

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
November 25, 2002

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 for the proposed regulations titled "Mercury Waste Classification and Management." These regulations 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 has issued two 15-day notices of availability of post-hearing changes or information added to the file (15-day notices) since the proposed regulations were issued for review and comment on August 16, 2002. The 15-day notices are as follows:

Issued on November 5, with due date for comments of November 20, 2002. (text revisions).

Issued on November 20, with due date for comments of December 5, 2002 (peer review reports).

DTSC is now reissuing the text revisions shown in the first 15-day notice with a due date for comments of December 10, 2002.

The revisions shown in this reissued 15-day notice are the same revisions shown in the notice issued on November 5, 2002. DTSC recently learned that some interested parties did not receive the first 15-day notice, so DTSC has issued the revisions again. The only difference between this package and the first 15-day notice is that in this 15-day notice DTSC included the revisions within the context of the complete text of the proposed regulations as they were issued on August 16, 2002. The notice issued on November 5, 2002 showed the same revisions within a more abbreviated version of the full text as proposed on August 16, 2002. This reissued notice may better enable reviewers to see the changes in context.

Persons who commented by the due date for the 15-day notice issued on November 5, 2002 do not need to comment again on the same revisions presented in this reissued 15 day notice. However, anyone may comment on the changes proposed in this reissued notice by December 10, 2002, if they wish to do so.

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. The first 15-day notice and this reissued 15-day notice show post-hearing changes that DTSC has made to the proposed text. The 15-day notice issued on November 20 informed the public that the peer review reports concerning these regulations were available for review and comment.

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 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

Written comments submitted prior to 5:00 p.m. on December 10, 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 rulemaking has not been reprinted in this notice and is represented by an ellipsis (***)

DTSC is also incorporating, as a "Study Relied On," its final Mercury Report. This report was published by DTSC in August, 2002, and is posted on DTSC's web site. The study may also 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

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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: 11/21/02

Original Signed By:
James McRitchie, Chief
Office of Environmental Analysis,
Regulations and Audits

**TEXT OF PROPOSED REGULATIONS
MERCURY WASTE CLASSIFICATION AND MANAGEMENT
Department Reference Number: R-02-04**

Amend the Table of Contents by adding sections 66260.22, and 66260.23 to chapter 10; article 4.1 and section 66261.50 to chapter 11; and sections 66273.7.1, 66273.7.2, 66273.7.3, 66273.7.4, 66273.7.5, 66273.7.6, 66273.7.7, 66273.7.8, 66273.7.9, and 66273.7.10 to chapter 23 of California Code of Regulations, title 22, division 4.5, to read as follows:

Table of Contents

Chapter 10. Hazardous Waste Management System: General

§ 66260.22. Petitions to Include Other Wastes under Chapter 23.

§ 66260.23. Factors for Petitions to Include Other Wastes under Chapter 23.

Chapter 11. Identification and Listing of Hazardous Waste

Article 4.1. Lists of Other Hazardous Wastes

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

Chapter 23. Standards for Universal Waste Management

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

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

§ 66273.7.3. Applicability—Dental Amalgam Wastes.

§ 66273.7.4. Applicability—Mercury-Containing Pressure or Vacuum Gauges.

§ 66273.7.5. Applicability—Mercury-Added Novelties.

§ 66273.7.6. Applicability—Mercury Counterweights and Dampers.

§ 66273.7.7. Applicability—Mercury Thermometers.

§ 66273.7.8. Applicability—Mercury Dilators.

§ 66273.7.9. Applicability—Mercury-Containing Rubber Flooring.

§ 66273.7.10. Applicability—Mercury-Containing Gas Flow Regulators.

§ 66273.57. Employee Training.

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.

Add California Code of Regulations, title 22, division 4.5, chapter 10, section 66260.22 to read:

§ 66260.22. Petitions to Include Other Wastes Under Chapter 23.

(a) Any person seeking to add a hazardous waste or a category of hazardous waste to the universal waste regulations contained in chapter 23 of this division shall petition for a regulatory amendment under this section and Government Code section 11340.6, except that the demonstration of statutory authority in Government Code section 11340.6(c) is not required for an original petition or a request to reconsider the Department's denial of a petition.

(b) To be successful, the petitioner shall demonstrate to the satisfaction of the Director that regulation under the Universal Waste Rule contained in chapter 23 of this division:

(1) is appropriate for the waste or category of waste;

(2) will improve management practices for the waste or category of waste; and

(3) will improve implementation of the hazardous waste program.

(c) The petition shall include the information, in writing, required by Government Code section 11340.6.

(d) The petition shall address as many of the factors listed in section 66260.23 as are appropriate for the waste or waste category addressed in the petition.

(e) The Director will evaluate and grant or deny petitions using the factors listed in section 66260.23 and the petition review process specified in Government Code section 11340.7. The decision will be based on the weight of evidence showing that regulation under chapter 23 of this division is appropriate for the waste or category of waste, will improve management practices for the waste or category of waste, and will improve implementation of the hazardous waste program.

NOTE: Authority cited: Sections 25159 and 58012, Health and Safety Code.
Reference: Section 25159.5, Health and Safety Code and Sections 11340.6 and 11340.7, Government Code; 40 CFR section 273.80.

Add California Code of Regulations, title 22, division 4.5, chapter 10, section 66260.23 to read:

§ 66260.23. Factors for Petitions to Include Other Wastes Under Chapter 23.

