

**Universal Waste Rule Emergency Regulation Text  
With Cathode Ray Tube Emergency Regulations**

**Legend:** Text shown in this version of the Universal Waste Emergency Regulations is effective while the Cathode Ray Tube Emergency Regulations remain effective.

Changes to the Title 22 Regulations are displayed as follows:

Text added by the Universal Waste Rule Emergency Regulations is shown in underline.

Text deleted from the permanent Title 22 Regulations by the Universal Waste Rule Emergency Regulations is shown as plain text/strikeout

Text added by the Universal Waste Rule Emergency Regulations, but deleted by the Cathode Ray Tube Emergency Regulations, is shown as underline/strikeout.

Text not adopted in this emergency rulemaking (text added by the Cathode Ray Tube Emergency Regulations and existing Title 22 text) is shown as plain text.

**Text with Cathode Ray Tube Emergency Regulations:**

Amend the Table of Contents of Title 22 by adding new text as follows:

Chapter 11. Identification and Listing of Hazardous Waste.

Article 1. General

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§66261.9. Requirements for Universal Waste

\* \* \*

Chapter 23 STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

Article 1. General

§66273.1. Scope.

§66273.2. Applicability--Batteries.

§66273.3. Reserved.

§66273.4. Applicability--Mercury Thermostats.

§66273.5. Applicability--Lamps.

§66273.6. Reserved.

§66273.7. Reserved.

§66273.8. Household and Conditionally Exempt Small Quantity Generator Exemptions.

§66273.9. Definitions.

Article 2. Standards for Small Quantity Handlers of Universal Waste

§66273.10. Applicability.

§66273.11. Prohibitions.

§66273.12. Notification.

§66273.13. Waste Management.

§66273.14. Labeling/Marking.

§66273.15. Accumulation Time Limits.

§66273.16. Employee Training.

§66273.17. Response to Releases.

§66273.18. Offsite Shipments.

§66273.19. Tracking Universal Waste Battery Shipments.

§66273.20. Exports.

Article 3. Standards for Large Quantity Handlers of Universal Waste

§66273.30. Applicability.

§66273.31. Prohibitions.

§66273.32. Notification.

§66273.33. Waste Management.

§66273.34. Labeling/Marking.

§66273.35. Accumulation Time Limits.

§66273.36. Employee Training.

§66273.37. Response to Releases.

§66273.38. Offsite Shipments.

§66273.39. Tracking Universal Waste Shipments.

§66273.40. Exports.

Article 4. Standards for Universal Waste Transporters

§66273.50. Applicability.

§66273.51. Prohibitions.

§66273.52. Waste Management.

§66273.53. Storage Time Limits.

§66273.54. Response to Releases.

§66273.55. Offsite Shipments.

§66273.56. Exports.

Article 5. Standards for Destination Facilities

§66273.60. Applicability.

§66273.61. Offsite Shipments.

§66273.62. Tracking Universal Waste Shipments.

Article 6. Import Requirements

§66273.70. Imports.

Article 7. [~~Reserved.~~] Standards for CRT Material Handlers

Amend Title 22, Section 66260.12 to read as follows:

§66260.12. Acronyms and Abbreviations.

As used in this division, the following acronyms and abbreviations have the specified meaning:

“ASTM”...

"FFDCA" means the Federal Food, Drug, and Cosmetic Act (21 U.S.C. section 301-392).

NOTE: Authority cited: Sections ~~208~~, 25141, 25150, 25159, 25201.4, and 58012, Health and Safety Code. Reference: Sections 25141, 25159, 25201.4, 25404, and 25404.3, Health and Safety Code.

**§66261.9. Requirements for Universal Waste.**

(a) The wastes listed in this section are conditionally exempt from classification as hazardous wastes provided that they are managed in compliance with the standards of chapter 23. Wastes conditionally exempt from classification as hazardous wastes pursuant to this section 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; and

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

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

NOTE: Authority cited: Sections 25141, 25150, 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 section 261.9.

Amend Title 22, Section 66264.1 to read as follows:

§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:

(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.

NOTE: Authority cited: Sections ~~208~~, 25141, 25150, 25159, 25219.1, and ~~58012~~, Health and Safety Code. Reference: Sections 25141, 25159, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR Section 264.1.

Amend Title 22, Section 66265.1 to read as follows:

§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 are subject to regulation under chapter 23, when handling the below listed universal wastes:

(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.

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

Amend Title 22, Section 66268.1 to read as follows:

§66268.1. Purpose, Scope and Applicability.

