mercury switches that are not destined for an authorized recycling facility; these switches are regulated as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division.

(6) Waste appliances and portions of appliances from which all mercury switches have not been removed and that are crushed, baled, sheared, or shredded; **(If they exhibit a characteristic of a hazardous waste in article 3 of chapter 11, these appliances are regulated as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division.)**

* * *

Add California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.7.8 to read:

§ 66273.7.8. Applicability—Mercury Dilators **and Weighted Tubing**.

(a) Dilators **and weighted tubing** covered under chapter 23. The requirements of this chapter apply to persons managing dilators **and weighted tubing**, as described in section 66273.9, except those listed in subsection (b) of this section.

(b) Dilators **and weighted tubing** not covered under chapter 23. The requirements of this chapter do not apply to persons managing the following dilators **and weighted tubing**:

(1) Mercury-containing dilators **and weighted tubing** that are not wastes under chapter 11. Subsection (c) of this section describes when mercury ~~thermometers~~ **dilators and weighted tubing** becomes waste.

(2) Waste dilators **and weighted tubing** that do not contain mercury.

(3) Waste mercury-containing dilators **and weighted tubing** that are not destined for an authorized recycling facility; these dilators **and weighted tubing** are regulated as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division.

(c) Generation of waste dilators **and weighted tubing**.

(1) Used dilators **and weighted tubing** become wastes on the date they are discarded.

(2) Unused dilators **and weighted tubing** become wastes on the date the handler decides to discard them.

NOTE: Authority cited: Sections 25141, 25150 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code.

Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.8 to read:

§ 66273.8. ~~Household, Conditionally Exempt Small Quantity Generator and Electronic Product Generator Exemptions.~~

(a) Temporary disposal exemption **for specific universal wastes.**

(1) Through February 8, 2006, universal waste batteries, universal waste lamps and universal waste mercury thermostats produced by a household, as defined in section 66273.9, ~~produced incidental to owning or leasing and maintaining a place of residence, may be managed as non-hazardous solid waste, provided it is~~ **they the wastes** ~~are recycled by a destination facility or is disposed in a landfill permitted to accept municipal solid waste or hazardous waste.~~

~~(b)(2)~~ Through February 8, 2004, 100 kilograms (220 pounds) or less per month of universal waste batteries, universal waste thermostats, and universal waste lamps generated by conditionally exempt small quantity universal waste generators as defined in section 66273.9 may be managed as non-hazardous waste, provided it is **they the wastes are recycled by a destination facility or is** ~~are~~ disposed in a landfill permitted to accept municipal solid waste or hazardous waste and the generator remains in compliance with subsections ~~(c)(2)(a)(3)(B), (c)(3)(a)(3)(C), and (c)(4)(a)(3)(D)~~ of this section. The quantity limit applies to the total amounts of universal waste batteries, universal waste thermostats, and universal waste lamps added together.

~~(c)(3)~~ From February 9, 2004 through February 8, 2006, universal waste batteries, universal waste lamps, and universal mercury thermostats produced by a conditionally exempt small quantity universal waste generator, as defined in section 66273.9, may be managed as non-hazardous solid waste, provided they are managed according to the following criteria:

~~(4)(A)~~ Universal wastes are disposed as non-hazardous waste in no more than the following quantities:

~~(A)1.~~ No more than 30 universal waste lamps in any calendar month; and

~~(B)2.~~ No more than 20 pounds of universal waste batteries in any calendar month; and

~~(C)3.~~ No universal waste thermostats.

~~(2)(B)~~ The generator's total generation of RCRA hazardous waste and universal waste does not exceed 100 kilograms (220 pounds) or, if the generator generates acutely hazardous waste, 1 kilogram (2.2 pounds) of acutely hazardous waste, in any calendar month.

~~(3)(C)~~ The waste is recycled by a destination facility or disposed in a landfill permitted to accept municipal solid waste or hazardous waste; and

~~(4)(D)~~ The generator remains in compliance with 40 C.F.R. section 261.5.

~~(d)(4)~~ Persons who commingle the household and conditionally exempt small quantity universal waste generator wastes described in subsections ~~(a), (b), and (c)~~ **(a)(1), (a)(2), and (a)(3)** of this section together with other universal waste regulated

under this chapter shall manage the commingled waste under the requirements of this chapter.