The Director will evaluate petitions submitted under section 66260.22 using the following factors:

(a) The waste or category of waste, as generated by a wide variety of generators, is listed in article 4 of chapter 11 of this division, or if not listed, a proportion of the waste stream exhibits one or more characteristics of hazardous waste identified in article 3 of chapter 11 of this division. [When a characteristic waste is added to the universal waste regulations of chapter 23 by using a generic name to identify the waste category (e.g., batteries), the definition of universal waste in section 66260.10 of this chapter and section 66273.9 of chapter 23 will be amended to include only hazardous waste portions of the waste category (e.g., hazardous waste batteries).] Thus, only the portion of the waste stream that exhibits one or more characteristics (i.e., is hazardous waste) is subject to the universal waste regulations of chapter 23;

(b) The waste or category of waste is not exclusive to a specific industry or group of industries, is commonly generated by a wide variety of types of establishments (including for example, households, retail and commercial businesses, office complexes, conditionally exempt small quantity generators, small businesses, governmental organizations, as well as large industrial facilities);

(c) The waste or category of waste is generated by a large number of generators and is frequently generated in relatively small quantities by each generator;

(d) Systems to be used for collecting the waste or category of waste (including packaging, marking, and labeling practices) would ensure close stewardship of the waste;

(e) The risk posed by the waste or category of waste during accumulation and transport is relatively low compared to other hazardous wastes, and specific management standards proposed or referenced by the petitioner (e.g., waste management requirements appropriate to be added to section 66273.13, 66273.33, and 66273.52; and/or applicable Department of Transportation requirements) would be protective of human health and the environment during accumulation and transport;

(f) Regulation of the waste or waste category under chapter 23 will increase the likelihood that the waste will be diverted from non-hazardous waste management systems (e.g., the municipal wastestream, non-hazardous industrial or commercial wastestream, municipal sewer or stormwater systems) to recycling, treatment or disposal in compliance with this division and division 20 of the California Health and Safety Code;

(g) Regulation of the waste or category of waste under chapter 23 will improve implementation of and compliance with the hazardous waste regulatory program; and/or;

(h) Such other factors as may be appropriate.

NOTE: Authority cited: Sections 25159 and 58012, Health and Safety Code.
Reference: Section 25159, and 25159.5, Health and Safety Code; 40 CFR section 273.81.

Amend California Code of Regulations, title 22, division 4.5, chapter 11, section 66261.1 to read:

§ 66261.1. Purpose and Scope.

(a) This chapter identifies those wastes which are subject to regulation as hazardous wastes under this division and which are subject to the notification requirements of Health and Safety Code section 25153.6. In this chapter:

(1) article 1 defines the terms "waste" and "hazardous waste," identifies those wastes which are excluded from regulation under this division, and establishes special management requirements for hazardous waste which is recycled and establishes rules for classifying and managing contaminated containers;

(2) article 2 sets forth the criteria used by the Department to identify characteristics of hazardous waste;

(3) article 3 identifies characteristics of hazardous waste;

(4) article 4 lists particular hazardous wastes;

(5) article 4.1 lists other hazardous wastes;

(6) article 5 identifies categories of hazardous waste including RCRA hazardous waste, non-RCRA hazardous waste, extremely hazardous waste, and special waste, and establishes criteria and management standards for special waste and extremely hazardous waste;

* * *

NOTE: Authority cited: Sections ~~208~~, 25140, 25141, 25150, ~~and 25159~~, and 58012, Health and Safety Code. Reference: Sections 25117, 25124, 25140, 25141, 25159, 25159.5, 25185 and 25187.1, Health and Safety Code and 40 CFR Section 261.1.

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

§ 66261.3. Definition of Hazardous Waste.

- (a) A waste, as defined in section 66261.2, is a hazardous waste if:
- (1) it is not excluded from classification as a waste or a hazardous waste under Health and Safety Code section 25143.2(b) or 25143.2(d) or section 66261.4; and
 - (2) it meets any of the following criteria:

* * *

(D) it is listed in article 4.1 of this chapter;
(E) it is a mixture of a hazardous waste that is listed in article 4 of this chapter other than a hazardous waste listed with hazard code (T) or (H), and another waste, unless the resultant mixture no longer exhibits any characteristic of hazardous waste identified in article 3 of this chapter. However, nonwastewater mixtures are still subject to the requirements of chapter 18 of this division, even if they no longer exhibit a characteristic at the point of land disposal;

~~(E)~~(F) it is a mixture of a waste and one or more hazardous wastes listed in article 4 of this chapter which has not been excluded by the USEPA Administrator from 40 CFR Part 261 Subpart D pursuant to 40 CFR sections 260.20 and 260.22. However, the following mixtures of wastes and hazardous wastes listed in article 4 of this chapter are not hazardous wastes (except by application of subsection (a)(2)(A) or (a)(2)(B) of this section) if the generator can demonstrate that the mixture consists of wastewater, the discharge of which is subject to regulation under either section 402 or section 307(b) of the Clean Water Act (including wastewater at facilities which have eliminated the discharge of wastewater), and:

* * *

~~(F)~~(G) it is not classified as a hazardous waste by application of the criteria in subsections (a)(2)(A) through (a)(2)~~(E)~~(F) of this section, but has been classified as a hazardous waste by the Department because it otherwise conforms to the definition of hazardous waste set forth in Health and Safety Code section 25117.

(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)~~ 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.

* * *

(d) Any waste described in subsection (c) of this section is not a hazardous waste if it meets ~~both~~all of the following criteria:

(1) the waste does not exhibit any of the characteristics of hazardous waste identified in article 3 of this chapter; (however, wastes that exhibit a characteristic at the point of generation may still be subject to the requirements of chapter 18, even if they no longer exhibit a characteristic at the point of land disposal,) ~~and~~

(2) in the case of a waste which is a waste listed in article 4 of this chapter, contains a waste listed under article 4 of this chapter or is derived from a waste listed in article 4 of this chapter (but not including precipitation run off), the waste also has been excluded by the USEPA Administrator from the lists of hazardous wastes in 40 CFR Part 261 Subpart D pursuant to 40 CFR sections 260.20 and 260.22., and

(3) the waste is not listed in article 4.1.

* * *

NOTE: Authority cited: Sections 25141, 25150, 25159, 25159.5, 25179.6, 58004, and 58012, Health and Safety Code. Reference: Sections 25117, 25141, 25143.1, 25159, 25159.5 and 58012, Health and Safety Code; and 40 CFR section 261.3.

Amend California Code of Regulations, title 22, division 4.5, chapter 11, section 66261.6 to read:

§ 66261.6. Requirements for Recyclable Materials.

(a)(1) Recyclable materials are subject to the applicable requirements for generators, transporters and facilities of articles 1 and 2 of chapter 16 of this division, except as specified otherwise for the materials listed in subsections (a)(2), (a)(3), (a)(4), (a)(5), and (a)(6) of this section.