\* \* \*

(g) Universal waste handlers and universal waste transporters (as defined in section 66273.9) are exempt from sections 66268.7 and 66268.50 for the hazardous wastes listed below. These handlers are subject to regulation under chapter 23:

(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.

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

Amend Title 22, Section 66270.1 to read as follows:

§66270.1. Purpose and Scope of These Regulations.

(a)...

(c) Scope of the Permit Requirements. A permit is required for the “transfer,” “treatment,” “storage,” and “disposal” of any waste which is hazardous waste pursuant to section 66261.3. The terms “transfer,” “treatment,” “storage,” “disposal,” and “hazardous waste” are defined in section 66260.10. Owners and operators of hazardous waste management units shall have permits during the active life (including the closure period) of the unit. Owners or operators of surface impoundments, landfills, land treatment units, and waste pile units that received wastes after July 26, 1982, or that certified closure (according to section 66265.115) after January 26, 1983, shall have post-closure permits, unless they demonstrate closure by removal as provided under subsections (c)(5) and (6) of this section. If a post-closure permit is required, the permit shall address applicable chapter 14 Water Quality Monitoring, Environmental Monitoring, Corrective Action, and Post-closure Care Requirements of this division. The denial of a permit for the active life of a hazardous waste management facility or unit does not affect the requirement to obtain a post-closure permit under this section.

(1) Specific inclusions...

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

(A)...

(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:

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.

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

Add new chapter 23 to read as follows:

CHAPTER 23--STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

Article 1--General

**§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; and

(3) Lamps as described in section 66273.5.; and

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

(b) This chapter provides an alternative set of management standards in lieu of regulation as hazardous wastes under chapters 10 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, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR section 273.1.

**Section 66273.2 Applicability--Batteries.**

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

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

(1) Automotive type spent lead-acid batteries. Auto motive-type spent lead acid storage batteries are managed under article 7 of chapter 16. Small sealed lead-acid storage batteries are not automotive type lead-acid batteries.

(2) Batteries, as described in section 66273.9, that are not yet wastes under chapter 11, including those that do not meet the criteria for waste generation in subsection (c).

(3) Batteries, as described in Section 66273.9, that do not exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11.

(c) Generation of waste batteries.

(1) A used battery becomes a waste on the date it is discarded (e.g., when sent for reclamation).

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

NOTE: Authority cited: Sections 25141, 25150, 25219.1, and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR section 273.2.

**Section 66273.3 Reserved**

**Section 66273.4 Applicability--Mercury Thermostats.**

(a) Thermostats covered under chapter 23. The requirements of this chapter apply to persons managing thermostats, as described in Section 66273.6, except those listed in subsection (b) of this section.

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

(1) Thermostats that are not yet wastes under chapter 11. Subsection (c) of this section describes when thermostats become wastes.

(2) Thermostats that do not exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11.

(c) Generation of waste thermostats.

(1) A used thermostat becomes a waste on the date it is discarded (e.g., sent for reclamation).

(2) An unused thermostat 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; 40 CFR section 273.4.

**Section 66273.5 Applicability--Lamps.**

(a) Lamps covered under this chapter. The requirements of this chapter apply to persons managing lamps as described in section 66273.9, 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.

(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, 25219.1, and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR section 273.5.

**§66273.6. [Reserved.] Applicability--CRT materials.**

(a) CRT materials covered under this chapter.

The requirements of this chapter apply to CRT materials, as described in section 66273.9, except those listed in subsection (b).

(b) CRT materials not covered under this chapter.

The requirements of this chapter do not apply to the following CRT materials:

(1) CRT materials that are not yet wastes under chapter 11 as provided in subsection (c) of this section;

(2) CRT materials that do not exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11;

(3) CRT materials that are destined for disposal or are disposed to a class I landfill, in which case the CRT materials shall be managed as hazardous waste under chapters 10 through 22;

(4) CRT materials that are managed as hazardous waste under chapters 10 through 22 of this division;

(5) CRT materials exempted pursuant to subsection 66273.8(c);

(6) CRT materials that were previously wastes under chapter 11, but are no longer wastes (e.g., a discarded CRT device that is refurbished and is returned to service).

(c) Generation of CRT materials.

(1) A CRT device or CRT becomes a waste on the date when the earlier of the following occur:

(A) The owner discards it; or

(B) The CRT or the CRT in the CRT device is physically cracked, broken, or shattered.

(2) CRT glass released or derived from a CRT or a CRT device becomes a waste on the date that the CRT glass is released or derived from the CRT or the CRT device.