(b) Household exemptions.

A person maintaining a household is exempt from the requirements of this **division and Chapter 6.5 of the Health and Safety Code chapter** for the management of that person's universal wastes, provided:

(1) the wastes ~~are~~ **is** not disposed, except those waste exempted pursuant to subsection (a) of this section;

(2) the person does not disassemble or otherwise treat the waste, **except under the provisions of section 66273.13**; and

(3) all universal wastes generated by the person are transported to another universal waste handler or to a destination facility.

(c) Conditionally Exempt Small Quantity Universal Waste Generator Exemption.

A conditionally exempt small quantity universal waste generator is exempt from the requirements of this chapter for the management of that person's universal waste, provided:

(1) the waste is not disposed, except for the following wastes:

(A) those wastes exempted pursuant to subsection (a) of this section;

(B) mercury-added novelties that do not contain liquid mercury, as described in section 66273.9; and

(C) mercury-containing rubber flooring, as described in section 66273.9.

(2) the person does not disassemble or otherwise treat the waste, except under the provisions of section 66273.13; and

(3) the universal waste generated by the person is transported to another universal waste handler or to a destination facility.

~~(e)~~(d) Persons managing universal waste identified as household hazardous waste pursuant to 40 CFR section 261.4 and persons identified as conditionally exempt small quantity generators pursuant to 40 CFR section 261.5 may, at their option, manage their universal wastes under this chapter. If these persons decide to not manage their waste pursuant to this chapter, as provided in this section, these wastes must be managed pursuant to the standards for other hazardous wastes under this division and Chapter 6.5 of the Health and Safety Code.

~~(f)~~(d)~~(e)~~ Electronic product generators," as defined in section 66273.9, are exempt from the requirements contained in sections 66273.82 through 66273.89 pertaining to CRT devices provided the generator manages the CRT devices in accordance with all of the following conditions:

(1) The electronic product generator does not dispose of any CRT device; and

(2) The electronic product generator does not disassemble or otherwise treat any CRT device; and

(3) All CRT devices generated by the electronic product generator are transported to a CRT material handler or to a permitted household hazardous waste collection facility.

Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.9 to read:

§66273.9. Definitions.

* * *

“Conditionally exempt small quantity universal waste generator” means a generator of universal waste who **generates:**

~~(1) Through February 8, 2004:~~

~~(A)(a) generates no more than 100 kilograms (220 pounds) of RCRA hazardous wastes and no more than 1 kilogram (2.2 pounds) of acutely hazardous waste in any calendar month including all universal waste and all RCRA hazardous waste, but excluding CRT materials; and~~

~~(B)(b) remains in compliance with 40 CFR section 261.5; and~~

~~(2) from February 9, 2004 through February 8, 2006;~~

~~(A) generates no more than 100 kilograms (220 pounds) of RCRA hazardous wastes and no more than 1 kilogram (2.2 pounds) of acutely hazardous waste in any calendar month including all universal waste and all RCRA hazardous waste; and~~

~~(B) no more than 30 universal waste lamps in any calendar month; and~~

~~(C) no more than 20 pounds of universal waste batteries in any calendar month; and~~

~~(D) remains in compliance with 40 CFR section 261.5.~~

* * *

“Dilators and weighted tubing” or “universal waste dilators and weighted tubing” means a mercury containing dilators and weighted tubing used in medical procedures. “Dilators and weighted tubing” includes, but is are not limited to, bougie tubes, Canter tubes, and Miller-Abbot tubes.

* * *

“Large Quantity Handler of Universal Waste” means a universal waste handler (as defined in this section) who accumulates 5,000 kilograms or more total of universal waste (e.g., batteries, thermostats, ~~or~~ lamps, etc., calculated collectively) at any time. This designation as a large quantity handler of universal waste is retained through the end of the calendar year in which 5,000 kilograms or more total of universal waste is accumulated.

* * *

“Small Quantity Handler of Universal Waste” means a universal waste handler (as defined in this section) who does not accumulate 5,000 kilograms or more total of universal waste (e.g., batteries, thermostats, ~~or~~ lamps, etc., calculated collectively) at any time.