* * *

(6) Hazardous wastes that meet all the following criteria are not subject to regulation under this division but, instead, are subject to regulation as specified in 40 CFR section 261.6(a)(2) (incorporated by reference in section 66260.11):

(A) the hazardous waste exhibits the characteristic of a hazardous waste specified in section 66261.24(a)(1);

(B) the hazardous waste does not exhibit any other characteristic of a hazardous waste specified in article 3 of this chapter (commencing with section 66261.20);

(C) the hazardous waste is not listed in article 4 of this chapter (commencing with section 66261.30); ~~and~~

(D) the hazardous waste is not listed in article 4.1 of this chapter (commencing with section 66261.50); and

~~(D)~~(E) the hazardous waste qualifies for regulation pursuant to 40 CFR section 261.6(a)(2) (incorporated by reference in section 66260.11).

* * *

NOTE: Authority cited: Sections 25143.2(e), 25150, 25159, 25159.5, 25170, 25179.6, 25245, 25250.22 and 58012, Health and Safety Code. Reference: Sections 25143, 25143.2, 25150, 25159, 25159.5, 25163, 25170, 25179.6, 25250.5 and 25250.22, Health and Safety Code; and 40 CFR Sections 261.6 and 266.23

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 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;
- (11) Dilators **and weighted tubing**, 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 66273.7.10.

(b) Waste cathode ray tube materials as described in section 66273.6 are conditionally exempt from classification as hazardous waste provided that they are managed in compliance with the standards of chapter 23.

(c) Universal wastes shall be managed as hazardous wastes after arrival at a destination facility.

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

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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 light vehicle 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,</u> |

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

M004 Mercury-added novelties, as defined in section 66273.9 (other than novelties with mercury switches, which meet the listing description for M002, and novelties with mercury-containing lamps, which meet the listing description for M003). Includes, but is not limited to, novelties painted with mercury-containing paints. This listing becomes effective on January 1, 2004.

NOTE: Authority cited: Sections 25140 and 58012, Health and Safety Code. Reference: Sections 25140 and 25212, Health and Safety Code.

Amend California Code of Regulations, title 22, division 4.5, chapter 11, section 66261.101 to read:

§ 66261.101. Non-RCRA Hazardous Waste.

(a) A hazardous waste is a non-RCRA hazardous waste if it meets all of the following criteria:

(1) it does not exhibit any of the characteristics of ignitability, corrosivity, reactivity or toxicity as identified in sections 66261.21, 66261.22(a)(1), 66261.22(a)(2), 66261.23 and 66261.24(a)(1);

(2) it exhibits any of the characteristics of corrosivity and toxicity identified in sections 66261.22(a)(3), 66261.22(a)(4) and 66261.24(a)(2) through (a)(8) or otherwise meets the definition of a hazardous waste in section 66261.3(a)(2)(C) or 66261.3(a)(2)(F);

(3) it is not listed as a hazardous waste in article 4 of this chapter or is listed and has been excluded by the USEPA Administrator pursuant to 40 CFR sections 260.20 and 260.22;

(4) it is listed in article 4.1 and is not identified as a RCRA hazardous waste in section 66261.100.

* * *

NOTE Authority cited: Sections ~~208, and 25141, and 25159, and 58012~~, Health and Safety Code. Reference: Sections 25117, 25117.9, 25141 and 25159, Health and Safety Code.

Amend California Code of Regulations, title 22, division 4.5, chapter 12, section 66262.11 to read:

§ 66262.11. Hazardous Waste Determination.

A person who generates a waste, as defined in section 66261.2, shall determine if that waste is a hazardous waste using the following method:

(a) the generator shall first determine if the waste is excluded from regulation under section 66261.4 or section 25143.2 of the Health and Safety Code;

(b) the generator shall then determine if the waste is listed as a hazardous waste in articles 4 or 4.1 of chapter 11 or in Appendix X of chapter 11 of this division. If the waste is listed in Appendix X and is not listed in articles 4 or 4.1 of chapter 11, the generator may determine that the waste from his particular facility or operation is not a hazardous waste by either:

* * *

(c) For purposes of compliance with chapter 18 of this division (commencing with section 66268.1), or if the waste is not listed as a hazardous waste in article 4 (commencing with section 66261.30), in article 4.1 (commencing with section 66261.50), or in Appendix X of chapter 11 of this division, the generator shall determine whether the waste exhibits any of the characteristics set forth in article 3 of chapter 11 of this division by either:

* * *

NOTE Authority cited: Sections 25150, 25159 and 58012, Health and Safety Code.
Reference: Sections 25115, 25117, 25159 and 25159.5, Health and Safety Code; 40 CFR Section 262.11.

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.

* * *

Mercury Waste Classification and Management
Department Reference Number: R-02-04
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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.

* * *

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Department Reference Number: R-02-04
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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.~~

* * *

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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, **M004 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.

* * *

NOTE: Authority cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25212, 25214.6, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.1.

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.

NOTE: Authority cited: Sections 25141, 25150, 25214.6, and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, and 25214.6, Health and Safety Code.

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.)**

(c) Generation of waste non-automotive mercury switches and waste products with mercury switches.

(1) A used non-automotive mercury switch becomes a universal waste on the date a handler discards it or removes it from a product in order to discard it.

(2) A product that contains one or more non-automotive mercury switches becomes a universal waste on the date the owner discards the product.

(3) An unused non-automotive mercury switch 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 25212, Health and Safety Code.

Add California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.7.3 to read:

§ 66273.7.3. Applicability—Dental Amalgam wastes.

(a) Dental amalgam wastes covered under chapter 23. The requirements of this chapter apply to persons managing dental amalgam wastes, as described in section 66273.9, except those listed in subsection (b) of this section.

(b) Dental amalgam wastes not covered under chapter 23. The requirements of this chapter do not apply to persons managing the following dental wastes:

(1) Dental amalgam that is not waste under chapter 11. Subsection (c) of this section describes when dental amalgam becomes waste.

(2) Empty used amalgam capsules.

(3) Waste dental restorative materials that do not contain mercury.

(4) Dental amalgam wastes that are not destined for an authorized recycling facility; these wastes are regulated as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division.