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

Section 66273.7 Reserved

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

(a) Universal waste batteries, universal waste lamps and universal waste mercury thermostats produced by a households, as defined in section 66273.9, produced incidental to owning or leasing and maintaining a place of residence, is not classified as hazardous waste provided it is disposed in a landfill permitted to accept municipal solid waste or hazardous waste.

(b) Universal waste batteries, universal waste lamps and universal waste mercury thermostats produced by a conditionally exempt small quantity universal waste generators, as defined in section 66273.9, is not classified as hazardous waste provided it is managed according to the following criteria:

(1) No more than 25 fluorescent lighting tubes are discarded in any one day at any one location; and

(2) The generator's total generation of 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), in any calendar month; and

(3) The waste is disposed in a landfill permitted to accept municipal solid waste or hazardous waste; and

(4) The generator remains in compliance with 40 CFR section 261.5.

(c) "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, 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.

**§66273.9. Definitions.**

“Battery” means a device consisting of one or more electrically connected electrochemical cells which is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

“Conditionally exempt small quantity universal waste generator” means a generator of universal waste who generates no more than 100 kilograms (220 pounds) of hazardous wastes and no more than 1 kilogram (2.2 pounds) of acutely hazardous waste in any calendar month including all universal waste other than CRT material and all hazardous waste.

“Cathode ray tube” or “CRT” means a vacuum tube or picture tube used to convert an electrical signal into a visual image.

“CRT device” means any electronic device that contains one or more CRTs including, but not limited to, computer monitors, televisions, cash registers and oscilloscopes.

“CRT glass” means any glass released, derived or otherwise generated from the treatment or breakage of one or more CRTs.

“CRT material” means all or any of the following:

(a) a CRT, as defined in this section, that is or has become a waste pursuant to section 66273.6(c);

(b) a CRT device, as defined in this section, that is or has become a waste pursuant to section 66273.6(c);

(c) CRT glass, as defined in this section, that is or has become a waste pursuant to section 66273.6(c) and that is reclaimed at a CRT glass manufacturer or at a primary or secondary lead smelter.

“CRT material handler” means any person that generates, accumulates, stores, treats, or recycles any CRT material.

“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.

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

“Generator” or “producer” means:

(a) any person, by site, whose act or process produces hazardous waste identified or listed in chapter 11 of this division or whose act first causes a hazardous waste to become subject to regulation.

(b) any person, by site, whose act or process produces universal waste as defined in this section or whose act first causes a universal waste to become subject to regulation.

“Household” means a private residence. For the purposes of this section, household does not mean a hotel, motel, bunkhouse, ranger station, crew quarters, campground, picnic ground, or day-use recreation facility.

“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.

“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 (batteries, thermostats, or lamps, 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.

"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.

“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 (batteries, thermostats, or lamps, calculated collectively) at any time.

“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 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; and
- (c) Lamps as described in section 66273.5; and
- (d) Cathode ray tube materials as described in section 66273.6.

“Universal Waste Handler”:

(a) Means:

(1) A generator (as defined in section 66260.10 and this section) of universal waste; or

(2) The owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates universal waste, and sends universal waste to another universal waste handler, to a destination facility, or to a foreign destination.

(b) Does not mean:

(1) A person who treats (except under the provisions of section 66273.13 or section 66273.33 (a), (b), or (c)), disposes of, or recycles universal waste; or

(2) A person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.

(3) A CRT material handler, as defined in this section.

“Universal Waste Transfer Facility” means any transportation-related facility including loading docks, parking areas, storage areas and other similar areas where shipments of universal waste are held during the normal course of transportation for ten days or less.

“Universal Waste Transporter” means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.

NOTE: Authority cited: Sections 25141, 25150, 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 273.9

**Article 2--Standards for Small Quantity Handlers of Universal Waste**

**Section 66273.10 Applicability.**

This article applies to small quantity handlers of universal waste (as defined in section 66273.9) except as provided for households and for conditionally exempt small quantity universal waste generators in section 66273.8.

NOTE: Authority cited: Sections 25141, 25150, 25219.1, and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR section 273.10.

**Section 66273.11 Prohibitions.**

A small quantity handler of universal waste is:

(a) Prohibited from disposing of universal waste; and

(b) Prohibited from diluting or treating universal waste, except by responding to releases as provided in section 66273.17; or by managing specific wastes as provided in section 66273.13.

NOTE: Authority cited: Sections 25141, 25150, 25219.1, and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR section 273.11.