* * *

Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.13 to read:

§ 66273.13. Waste Management.

* * *

(c) Lamps. A small quantity handler of universal waste shall manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

* * *

(3) A small quantity handler of universal waste may remove universal waste lamps from a product or structure, provided the handler removes the lamps in a manner designed to prevent breakage.

(d) Universal waste mercury switches and thermometers. A small quantity handler of universal waste shall manage universal waste mercury switches and thermometers in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) A small quantity handler of universal waste shall contain any universal waste mercury switch or thermometer that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a sealed plastic bag in a container. The container shall be closed, structurally sound, compatible with the contents of the switch or thermometer, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container shall contain packing materials adequate to prevent breakage of universal waste mercury switches and thermometers during storage, handling, and transportation.

(2) A small quantity handler of universal waste shall accumulate universal waste thermometers in closed, non-leaking containers that are in good condition and shall pack thermometers with packing materials adequate to prevent breakage during storage, handling, and transportation.

(3)(A) A small quantity handler of universal waste may remove mercury-containing motor vehicle switches from motor vehicles, and may remove non-automotive mercury switches from products that contain them, provided the handler:

1. Removes mercury switches in a manner designed to prevent breakage;
2. Ensures that a mercury clean-up system is readily available;
3. Immediately transfers any mercury resulting from spills or leaks from broken mercury switches to an airtight container that meets the requirements of paragraph (1) of this subsection.

4. Ensures that the area in which mercury switches are removed is well ventilated and monitored to ensure compliance with applicable OSHA and Cal-OSHA exposure levels for mercury;

5.4. Ensures that employees removing mercury switches are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of spilled mercury to appropriate containers;

6.5. Accumulates removed mercury switches in closed, non-leaking containers that are in good condition;

7.6. Packs removed mercury switches in the container with packing materials adequate to prevent breakage during storage, handling, and transportation; and

8.7. Keeps records, on paper or electronically, of the removal of mercury switches from vehicles and household appliances for at least three years from the date of removal, which shall include, at a minimum, the following information:

- a. The total number of vehicles crushed, baled, sheared, or shredded;
 - b. The total number of appliances destined for shredding;
 - c. The total number of vehicles or appliances destined for crushing, baling, shearing, or shredding that were determined to contain one or more mercury switches;
 - d. The number of mercury switches removed from these vehicles and appliances;
- and
- e. The number of motor vehicles from which mercury switches could not be removed due to accidental damage to the vehicle.

(B) On or after January 1, 2005, a small quantity universal waste handler who intends to crush, bale, shear, or shred a motor vehicle that contains mercury **light** switches, shall, prior to crushing, baling, shearing, or shredding the vehicle, remove all mercury-containing motor vehicle **light** switches (except switches that cannot be removed due to accidental damage to the vehicle) or **verify-ensure** that all mercury-containing motor vehicle **light** switches have already been removed.

(C) A small quantity universal waste handler who, after removing all mercury-containing motor vehicle switches, sends or takes a crushed, baled, or sheared motor vehicle to another person for shredding shall certify to the person in writing that all such switches have been removed, or have been verified to have been removed, from the vehicle. This statement shall include the name and address of the person who removed the switches and the date the switches were removed.

(4)(A) A small quantity handler of universal waste shall determine whether the following exhibit a characteristic of hazardous waste identified in article 3 of chapter 11:

1. Mercury or clean-up residues resulting from spills or leaks from a mercury switch or thermometer; and/or
2. Other wastes generated as a result of the handling of universal waste mercury switches and/or thermometers.

(B) If the mercury, residues, and/or other wastes exhibit a characteristic of hazardous waste, the waste shall be managed in compliance with all applicable requirements of this division. The handler is considered the generator of the mercury, residues, and/or other wastes and shall manage them pursuant to chapter 12.

(C) If the mercury, residues, and/or other wastes are not hazardous, the handler may manage the wastes in any way that complies with all applicable federal, state or local solid waste regulations.