(c) Generation of dental amalgam wastes.

(1) Teeth that contain dental amalgam restorations become universal wastes on the date they are discarded.

(2) Scrap dental amalgam, including excess mix, becomes universal waste on the date it is discarded.

(3) Amalgam particles contained in reusable chair side traps, reusable vacuum pump filters, and amalgam separators become universal wastes on the date they are removed from these traps, filters, and amalgam separators.

(4) Disposable chair side traps and vacuum pump filters that contain amalgam particles become universal wastes on the date they are discarded.

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

Add California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.7.4 to read:

§ 66273.7.4. Applicability—Mercury-Containing Pressure or Vacuum Gauges.

(a) Pressure or vacuum gauges covered under chapter 23. The requirements of this chapter apply to persons managing pressure or vacuum gauges, as described in section 66273.9, except those listed in subsection (b) of this section.

(b) Pressure or vacuum gauges not covered under chapter 23. The requirements of this chapter do not apply to persons managing the following pressure or vacuum gauges:

(1) Pressure or vacuum gauges that are not wastes under chapter 11. Subsection (c) of this section describes when mercury-containing devices becomes waste.

(2) Waste pressure or vacuum gauges that do not contain mercury.

(3) Waste pressure or vacuum gauges that are not destined for an authorized recycling facility; these gauges are regulated as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division.

(c) Generation of waste pressure or vacuum gauges.

(1) Used pressure or vacuum gauges become wastes on the date they are discarded.

(2) Unused pressure or vacuum gauges 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.

Add California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.7.5 to read:

§ 66273.7.5. Applicability—Mercury-Added Novelties.

(a) Mercury-added novelties covered under chapter 23. Except as provided in subsection (b), the requirements of this chapter apply to persons managing the following:

(1) Mercury-added novelties, 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, 2004, mercury-added novelties, as described in section 66273.9, that meet listing description M004 in section 66261.50.

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

(1) Mercury-added novelties that are not wastes under chapter 11. Subsection (c) of this section describes when mercury-containing devices becomes waste.

(2) Waste novelties that do not contain mercury.

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

(c) Generation of waste mercury-added novelties.

(1) Used mercury-added novelties become wastes on the date they are discarded.

(2) Unused mercury-added novelties 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.

Add California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.7.6 to read:

§ 66273.7.6. Applicability—Mercury Counterweights and Dampers.

(a) Mercury counterweights and dampers covered under chapter 23. The requirements of this chapter apply to persons managing mercury counterweights and dampers, as described in section 66273.9, and products containing mercury counterweights and dampers, except those listed in subsection (b) of this section.

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

(1) Mercury counterweights and dampers, and products containing mercury counterweights and dampers, that are not wastes under chapter 11. Subsection (c) of this section describes when mercury counterweights and dampers become wastes.

(2) Waste counterweights and dampers that do not contain mercury and products with counterweights and dampers that do not contain mercury.

(3) Waste products from which mercury counterweights and dampers have been removed.

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

(c) Generation of waste mercury counterweights and dampers, and waste products containing mercury counterweights and dampers.

(1) A used mercury counterweight or damper, or a used product containing one or more mercury counterweights or dampers becomes a waste on the date a handler discards it.

(2) An unused mercury counterweight or damper, or an unused product containing one or more mercury counterweights or dampers 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 and 25159.5, Health and Safety Code.

Add California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.7.7 to read:

§ 66273.7.7. Applicability—Mercury Thermometers.

(a) Thermometers covered under chapter 23. The requirements of this chapter apply to persons managing thermometers, as described in section 66273.9, except those listed in subsection (b) of this section.

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

(1) Mercury thermometers that are not wastes under chapter 11. Subsection (c) of this section describes when mercury thermometers becomes waste.

(2) Waste thermometers that do not use the expansion and contraction of a column of mercury to measure temperature.

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

(c) Generation of waste thermometers.

(1) Used thermometers become wastes on the date they are discarded.

(2) Unused thermometers 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.

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.

Add California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.7.9 to read:

§ 66273.7.9. Applicability—Mercury-Containing Rubber Flooring.

(a) Mercury-containing rubber flooring covered under chapter 23. The requirements of this chapter apply to persons managing mercury-containing rubber flooring, as described in section 66273.9, except that listed in subsection (b) of this section.

(b) Rubber flooring not covered under chapter 23. The requirements of this chapter do not apply to persons managing the following rubber flooring:

(1) Mercury-containing rubber flooring that is not waste under chapter 11. Subsection (c) of this section describes when mercury-containing rubber flooring becomes waste.

(2) Rubber flooring that does not contain mercury.

(c) Generation of waste mercury-containing rubber flooring.

(1) Used mercury-containing rubber flooring becomes a waste on the date it is discarded.

(2) Unused mercury-containing rubber flooring 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 and 25159.5, Health and Safety Code.

Add California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.7.10 to read:

§ 66273.7.10. Applicability—Mercury-Containing Gas Flow Regulators.

(a) Mercury-containing gas flow regulators covered under chapter 23. The requirements of this chapter apply to persons managing mercury gas flow regulators, as described in section 66273.9, except those listed in subsection (b) of this section.

(b) Gas flow regulators not covered under chapter 23. The requirements of this chapter do not apply to persons managing the following gas flow regulators:

(1) Mercury-containing gas flow regulators that are not wastes under chapter 11. Subsection (c) of this section describes when mercury-containing gas flow regulators become waste.

(2) Waste gas flow regulators that do not contain mercury.

(3) Waste mercury-containing gas flow regulators that are not destined for an authorized recycling facility; these gas flow regulators 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 gas flow regulators.

(1) A used mercury-containing gas flow regulator becomes a waste on the date it is discarded.

(2) An unused mercury-containing gas flow regulator 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 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)~~~~(c)~~~~(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.

NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Sections 261.4, 261.5 and 273.8.

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.~~

“Dental amalgam” or “universal waste dental amalgam” means dental amalgam chunks, dental amalgam fines, mixtures containing dental amalgam fines, single-use dental amalgam traps that contain dental amalgam, dental amalgam sludge, vacuum pump filters that contain dental amalgam, and extracted teeth with amalgam restorations.