**Section 66273.12 Notification.**

A small quantity handler of universal waste is not required to notify the Department or the U.S. EPA of universal waste handling activities.

NOTE: Authority cited: Sections 25141, 25150, 25219.1, and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR section 273.12.

**Section 66273.13 Waste Management.**

(a) Universal waste batteries. A small quantity handler of universal waste shall manage universal waste batteries 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 battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container shall be closed, structurally sound, compatible with the contents of the battery, 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 may conduct the following activities as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but shall be immediately closed after removal):

(A) Sorting batteries by type;

(B) Mixing battery types in one container;

(C) Discharging batteries so as to remove the electric charge;

(D) Regenerating used batteries;

(E) Disassembling batteries or battery packs into individual batteries or cells;

(F) Removing batteries from consumer products; or

(G) Removing electrolyte from batteries.

(3) A small quantity handler of universal waste who removes electrolyte from batteries, or who generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed above, shall determine whether the electrolyte and/or other solid waste exhibit a characteristic of hazardous waste identified in article 3 of chapter 11.

(A) If the electrolyte and/or other solid waste exhibits a characteristic of hazardous waste, it is subject to all applicable requirements of this division. The handler is considered the generator of the hazardous electrolyte and/or other waste and is subject to chapter 12.

(B) If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

(b) Universal waste thermostats. A small quantity handler of universal waste shall manage universal waste thermostats 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 thermostat that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container shall be closed, structurally sound, compatible with the contents of the thermostat, 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 may remove mercury- containing ampules from universal waste thermostats provided the handler:

(A) Removes the ampules in a manner designed to prevent breakage of the ampules;

(B) Removes ampules only over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);

(C) Ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules, from the containment device to a container that meets the requirements of section 66262.34;

(D) Immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of section 66262.34;

(E) Ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA and CalOSHA exposure levels for mercury;

(F) Ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;

(G) Stores removed ampules in closed, non-leaking containers that are in good

condition:

(H) Packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation; and

(3)(A) A small quantity handler of universal waste who removes mercury-containing ampules from thermostats 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 solid waste generated as a result of the removal of mercury-containing ampules (e.g., remaining thermostat units).

(B) If the mercury, residues, and/or other solid waste exhibit a characteristic of hazardous waste, it 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 it is subject to chapter 12.

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

(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:

(1) A small quantity handler of universal waste shall contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages shall remain closed 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 immediately clean up and place in a container any lamp that is broken and shall place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Containers shall be closed, structurally sound, compatible with the contents of the lamps and shall lack evidence of leakage, spillage or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions.

NOTE: Authority cited: Sections 25141, 25150, 25219.1, and 58012, Health and Safety

Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR section 273.13.

**Section 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)."

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

**Section 66273.15 Accumulation Time Limits.**

(a) A small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from another handler, unless the requirements of subsection (b) of this section are met.

(b) A small quantity handler of universal waste may accumulate universal waste for longer than one year from the date the universal waste is generated, or received from another handler, if such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal. However, the handler bears the burden of proving that such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal.

(c) A small quantity handler of universal waste who accumulates universal waste shall be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration by:

(1) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;

(2) Marking or labeling each individual item of universal waste (e.g., each battery or thermostat) with the date it became a waste or was received;

(3) Maintaining an inventory system on-site that identifies the date each universal waste became a waste or was received;

(4) Maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received;

(5) Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or

(6) Any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

NOTE: Authority cited: Sections 25141, 25150, 25219.1, and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR section 273.15.

**Section 66273.16 Employee Training.**

A small quantity handler of universal waste shall inform all employees who handle or have responsibility for managing universal waste. The information shall describe proper handling and emergency procedures appropriate to the type(s) of universal waste handled at the facility.

NOTE: Authority cited: Sections 25141, 25150, 25219.1, and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR section 273.16.

**Section 66273.17 Response to Releases.**

(a) A small quantity handler of universal waste shall immediately contain all releases of universal wastes and other residues from universal wastes.

(b) A small quantity handler of universal waste shall determine whether any material resulting from the release is hazardous waste, and if so, shall manage the hazardous waste in compliance with all applicable requirements of this division. The handler is considered the generator of the material resulting from the release, and shall manage it in compliance with chapter 12.

NOTE: Authority cited: Sections 25141, 25150, 25219.1, and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR section 273.17.

**Section 66273.18 Off-site Shipments.**

(a) A small quantity handler of universal waste is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.