* * *

(f) Universal waste gauges. A small quantity handler of universal waste shall manage universal waste gauges in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

* * *

~~(E) Ensures that the area in which the universal waste pressure or vacuum gauges are drained is well ventilated and monitored to ensure compliance with applicable OSHA and Cal-OSHA exposure levels for mercury;~~

~~(F)(E) Ensures that employees are thoroughly familiar with the procedure for draining universal waste pressure or vacuum gauges, and proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies;~~

~~(G)(F) Stores the drained elemental mercury in a closed, non-leaking container that is in good condition and meets the requirements of subparagraph (D);~~

~~(H)(G) Ensures that any container into which mercury from a universal waste pressure or vacuum gauge is drained or in which drained mercury is stored is placed into a secondary container that is in good condition, compatible with mercury, and large enough to accommodate the contents of the primary container if it should leak or break;~~

~~(I)(H) Maintains documentation of the date of accumulation, a description of the pressure or vacuum gauges drained, and the amount of mercury drained; and~~

~~(J)(I) Accumulates no more than 35 kilograms of elemental mercury at any one time.~~

* * *

(i) Universal waste dilators **and weighted tubing**. A small quantity handler of universal waste shall manage universal waste dilators **and weighted tubing** in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) Prior to shipping universal waste dilators **and weighted tubing**, a small quantity handler of universal waste shall pack universal waste dilators **and weighted tubing** in a container, with packing materials adequate to prevent breakage during storage, handling, and transportation. The container shall be closed, structurally sound, compatible with the contents of the dilators **and weighted tubing**, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(2) A small quantity handler of universal waste shall place any universal waste dilators **and weighted tubing** that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions into a sealed plastic bag in an airtight container. The container shall be closed, structurally sound, compatible with the contents of the dilators **and weighted tubing**, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(3) A small quantity handler of universal waste shall ensure that a mercury clean-up system is readily available;

(4)(A) A small quantity handler of universal waste shall determine whether the following exhibit a characteristic of hazardous waste identified in article 3 of chapter 11:

1. Mercury or clean-up residues resulting from spills or leaks; and/or
2. Other wastes generated as a result of the handling of universal waste dilators
and weighted tubing.

(B) If the mercury, residues, and/or other wastes exhibit a characteristic of hazardous waste, the wastes shall be managed in compliance with all applicable requirements of this division. The handler is considered the generator of the mercury, residues, and/or other wastes and shall manage them pursuant to chapter 12.

(C) If the mercury, residues, and/or other wastes are not hazardous, the handler may manage the wastes in any way that complies with all applicable federal, state or local solid waste regulations.

* * *

Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.14 to read:

§ 66273.14. Labeling/Marking.

A small quantity handler of universal waste shall label or mark the universal waste to identify the type of universal waste as specified below:

(a) Universal waste batteries (i.e., each battery), or a container in which the batteries are contained, shall be labeled or marked clearly with any one of the following phrases: "Universal Waste--Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies);"

(b) Universal waste thermostats (i.e., each thermostat), or a container in which the thermostats are contained, shall be labeled or marked clearly with any one of the following phrases: "Universal Waste--Mercury Thermostat(s)," or "Waste Mercury Thermostat(s)," or "Used Mercury Thermostat(s)".

(c) Each lamp or a container or package in which such lamps are contained shall be labeled or marked clearly with one of the following phrases: "Universal Waste--Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."

* * *

(f) Pressure or vacuum gauges.

(1) A container in which universal waste gauges are contained shall be labeled or marked clearly with any one of the following phrases: "Universal Waste—Gauge(s)," or "Waste Mercury Gauge(s)" or "Used Mercury Gauge(s);"

(2) A container in which mercury drained from one or more universal waste pressure or vacuum gauges is contained shall be labeled or marked clearly with any one of the following phrases, as appropriate: "Universal Waste—Drained Mercury," or "Universal Waste—Mercury from Gauges;"

(g) Universal waste novelties or a container in which the novelties are contained shall

* * *

(i) Universal waste dilators and weighted tubing or a container in which the dilators and weighted tubing are contained shall be labeled or marked clearly with any one of the following phrases, as appropriate: "Universal Waste—Dilator(s)," ~~or~~ "Waste Mercury Dilator(s)" ~~or~~ "Used Mercury Dilator(s);" "Universal Waste—Mercury-Weighted Tubing," "Waste Mercury-Weighted Tubing," or "Used Mercury-Weighted Tubing."