“Destination facility” means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in section 66273.13 and section 66273.33(a), (b), and (c) and section 66273.83. A facility at which a particular category of universal waste is only accumulated, is not a destination facility for purposes of managing that category of universal waste.

“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.

* * *

"Electronic Product Generator" means a generator of a total of five or less CRT devices per year.

"Flame sensor" means a device, usually found in a gas-fired appliance, that uses the expansion and contraction of liquid mercury contained in a probe to open and shut a valve.

"Gas flow regulator," "mercury gas flow regulator" or "universal waste gas flow regulator" means a mercury-containing device used to regulate the flow of gas through a gas meter.

"Generator" or "producer" means:

* * *

"Lamp", also referred to as "universal waste 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 infra-red regions of the electromagnetic spectrum. Examples of common universal waste electric lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high pressure sodium, and metal halide lamps. "Lamp" does not include mercury-containing lamps used as back lighting in electronic devices that contain liquid crystal displays (LCDs).

"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.

"LCD," or "LCD with a mercury-containing lamp" means a liquid crystal display illuminated by mercury-containing back lighting.

"Mercury-added novelty" means a mercury-added product intended mainly for personal or household enjoyment or adornment. A "mercury-added novelty" includes, but is not limited to, any item intended for use as a practical joke, figurine, adornment, toy, game, card, ornament, yard statue or figure, candle, jewelry, holiday decoration, and item of apparel, including footwear.

"Mercury gas flow regulator" or "universal waste gas flow regulator" means a mercury-containing device used to regulate the flow of gas through a gas meter.

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

"Mercury-containing motor vehicle switch" means any motor vehicle switch that contains mercury including, but not limited to, a mercury containing motor vehicle light switch.

“Mercury-containing rubber flooring” or “universal waste rubber flooring” means any rubber flooring material formulated with intentionally added mercury.

“Mercury counterweights and dampers” or “universal waste mercury counterweights and dampers” means an enclosed device that uses liquid mercury for weight or dampening. Includes, but is not limited to, mercury bow stabilizers used in archery, mercury recoil suppressors used in shooting, and mercury counterweights used in clocks.

“Mercury switch” or “universal waste mercury switch” means an electrical switch that employs mercury to make an electrical contact. “Mercury switch” includes, but is not limited to the following mercury-containing switches: mercury-containing motor vehicle switches, tilt switches, vibration-sensing switches, off-balance switches, float switches, silent light switches, and relays.

“Non-automotive mercury switch” means any mercury switch other than a mercury-containing motor vehicle switch.

“Offsite” means any site which is not onsite.

“On-site” means the same or geographically contiguous property which may be divided by public or private right-of-way, provided that the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along the right of way. Non-contiguous properties owned by the same person but connected by a right-of-way which he controls and to which the public does not have access, are also considered on-site property.

“Pressure or vacuum gauge,” “universal waste gauge,” or “gauge,” means any device in which pressure or vacuum is measured using the height of a column of liquid mercury. “Pressure or vacuum gauge” includes, but is not limited to, barometers, manometers, and sphygmomanometers.

“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.

“Thermometer,” “mercury thermometer” or “universal waste thermometer” means any thermometer that uses the expansion and contraction of a column of mercury to measure temperature.

“Thermostat” means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element, and mercury-containing ampules that have been removed from these temperature control devices in compliance with the requirements of sections 66273.13(c)(2) or 66273.33(c)(2).

“Universal Waste” means any of the following wastes that, pursuant to subsection (a) of section 66261.9, are conditionally exempt from regulation under chapter 6.5 of division 20 of the California Health and Safety Code and its implementing

regulations or, pursuant to subsection (b) of section 66261.9, are conditionally exempt from classification as hazardous wastes pursuant to section 66261.9:

- (a) Batteries as described in section 66273.2;
 - (b) Thermostats as described in section 66273.4;
 - (c) Lamps as described in section 66273.5 (including M003 Wastes); and
 - (d) Cathode ray tube materials as described in section 66273.6-;
 - (e) 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;
 - (f) Non-automotive mercury switches and products that contain such switches (including, but not limited to, M002 Wastes), as described in section 66273.7.2;
 - (g) Dental amalgam wastes, as described in section 66273.7.3;
 - (h) Pressure or vacuum gauges, as described in section 66273.7.4;
 - (i) Mercury-added novelties (including, but not limited to, M004 Wastes), as described in section 66273.7.5.;
 - (j) Mercury counterweights and dampers, as described in section 66273.7.6;
 - (k) Mercury thermometers, as described in section 66273.7.7
 - (l) Dilators, as described in section 66273.7.8;
 - (m) Mercury containing rubber flooring, as described in section 66273.7.9; and
 - (n) Mercury gas flow regulators, as described in section 66273.10.
- “Universal Waste Handler”:
- (a) Means:

* * *

NOTE: Authority cited: Sections 25141, 25150, 25214.6, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25212, 5214.6, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Sections 261.4, 261.5, and 273.9.

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.

(e) Universal waste dental amalgam. A small quantity handler of universal waste shall manage universal waste dental amalgam 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 place amalgam scraps, amalgam fines, single-use amalgam traps and filters, and extracted teeth with amalgam restorations in airtight containers. The containers shall be kept closed, except when universal waste dental amalgam is being added.

(2) A small quantity handler of universal waste shall not rinse amalgam traps or filters into a sink.

(3) A small quantity handler of universal waste shall not place universal waste dental amalgam into medical waste containers.

(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:

(1)(A) All openings through which mercury could escape shall be securely closed with appropriately sized stoppers or other closures that are compatible with the contents of the device.

(B) Each universal waste gauge shall be sealed in a plastic bag. Plastic bags containing universal waste gauges shall be placed into a container or package that is structurally sound, adequate to prevent breakage, and compatible with the contents of the gauge. The container or package shall remain closed 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 during storage, handling, and transportation.

(C) A mercury clean-up system shall be readily available to immediately transfer any mercury resulting from spills or leaks from universal waste gauges to an airtight container that meets the requirements of paragraph (2) of this subsection;

(D) Universal waste gauges shall be kept upright at all times during handling, accumulation, and transportation.