(b) If a small quantity handler of universal waste self-transportes universal waste off-site, the handler becomes a universal waste transporter for those self-transportation activities and shall comply with the transporter requirements of article 4 of this chapter while transporting the universal waste.

(c) If a universal waste being offered for off-site transportation meets the definition of hazardous materials under 49 CFR parts 171 through 180, a small quantity handler of universal waste shall package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with the applicable Department of Transportation regulations under 49 CFR parts 172 through 180;

(d) Prior to sending a shipment of universal waste to another universal waste handler, the originating handler shall ensure that the receiving handler agrees to receive the shipment.

(e) If a small quantity handler of universal waste sends a shipment of universal waste to another handler or to a destination facility and the shipment is rejected by the receiving handler or destination facility, the originating handler shall either:

(1) Receive the waste back when notified that the shipment has been rejected, or

(2) Agree with the receiving handler on a destination facility to which the shipment will be sent.

(f) A small quantity handler of universal waste may reject a shipment containing universal waste, or a portion of a shipment containing universal waste that he has received from another handler. If a handler rejects a shipment or a portion of a shipment, he shall contact the originating handler to notify him of the rejection and to discuss reshipment of the load. The handler shall:

(1) Send the shipment back to the originating handler, or

(2) If agreed to by both the originating and receiving handler, send the shipment to a destination facility.

(g) If a small quantity handler of universal waste receives a shipment containing

hazardous waste that is not a universal waste, the handler shall immediately notify the Department of the illegal shipment, and provide the name, address, and phone number of the originating shipper. The Department will provide instructions for managing the hazardous waste.

(h) If a small quantity handler of universal waste receives a shipment of non-hazardous, non-universal waste, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

NOTE: Authority cited: Sections 25141, 25150, 25219.1, and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR section 273.18.

**Section 66273.19 Tracking Universal Waste Shipments.**

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

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

**Section 66273.20 Exports.**

A small quantity handler of universal waste who sends universal waste to a foreign destination other than to those OECD countries specified in section 66262.58(a)(1) (in which case the handler is subject to the requirements of article 8 of chapter 12) shall:

(a) Comply with the requirements applicable to a primary exporter in section 66262.53, 66262.56(a) (1) through (4), (6), and (b) and 66262.57;

(b) Export such universal waste only upon consent of the receiving country and in conformance with the EPA Acknowledgement of Consent as defined in article 5 of chapter 12; and

(c) Provide a copy of the EPA Acknowledgment of Consent for the shipment to the transporter transporting the shipment for export.

NOTE: Authority cited: Sections 25141, 25150, 25219.1, and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR section 273.20.

**Article 3--Standards for Large Quantity Handlers of Universal Waste**

**Section 66273.30 Applicability.**

This article applies to large quantity handlers of universal waste (as defined in section 66273.9).

NOTE: Authority cited: Sections 25141, 25150, 25219.1, and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR section 273.30.

**Section 66273.31 Prohibitions.**

A large quantity handler of universal waste is:

(a) Prohibited from disposing of universal waste; and

(b) Prohibited from diluting or treating universal waste, except by responding to releases as provided in section 66273.37; or by managing specific wastes as provided in section 66273.33.

NOTE: Authority cited: Sections 25141, 25150, 25219.1, and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR section 273.31.

**Section 66273.32 Notification.**

(a)(1) Except as provided in subsections (a) (2) and (3) of this section, a large quantity handler of universal waste shall have sent written notification of universal waste management to the Regional Administrator, and received an EPA Identification Number, before meeting or exceeding the 5,000 kilogram storage limit.

(2) A large quantity handler of universal waste who has already notified the U.S. EPA of his hazardous waste management activities and has received an EPA Identification Number is not required to renotify under this section.

(b) This notification shall include:

(1) The universal waste handler's name and mailing address;

(2) The name and business telephone number of the person at the universal waste handler's site who should be contacted regarding universal waste management activities;

(3) The address or physical location of the universal waste management activities;

(4) A list of all of the types of universal waste managed by the handler (e.g. batteries, thermostats, lamps);

(5) A statement indicating that the handler is accumulating more than 5,000 kilograms of universal waste at one time and the types of universal waste (e.g. batteries, thermostats, lamps) the handler is accumulating above this quantity.

NOTE: Authority cited: Sections 25141, 25150, 25219.1, and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR section 273.32.