* * *

(l) Drained mercury. A container in which mercury drained from one or more universal waste pressure or vacuum gauges is contained shall be labeled or marked clearly with any one of the following phrases, as appropriate: "Universal Waste—Drained Mercury," or "Universal Waste—Mercury from Gauges."

* * *

Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.33 to read:

§ 66273.33. Waste Management.

* * *

(c) Lamps. A large quantity handler of universal waste shall manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

* * *

(3) A large quantity handler of universal waste may remove universal waste lamps from a product or structure, provided the handler removes the lamps in a manner designed to prevent breakage.

(d) Universal waste mercury switches and thermometers. A large quantity handler of universal waste shall manage universal waste mercury switches and thermometers in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) A large quantity handler of universal waste shall contain any universal waste mercury switch or thermometer that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a sealed plastic bag in a container. The container shall be closed, structurally sound, compatible with the contents of the switch or thermometer, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container shall contain packing materials adequate to prevent breakage of universal waste mercury switches and thermometers during storage, handling, and transportation.

(2) A large quantity handler of universal waste shall accumulate universal waste thermometers in closed, non-leaking containers that are in good condition and shall pack thermometers with packing materials adequate to prevent breakage during storage, handling, and transportation.

(3)(A) A large quantity handler of universal waste may remove mercury-containing motor vehicle switches from motor vehicles, and may remove non-automotive mercury switches from products that contain them, provided the handler:

1. Removes mercury switches in a manner designed to prevent breakage;
2. Ensures that a mercury clean-up system is readily available;
3. Immediately transfers any mercury resulting from spills or leaks from broken mercury switches to an airtight container that meets the requirements of paragraph (1) of this subsection.

4. Ensures that the area in which mercury switches are removed is well ventilated and monitored to ensure compliance with applicable OSHA and Cal-OSHA exposure levels for mercury;

5.4. Ensures that employees removing mercury switches are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of spilled mercury to appropriate containers;

6.5. Accumulates removed mercury switches in closed, non-leaking containers that are in good condition;

7.6. Packs removed mercury switches in the container with packing materials adequate to prevent breakage during storage, handling, and transportation; and

8.7. Keeps records, on paper or electronically, of the removal of mercury switches from vehicles and household appliances for at least three years from the date of removal, which shall include, at a minimum, the following information:

- a. The total number of vehicles crushed, baled, sheared, or shredded;
 - b. The total number of appliances destined for shredding;
 - c. The total number of vehicles or appliances destined for crushing, baling, shearing, or shredding that were determined to contain one or more mercury switches;
 - d. The number of mercury switches removed from these vehicles and appliances;
- and
- e. The number of motor vehicles from which mercury switches could not be removed due to accidental damage to the vehicle.

(B) On or after January 1, 2005, a large quantity universal waste handler who intends to crush, bale, shear, or shred a motor vehicle that contains mercury **light** switches, shall, prior to crushing, baling, shearing, or shredding the vehicle, remove all mercury-containing motor vehicle **light** switches (except switches that cannot be removed due to accidental damage to the vehicle) or **verify-ensure** that all mercury-containing motor vehicle **light** switches have already been removed.

~~(C) A large quantity universal waste handler who, after removing all mercury-containing motor vehicle switches, sends or takes a crushed, baled, or sheared motor vehicle to another person for shredding shall certify to the person in writing that all such switches have been removed, or have been verified to have been removed, from the vehicle. This statement shall include the name and address of the person who removed the switches and the date the switches were removed.~~

* * *

(f) Universal waste gauges. A large quantity handler of universal waste shall manage universal waste gauges in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

* * *

~~(E) Ensures that the area in which the universal waste pressure or vacuum gauges are drained is well ventilated and monitored to ensure compliance with applicable OSHA and Cal-OSHA exposure levels for mercury;~~

~~(F)(E) Ensures that employees are thoroughly familiar with the procedure for draining universal waste pressure or vacuum gauges, and proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies;~~

~~(G)(F) Stores the drained elemental mercury in a closed, non-leaking container that is in good condition and meets the requirements of subparagraph (D);~~

~~(H)(G) Ensures that any container into which mercury from a universal waste pressure or vacuum gauge is drained or in which drained mercury is stored is placed~~

into a secondary container that is in good condition, compatible with mercury, and large enough to accommodate the contents of the primary container if it should leak or break;

~~(H)~~(H) Maintains documentation of the date of accumulation, a description of the pressure or vacuum gauges drained, and the amount of mercury drained; and

~~(I)~~(I) Accumulates no more than 35 kilograms of elemental mercury at any one time.