(2) A small quantity handler of universal waste may drain elemental mercury from pressure or vacuum gauges generated by that handler, at the site where the gauges were generated, provided the handler:

(A) Ensures that the universal waste pressure or vacuum gauges are drained over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from a device in case of breakage or spill);

(B) Ensures that the draining operations are performed safely by developing and implementing a written procedure detailing how to safely drain the universal waste pressure or vacuum gauges. This procedure shall include: the type of equipment to be used to drain the universal waste pressure or vacuum gauges safely, operation and maintenance of the equipment, appropriate personal protective equipment, segregation of incompatible wastes, proper waste management practices, spill response procedures, and waste characterization;

(C) Ensures that a spill clean-up kit is readily available to immediately clean up spills or leaks of the contents of the universal waste pressure or vacuum gauge that may occur during the mercury draining operation;

(D) Immediately transfers the drained elemental mercury to a container. The container shall be closed, structurally sound, compatible with elemental mercury, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

(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.

(3)(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. Whole or partial universal waste gauges from which mercury has been drained;

2. Mercury or clean-up residues resulting from spills or leaks;

3. Other wastes generated as a result of the handling of universal waste gauges.

(B) If a whole or partial universal waste gauge from which mercury has been drained exhibits a characteristic of hazardous waste, it shall be managed in compliance with all applicable requirements of this chapter.

(C) If the mercury or clean-up residues resulting from spills or leaks, 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.

(D) 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.

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

(1) Universal waste novelties whose only mercury is contained in a button cell or other mercury-containing battery shall be managed in accordance with the requirements for universal waste batteries, pursuant to subsection (a) of this section.

(A) If they are removable, a small quantity handler of universal waste may remove mercury-containing batteries from a universal waste novelty.

(B) If, after removal of all mercury-containing batteries, a universal waste novelty contains no other mercury and does not exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11; the novelty may be managed as non-hazardous waste.

(C) Batteries removed from universal waste novelties may be managed as universal waste batteries, pursuant to subsection (a) of this section.

(2) Universal waste novelties that are painted with mercury-containing paint shall be accumulated in an airtight container. The container shall be closed, structurally sound, compatible with the novelty, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(3) Universal waste novelties that contain liquid mercury shall be managed as follows:

(A) Universal waste novelties that contain liquid mercury shall be packed in an airtight container, with packing materials adequate to prevent breakage during storage, handling, and transportation. The container shall be closed, structurally sound, compatible with the novelty, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

(B) A mercury clean-up system shall be readily available; and

(C) Any universal waste novelty containing liquid mercury that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable

conditions shall be placed in an airtight container. The container shall meet the requirements of subparagraph (A) of this paragraph.

(4) Universal waste novelties whose only mercury is contained in a mercury switch or switches shall be managed in accordance with the requirements for universal waste switches and thermometers, pursuant to subsection (d) of this section.

(A) If they are removable, a small quantity handler of universal waste may remove mercury switches from a universal waste novelty.

(B) If, after removal of all mercury switches, a universal waste novelty contains no other mercury and does not exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11; the novelty may be managed as non-hazardous waste.

(C) Switches removed from universal waste novelties may be managed as universal waste switches and thermometers, pursuant to subsection (d) of this section.

(5)(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 novelties that contain liquid mercury.

(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.

(h) Universal waste counterweights and dampers. A small quantity handler of universal waste shall manage universal waste counterweights and dampers 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 counterweights and dampers to a recycler, a small quantity handler of universal waste shall pack universal waste counterweights and dampers 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 counterweight or damper, 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 counterweight or damper 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 counterweight or damper, 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 counterweights and dampers.

(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 waste 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.

(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.

(j) Universal waste rubber flooring. A small quantity handler of universal waste shall manage universal waste rubber flooring in a way that prevents releases of any universal waste or component of a universal waste to the environment.

(k) Universal waste gas flow regulators. A small quantity handler of universal waste shall manage universal waste gas flow regulators 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 ensure that universal waste gas flow regulators are kept upright at all times during accumulation and transportation.

(2) A small quantity handler of universal waste shall place each regulator into an airtight container or package that is structurally sound, adequate to prevent breakage, and compatible with the contents of the regulator. The container or package shall remain closed 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 to immediately transfer any mercury resulting from spills or leaks from universal waste gas flow regulators to an airtight container that meets the requirements of paragraph (2) of this subsection.

(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

2. Other wastes generated as a result of the handling of universal waste gas flow regulators.

(B) If the mercury or clean-up residues resulting from spills or leaks, 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.

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NOTE: Authority cited: Sections 25141, 25150, 25214.6, 25219.1, 25219.2 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25214.6, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.13.

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).”

(d) Universal waste mercury switches and thermometers or a container in which the switches are contained, shall be labeled or marked clearly with any one of the following phrases: “Universal Waste—Mercury Switch(es),” or “Waste Mercury Switch(es),” or “Used Mercury Switch(es);”

(e) Dental amalgam. A container in which universal waste dental amalgam is contained shall be labeled or marked clearly with any one of the following phrases: “Universal Waste—Dental Amalgam,” or “Waste Dental Amalgam” or “Scrap Dental Amalgam;”

(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 be labeled or marked clearly with any one of the following phrases: “Universal Waste—Novelty(ies),” or “Waste Mercury Novelty(ies)” or “Used Mercury Novelty(ies);”

(h) Universal waste counterweights and dampers, a product that contains one or more counterweights and/or dampers, or a container in which the counterweights and/or dampers are contained, shall be labeled or marked clearly with any one of the following phrases, as appropriate: “Universal Waste—Counterweight(s),” or “Universal Waste—

Damper(s); “Waste Mercury Counterweight(s)” or “Waste Mercury Damper(s);” “Used Mercury Counterweight(s);” or “Used Mercury Damper(s);”

(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.”**

(j) Universal waste rubber flooring or a container in which the flooring is contained shall be labeled or marked clearly with any one of the following phrases: “Universal Waste—Rubber Flooring,” or “Waste Mercury-Containing Flooring” or “Used Mercury-Containing Flooring.”