**Section 66273.33 Waste Management.**

(a) Universal waste batteries. A large quantity handler of universal waste shall manage universal waste batteries 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 battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container shall be closed, structurally sound, compatible with the contents of the battery, 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 may conduct the following activities as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but shall be immediately closed after removal):

(A) Sorting batteries by type;

(B) Mixing battery types in one container;

(C) Discharging batteries so as to remove the electric charge;

(D) Regenerating used batteries;

(E) Disassembling batteries or battery packs into individual batteries or cells;

(F) Removing batteries from consumer products; or

(G) Removing electrolyte from batteries.

(3) A large quantity handler of universal waste who removes electrolyte from batteries, or who generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed above, shall determine whether the electrolyte and/or other solid waste exhibit a characteristic of hazardous waste identified in article 3 of chapter 11.

(A) If the electrolyte and/or other solid waste exhibit a characteristic of hazardous waste, it shall be managed in compliance with all applicable requirements of this division. The handler is considered the generator of the hazardous electrolyte and/or other waste and is subject to chapter 12.

(B) If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

(b) Universal waste thermostats. A large quantity handler of universal waste shall manage universal waste thermostats 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 thermostat that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container shall be closed, structurally sound, compatible with the contents of the thermostat, 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 may remove mercury- containing ampules from universal waste thermostats provided the handler:

(A) Removes the ampules in a manner designed to prevent breakage of the ampules;

(B) Removes ampules only over or in a containment device (e.g., tray or pan sufficient to contain any mercury released from an ampule in case of breakage);

(C) Ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules, from the containment device to a container that meets the requirements of section 66262.34;

(D) Immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of section 66262.34;

(E) Ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA and CalOSHA exposure levels for mercury;

(F) Ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;

(G) Stores removed ampules in closed, non-leaking containers that are in good condition;

(H) Packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation; and

(3)(A) A large quantity handler of universal waste who removes mercury-containing ampules from thermostats 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 solid waste generated as a result of the removal of mercury-containing ampules (e.g., remaining thermostat units).

(B) If the mercury, residues, and/or other solid waste exhibit a characteristic of hazardous waste, it 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 is subject to chapter 12.

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

(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:

(1) A large quantity handler of universal waste shall contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages shall remain closed 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 immediately clean up and place in a container any lamp that is broken and shall place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Containers shall be closed, structurally sound, compatible with the contents of the lamps and shall lack evidence of leakage, spillage or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions.

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

**Section 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 the 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 any one of the following phrases: ``Universal Waste--Lamp(s)," or ``Waste Lamp(s)," or ``Used Lamp(s)."

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

**Section 66273.35 Accumulation Time Limits.**

(a) A large quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from another handler, unless the requirements of subsection (b) of this section are met.

(b) A large quantity handler of universal waste may accumulate universal waste for longer than one year from the date the universal waste is generated, or received from another handler, if such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal. However, the handler bears the burden of proving that such activity was solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal.

(c) A large quantity handler of universal waste shall be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration by:

(1) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;

(2) Marking or labeling the individual item of universal waste (e.g., each battery or thermostat) with the date it became a waste or was received;

(3) Maintaining an inventory system on-site that identifies the date the universal waste being accumulated became a waste or was received;

(4) Maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received;

(5) Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or

(6) Any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

NOTE: Authority cited: Sections 25141, 25150, 25219.1, and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR section 273.35.

**Section 66273.36 Employee Training.**

A large quantity handler of universal waste shall ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relative to their responsibilities during normal facility operations and emergencies.

NOTE: Authority cited: Sections 25141, 25150, 25219.1, and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR section 273.36.

**Section 66273.37 Response to Releases.**

(a) A large quantity handler of universal waste shall immediately contain all releases of universal wastes and other residues from universal wastes.

(b) A large quantity handler of universal waste shall determine whether any material resulting from the release is hazardous waste, and if so, shall manage the hazardous waste in compliance with all applicable requirements of this division. The handler is considered the generator of the material resulting from the release, and is subject to chapter 12.

NOTE: Authority cited: Sections 25141, 25150, 25219.1, and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR section 273.37.

**Section 66273.38 Off-site Shipments.**

(a) A large quantity handler of universal waste is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.

(b) If a large quantity handler of universal waste self-transport universal waste off-site, the handler becomes a universal waste transporter for those self-transportation activities and shall comply with the transporter requirements of article 4 of this chapter while transporting the universal waste.

(c) If a universal waste being offered for off-site transportation meets the definition of hazardous materials under 49 CFR parts 171 through 180, a large quantity handler of universal waste shall package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with the applicable Department of Transportation regulations under 49 CFR parts 172 through 180;

(d) Prior to sending a shipment of universal waste to another universal waste handler, the originating handler shall ensure that the receiving handler agrees to receive the shipment.