* * *

(i) Universal waste dilators **and weighted tubing**. A large quantity handler of universal waste shall manage universal waste dilators **and weighted tubing** in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) Prior to shipping universal waste dilators **and weighted tubing**, a large quantity handler of universal waste shall pack universal waste dilators **and weighted tubing** in a container, with packing materials adequate to prevent breakage during storage, handling, and transportation. The container shall be closed, structurally sound, compatible with the contents of the dilators **and weighted tubing**, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(2) A large quantity handler of universal waste shall place any universal waste dilators **and weighted tubing** that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions into a sealed plastic bag in an airtight container. The container shall be closed, structurally sound, compatible with the contents of the dilators **and weighted tubing**, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(3) A large quantity handler of universal waste shall ensure that a mercury clean-up system is readily available;

(4)(A) A large quantity handler of universal waste shall determine whether the following exhibit a characteristic of hazardous waste identified in article 3 of chapter 11:

1. Mercury or clean-up residues resulting from spills or leaks; and/or
2. Other wastes generated as a result of the handling of universal waste dilators

and weighted tubing.

(B) If the mercury, residues, and/or other wastes exhibit a characteristic of hazardous waste, the wastes shall be managed in compliance with all applicable requirements of this division. The handler is considered the generator of the mercury, residues, and/or other wastes and shall manage them pursuant to chapter 12.

(C) If the mercury, residues, and/or other wastes are not hazardous, the handler may manage the wastes in any way that complies with all applicable federal, state or local solid waste regulations.

* * *

Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.4 to read:

§ 66273.34. Labeling/Marking.

A large quantity handler of universal waste shall label or mark the universal waste to identify the type of universal waste as specified below:

(a) Universal waste batteries (i.e., each battery), or a container or tank in which the batteries are contained, shall be labeled or marked clearly with any one of the following phrases: "Universal Waste--Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies);"

(b) Universal waste thermostats (i.e., each thermostat), or a container or tank in which the thermostats are contained, shall be labeled or marked clearly with any one of the following phrases: "Universal Waste--Mercury Thermostat(s)," or "Waste Mercury Thermostat(s)," or "Used Mercury Thermostat(s)."

(c) Each lamp or a container or package in which such lamps are contained shall be labeled or marked clearly with one of the following phrases: "Universal Waste--Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."

* * *

(f) Pressure or vacuum gauges.

(1) A container in which universal waste gauges are contained shall be labeled or marked clearly with any one of the following phrases: "Universal Waste—Gauge(s)," or "Waste Mercury Gauge(s)" or "Used Mercury Gauge(s);"

(2) A container in which mercury drained from one or more universal waste pressure or vacuum gauges is contained shall be labeled or marked clearly with any one of the following phrases, as appropriate: "Universal Waste—Drained Mercury," or "Universal Waste—Mercury from Gauges;"

(g) Universal waste novelties or a container in which the novelties are contained shall

* * *

(i) Universal waste dilators **and weighted tubing** or a container in which the dilators **and weighted tubing** are contained shall be labeled or marked clearly with any one of the following phrases, as appropriate: "Universal Waste—Dilator(s)," ~~or~~ "Waste Mercury Dilator(s)" ~~or~~ "Used Mercury Dilator(s);" **"Universal Waste—Mercury-Weighted Tubing," "Waste Mercury-Weighted Tubing," or "Used Mercury-Weighted Tubing."**

* * *

~~(l) Drained mercury. A container in which mercury drained from one or more universal waste pressure or vacuum gauges is contained shall be labeled or marked clearly with any one of the following phrases, as appropriate: "Universal Waste—Drained Mercury," or "Universal Waste—Mercury from Gauges."~~

* * *