(k) Gas flow regulators. A waste gas meter that contains a mercury gas flow regulator or a container in which a universal waste gas flow regulator is contained shall be labeled or marked clearly with any one of the following phrases: “Universal Waste—Gas Flow Regulator,” or “Waste Mercury Gas Flow Regulator” or “Used Mercury Gas Flow Regulator;”

~~(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.”~~

NOTE: Authority cited: Sections 25141, 25150, 25214.6, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25212, 25214.6, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.14.

Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.19 to read:

§ 66273.19. Tracking Universal Waste Shipments.

~~A small quantity handler of universal waste is not required to keep records of shipments of universal waste.~~

(a) Receipt of shipments. A small quantity handler of universal waste shall keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The record for each shipment of universal waste received shall include the following information:

(1) The name and address of the originating universal waste handler or foreign shipper from whom the universal waste was sent;

(2) The quantity of each type of universal waste received (e.g., batteries, thermostats, lamps, mercury switches, etc.);

(3) The date of receipt of the shipment of universal waste.

(b) Shipments off-site. A small quantity handler of universal waste shall keep a record of each shipment of universal waste sent from the handler to other facilities. The record may take the form of a log, invoice, manifest, bill of lading or other shipping document. The record for each shipment of universal waste sent shall include the following information:

(1) The name and address of the universal waste handler, destination facility, or foreign destination to whom the universal waste was sent;

(2) The quantity of each type of universal waste sent (e.g., batteries, thermostats, lamps, mercury switches, etc.);

(3) The date the shipment of universal waste left the facility.

(c) Record retention.

(1) A small quantity handler of universal waste shall retain the records described in subsection (a) of this section for at least three years from the date of receipt of a shipment of universal waste.

(2) A small quantity handler of universal waste shall retain the records described in subsection (b) of this section for at least three years from the date a shipment of universal waste left the facility.

NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25219.1, 25219.2 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section ~~273.19~~273.39.

Add California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.21 to read:

§ 66273.21. Accumulation of Mercury-Containing Universal Wastes Received from Other Universal Waste Handlers.

(a) A small quantity handler of universal waste may accumulate the following universal wastes received from other handlers only at a location where accumulation of universal waste is consistent with local land use zoning or land use patterns:

(1) 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;

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

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

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

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

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

(7) Mercury thermometers, as described in section 66273.7.7

(8) Dilators, as described in section 66273.7.8;

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

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

(b) A small quantity handler of universal waste who accumulates any of the universal wastes listed in subsection (a) received from other handlers shall:

(1) Comply with all applicable requirements for handlers of hazardous materials;

(2) Disclose that mercury is being handled in all applicable business and use permitting applications;

(3) Comply with the location standards in section 66265.18;

(4) Comply with the seismic precipitation design standards in section 66265.25;

(5) Accumulate universal wastes listed in subsection (a) only in areas that are zoned for commercial or industrial uses; and

(6) Accumulate universal wastes listed in subsection (a) in a location that does not pose site specific land use hazards or contain sensitive habitat area, based on a review of state and local planning documents and constraints mapping.

NOTE: Authority cited: Sections 25141, 25150, 25214.6, 25219.1, 25219.2 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25212, 25214.6, 25219, 25219.1 and 25219.2, Health and Safety Code.

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.

(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 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 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.

(e) Universal waste dental amalgam. A large quantity handler of universal waste shall manage universal waste dental amalgam 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 place amalgam scraps, amalgam fines, single-use amalgam traps and filters, and extracted teeth with amalgam restorations in airtight containers. The containers shall be kept closed, except when universal waste dental amalgam is being added.

(2) A large quantity handler of universal waste shall not rinse amalgam traps or filters into a sink.

(3) A large quantity handler of universal waste shall not place universal waste dental amalgam into medical waste containers.

(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:

(1)(A) All openings through which mercury could escape shall be securely closed with appropriately sized stoppers or other closures that are compatible with the contents of the device.

(B) Each universal waste gauge shall be sealed in a plastic bag. Plastic bags containing universal waste gauges shall be placed into a container or package that is structurally sound, adequate to prevent breakage, and compatible with the contents of the gauge. The container or package shall remain closed 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 during storage, handling, and transportation.

(C) A mercury clean-up system shall be readily available to immediately transfer any mercury resulting from spills or leaks from universal waste gauges to an airtight container that meets the requirements of paragraph (2) of this subsection;

(D) Universal waste gauges shall be kept upright at all times during handling, accumulation, and transportation.

(2) A large quantity handler of universal waste may drain elemental mercury from pressure or vacuum gauges generated by that handler, at the site where the gauges were generated, provided the handler:

(A) Ensures that the universal waste pressure or vacuum gauges are drained over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from a device in case of breakage or spill);

(B) Ensures that the draining operations are performed safely by developing and implementing a written procedure detailing how to safely drain the universal waste pressure or vacuum gauges. This procedure shall include: the type of equipment to be used to drain the universal waste pressure or vacuum gauges safely, operation and maintenance of the equipment, appropriate personal protective equipment, segregation of incompatible wastes, proper waste management practices, spill response procedures, and waste characterization;

(C) Ensures that a spill clean-up kit is readily available to immediately clean up spills or leaks of the contents of the universal waste pressure or vacuum gauge that may occur during the mercury draining operation;

(D) Immediately transfers the drained elemental mercury to a container. The container shall be closed, structurally sound, compatible with elemental mercury, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

(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.

(3)(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. Whole or partial universal waste gauges from which mercury has been drained;

2. Mercury or clean-up residues resulting from spills or leaks;

3. Other wastes generated as a result of the handling of universal waste gauges.

(B) If a whole or partial universal waste gauge from which mercury has been drained exhibits a characteristic of hazardous waste, it shall be managed in compliance with all applicable requirements of this chapter.

(C) If the mercury or clean-up residues resulting from spills or leaks, 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.

(D) If the drained gauge, 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.

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

(1) Universal waste novelties whose only mercury is contained in a button cell or other mercury-containing battery shall be managed in accordance with the requirements for universal waste batteries, pursuant to subsection (a) of this section.

(A) If they are removable, a large quantity handler of universal waste may remove mercury-containing batteries from a universal waste novelty.