(e) If a large quantity handler of universal waste sends a shipment of universal waste to another handler or to a destination facility and the shipment is rejected by the receiving handler or destination facility, the originating handler shall either:

(1) Receive the waste back when notified that the shipment has been rejected, or

(2) Agree with the receiving handler on a destination facility to which the shipment will be sent.

(f) A large quantity handler of universal waste may reject a shipment containing universal waste, or a portion of a shipment containing universal waste that he has received from another handler. If a handler rejects a shipment or a portion of a shipment, he shall contact the originating handler to notify him of the rejection and to discuss reshipment of the load. The handler shall:

(1) Send the shipment back to the originating handler, or

(2) If agreed to by both the originating and receiving handler, send the shipment to a destination facility.

(g) If a large quantity handler of universal waste receives a shipment containing

hazardous waste that is not a universal waste, the handler shall immediately notify the Department of the illegal shipment, and provide the name, address, and phone number of the originating shipper. The Department will provide instructions for managing the hazardous waste.

(h) If a large quantity handler of universal waste receives a shipment of non-hazardous, non-universal waste, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

NOTE: Authority cited: Sections 25141, 25150, 25219.1, and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR section 273.38.

**Section 66273.39 Tracking Universal Waste Shipments.**

(a) Receipt of shipments. A large 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);

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

(b) Shipments off-site. A large 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);

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

(c) Record retention.

(1) A large 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 large 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, 25219.1, and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR section 273.39.

**Section 66273.40 Exports.**

A large quantity handler of universal waste who sends universal waste to a foreign destination other than to those OECD countries specified in section 66262.58(a)(1) (in which case the handler is subject to the requirements of article 8 of chapter 12) shall:

(a) Comply with the requirements applicable to a primary exporter in section 66262.53, 66262.56(a)(1) through (4), (6), and (b) and 66262.57;

(b) Export such universal waste only upon consent of the receiving country and in conformance with the EPA Acknowledgement of Consent as defined in article 5 of chapter 12; and

(c) Provide a copy of the EPA Acknowledgement of Consent for the shipment to the transporter transporting the shipment for export.

NOTE: Authority cited: Sections 25141, 25150, 25219.1, and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR section 273.40.

**Article 4--Standards for Universal Waste Transporters**

**Section 66273.50 Applicability.**

This article applies to universal waste transporters (as defined in section 66273.9).

NOTE: Authority cited: Sections 25141, 25150, 25219.1, and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR section 273.50.

**Section 66273.51 Prohibitions.**

A universal waste transporter is:

(a) Prohibited from disposing of universal waste; and

(b) Prohibited from diluting or treating universal waste, except by responding to releases as provided in section 66273.54.

NOTE: Authority cited: Sections 25141, 25150, 25219.1, and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR section 273.51.

**Section 66273.52 Waste Management.**

(a) A universal waste transporter shall comply with all applicable U.S. Department of Transportation regulations in 49 CFR part 171 through 180 for transport of any universal waste that meets the definition of hazardous material in 49 CFR 171.8. For purposes of the Department of Transportation regulations, a material is considered a hazardous waste if it is subject to the Hazardous Waste Manifest Requirements of the U.S. Environmental Protection Agency specified in 40 CFR part 262. Because universal waste does not require a hazardous waste manifest, it is not considered hazardous waste under the Department of Transportation regulations.

(b) Some universal waste materials are regulated by the Department of Transportation as hazardous materials because they meet the criteria for one or more hazard classes specified in 49 CFR 173.2. As universal waste shipments do not require a manifest under chapter 12 and are conditionally exempt from classification as a hazardous waste, they may not be described by the DOT proper shipping name ``hazardous waste, (l) or (s), n.o.s." , nor may the hazardous material's proper shipping name be modified by adding the word ``waste".

NOTE: Authority cited: Sections 25141, 25150, 25219.1, and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR section 273.52.

**Section 66273.53 Storage Time Limits.**

(a) A universal waste transporter may only store the universal waste at a universal waste transfer facility for ten days or less in an area zoned "industrial" and for six days or less in all other areas.

(b) If a universal waste transporter stores universal waste for more than ten days in an area zoned "industrial" or for more than six days in any other area, the transporter becomes a universal waste handler and shall comply with the applicable requirements of article 2 or 3 of this chapter while storing the universal waste.

NOTE: Authority cited: Sections 25141, 25150, 25219.1, and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR section 273.53.