(B) If, after removal of all mercury-containing batteries, a universal waste novelty contains no other mercury and does not exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11; the novelty may be managed as non-hazardous waste.

(C) Batteries removed from universal waste novelties may be managed as universal waste batteries, pursuant to subsection (a) of this section.

(2) Universal waste novelties that are painted with mercury-containing paint shall be accumulated in an airtight container. The container shall be closed, structurally sound, compatible with the novelty, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(3) Universal waste novelties that contain liquid mercury shall be managed as follows:

(A) Universal waste novelties that contain liquid mercury shall be packed in an airtight container, with packing materials adequate to prevent breakage during storage, handling, and transportation. The container shall be closed, structurally sound, compatible with the novelty, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

(B) A mercury clean-up system shall be readily available; and

(C) Any universal waste novelty containing liquid mercury that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable

conditions shall be placed in an airtight container. The container shall meet the requirements of subparagraph (A) of this paragraph.

(4) Universal waste novelties whose only mercury is contained in a mercury switch or switches shall be managed in accordance with the requirements for universal waste switches and thermometers, pursuant to subsection (d) of this section.

(A) If they are removable, a large quantity handler of universal waste may remove mercury switches from a universal waste novelty.

(B) If, after removal of all mercury switches, a universal waste novelty contains no other mercury and does not exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11; the novelty may be managed as non-hazardous waste.

(C) Switches removed from universal waste novelties may be managed as universal waste switches and thermometers, pursuant to subsection (d) of this section.

(5)(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 novelties that contain liquid mercury.

(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.

(h) Universal waste counterweights and dampers. A large quantity handler of universal waste shall manage universal waste counterweights and dampers 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 counterweights and dampers to a recycler, a large quantity handler of universal waste shall pack universal waste counterweights and dampers 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 counterweight or damper, 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 counterweight or damper 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 counterweight or damper, 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 counterweights and dampers.

(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 waste 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.

(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, they 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.

(j) Universal waste rubber flooring. A large quantity handler of universal waste shall manage universal waste rubber flooring in a way that prevents releases of any universal waste or component of a universal waste to the environment.

(k) Universal waste gas flow regulators. A large quantity handler of universal waste shall manage universal waste gas flow regulators 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 ensure that universal waste gas flow regulators are kept upright at all times during accumulation and transportation.

(2) A large quantity handler of universal waste shall place each regulator into an airtight container or package that is structurally sound, adequate to prevent breakage, and compatible with the contents of the regulator. The container or package shall remain closed 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 to immediately transfer any mercury resulting from spills or leaks from universal waste gas flow regulators to an airtight container that meets the requirements of paragraph (2) of this subsection.

(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

2. Other wastes generated as a result of the handling of universal waste gas flow regulators.

(B) If the mercury or clean-up residues resulting from spills or leaks, 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.

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NOTE: Authority cited: Sections 25141, 25150, 25214.6, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25212, 25214.6, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.33.

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).”

(d) Universal waste mercury switches and thermometers or a container in which the switches are contained, shall be labeled or marked clearly with any one of the following phrases: “Universal Waste—Mercury Switch(es),” or “Waste Mercury Switch(es),” or “Used Mercury Switch(es);”

(e) Dental amalgam. A container in which universal waste dental amalgam is contained shall be labeled or marked clearly with any one of the following phrases: “Universal Waste—Dental Amalgam,” or “Waste Dental Amalgam” or “Scrap Dental Amalgam;”

(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 be labeled or marked clearly with any one of the following phrases: “Universal Waste—Novelty(ies),” or “Waste Mercury Novelty(ies)” or “Used Mercury Novelty(ies);”

(h) Universal waste counterweights and dampers, a product that contains one or more counterweights and/or dampers, or a container in which the counterweights and/or dampers are contained, shall be labeled or marked clearly with any one of the following

phrases, as appropriate: “Universal Waste—Counterweight(s),” or “Universal Waste—Damper(s);” “Waste Mercury Counterweight(s)” or “Waste Mercury Damper(s);” “Used Mercury Counterweight(s),” or “Used Mercury Damper(s);”

(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.”**

(j) Universal waste rubber flooring or a container in which the flooring is contained shall be labeled or marked clearly with any one of the following phrases: “Universal Waste—Rubber Flooring,” or “Waste Mercury-Containing Flooring” or “Used Mercury-Containing Flooring.”

(k) Gas flow regulators. A waste gas meter that contains a mercury gas flow regulator or a container in which a universal waste gas flow regulator is contained shall be labeled or marked clearly with any one of the following phrases: “Universal Waste—Gas Flow Regulator,” or “Waste Mercury Gas Flow Regulator” or “Used Mercury Gas Flow Regulator;”

~~(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.”~~

NOTE: Authority cited: Sections 25141, 25150, 25214.6, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25212, 25214.6, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.34.

Add California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.41 to read:

§ 66273.41. Accumulation of Mercury-Containing Universal Wastes Received from Other Universal Waste Handlers.

(a) A large quantity handler of universal waste may accumulate the following universal wastes received from other handlers only at a location where accumulation of universal waste is consistent with local land use zoning or land use patterns:

(1) 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;

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

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

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

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

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

(7) Mercury thermometers, as described in section 66273.7.7

(8) Dilators, as described in section 66273.7.8;

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

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

(b) A large quantity handler of universal waste who accumulates any of the universal wastes listed in subsection (a) received from other handlers shall:

(1) Comply with all applicable requirements for handlers of hazardous materials;

(2) Disclose that mercury is being handled in all applicable business and use permitting applications;

(3) Comply with the location standards in section 66265.18;

(4) Comply with the seismic precipitation design standards in section 66265.25;

(5) Accumulate universal wastes listed in subsection (a) only in areas that are zoned for commercial or industrial uses; and

(6) Accumulate universal wastes listed in subsection (a) in a location that does not pose site specific land use hazards or contain sensitive habitat area, based on a review of state and local planning documents and constraints mapping.

NOTE: Authority cited: Sections 25141, 25150, 25214.6, 25219.1, 25219.2 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25212, 25214.6, 25219, 25219.1 and 25219.2, Health and Safety Code.