**Section 66273.54 Response to Releases.**

(a) A universal waste transporter shall immediately contain all releases of universal wastes and other residues from universal wastes.

(b) A universal waste transporter shall determine whether any material resulting from the release is hazardous waste, and if so, it is subject to all applicable requirements of this division. If the waste is determined to be a hazardous waste, the transporter is subject to chapter 12.

NOTE: Authority cited: Sections 25141, 25150, 25219.1, and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR section 273.54.

**Section 66273.55 Off-site Shipments.**

(a) A universal waste transporter is prohibited from transporting the universal waste to a place other than a universal waste handler, a destination facility, or a foreign destination.

(b) If the universal waste being shipped off-site meets the Department of Transportation's definition of hazardous materials under 49 CFR section 171.8, the shipment shall be properly described on a shipping paper in accordance with the applicable Department of Transportation regulations under 49 CFR part 172.

NOTE: Authority cited: Sections 25141, 25150, 25219.1, and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR section 273.55.

**Section 66273.56 Exports.**

A universal waste transporter transporting a shipment of universal waste to a foreign destination other than to those OECD countries specified in section 66262.58(a)(1) (in which case the transporter is subject to the requirements of article chapter 12) may not accept a shipment if the transporter knows the shipment does not conform to the EPA Acknowledgment of Consent. In addition the transporter shall ensure that:

(a) A copy of the EPA Acknowledgment of Consent accompanies the shipment;  
and

(b) The shipment is delivered to the facility designated by the person initiating the shipment.

NOTE: Authority cited: Sections 25141, 25150, 25219.1, and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR section 273.56.

**Article 5--Standards for Destination Facilities**

**Section 66273.60 Applicability.**

(a) The owner or operator of a destination facility (as defined in section 66273.9) is subject to all applicable requirements of chapters 14, 15, 16, 18, 20, and 22 of this chapter, and the notification requirement under Health and Safety Code section 25153.6:

(b) The owner or operator of a destination facility that recycles universal waste shall comply with the applicable provisions of chapter 14 or 15 and the applicable provisions of chapter 20.

NOTE: Authority cited: Sections 25141, 25150, 25219.1, and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR section 273.60.

**Section 66273.61 Off-site Shipments.**

(a) The owner or operator of a destination facility is prohibited from sending or taking universal waste to a place other than a universal waste handler, another destination facility or foreign destination.

(b) The owner or operator of a destination facility may reject a shipment containing universal waste, or a portion of a shipment containing universal waste. If the owner or operator of the destination facility rejects a shipment or a portion of a shipment, he shall contact the shipper to notify him of the rejection and to discuss reshipment of the load. The owner or operator of the destination facility shall:

(1) Send the shipment back to the original shipper, or

(2) If agreed to by both the shipper and the owner or operator of the destination facility, send the shipment to another destination facility.

(c) If the a owner or operator of a destination facility receives a shipment containing hazardous waste that is not a universal waste, the owner or operator of the destination facility shall immediately notify the Department of the illegal shipment, and provide the name, address, and phone number of the shipper. The Department will provide instructions for managing the hazardous waste.

(d) If the owner or operator of a destination facility receives a shipment of non-hazardous, non-universal waste, the owner or operator may manage the waste in any way that is in compliance with applicable federal or state solid waste regulations.

NOTE: Authority cited: Sections 25141, 25150, 25219.1, and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR section 273.61.

**Section 66273.62 Tracking Universal Waste Shipments.**

(a) The owner or operator of a destination facility 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 universal waste handler, destination facility, 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);

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

(b) The owner or operator of a destination facility 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.

NOTE: Authority cited: Sections 25141, 25150, 25219.1, and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR section 273.62.

**Article 6 - Import Requirements**

**Section 66273.70 Imports.**

Persons managing universal waste that is imported from a foreign country into the United States are subject to the applicable requirements of this chapter, immediately after the waste enters the United States, as indicated in subsections (a) through (c) of this section:

(a) A universal waste transporter is subject to the universal waste transporter requirements of article 4.

(b) A universal waste handler is subject to the small or large quantity handler of universal waste requirements of article 2 or 3, as applicable.

(c) An owner or operator of a destination facility is subject to the destination facility requirements of article 5.

(d) Persons managing universal waste that is imported from an OECD country as specified in section 66262.58(a)(1) are subject to subsections (a) through (c) of this section, in addition to the requirements of article 8 of chapter 12.

NOTE: Authority cited: Sections 25141, 25150, 25219.1, and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR section 273.70.

**Article 7. [Reserved.] Standards for CRT Material Handlers**