

US EPA ARCHIVE DOCUMENT

## RCRA REVISION CHECKLIST 209

## Universal Waste Rule: Specific Provisions for Mercury Containing Equipment

70 FR 45508 - 45522

August 5, 2005

(RCRA Cluster XVI, Non-HSWA)

Note: In order for a state to receive authorization for this checklist, which adds mercury containing equipment to the list of universal wastes, it must first have authorization for Revision Checklist 142 A (universal waste).

Name of State: \_\_\_\_\_

State Statutory Authority: \_\_\_\_\_

Title of Regulations: \_\_\_\_\_ Effective Date: \_\_\_\_\_

Date Checklist Completed: \_\_\_\_\_

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE

## PART 260 HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

## SUBPART B DEFINITIONS

## † DEFINITIONS

	add "Mercury-containing equipment" in alphabetical order	260.10 "Mercury-containing equipment"				
1	In definition of "universal waste", the introductory paragraph is republished without change	260.10 "universal waste"				
	In definition of "universal waste", revise subparagraph (3) by replacing "Thermostats" with "Mercury-containing equipment"	260.10 "universal waste"				

## PART 261 IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

## SUBPART A GENERAL

## † REQUIREMENTS FOR UNIVERSAL WASTE

	replace "Thermostats" with "Mercury-containing equipment"	261.9(c)				
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## PART 264 STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT STORAGE AND DISPOSAL FACILITIES

## SUBPART A GENERAL

## † PURPOSE, SCOPE, AND APPLICABILITY

	replace "Thermostats" with "Mercury-containing equipment"	264.1(g)(11)(iii)				
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## PART 265 INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

**RCRA REVISION CHECKLIST 209: Universal Waste Rule:  
Specific Provisions for Mercury-Containing Equipment (cont'd)**

**SPA 27**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE

**SUBPART A GENERAL**

† **PURPOSE, SCOPE, AND APPLICABILITY.**

replace “Thermostats” with “Mercury-containing equipment”	265.1(c)(14)(iii)					
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**PART 268 B LAND DISPOSAL RESTRICTIONS**

**SUBPART A GENERAL**

† **PURPOSE, SCOPE, AND APPLICABILITY**

replace “Thermostats” with “Mercury-containing equipment”	268.1(f)(3)					
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**PART 270 EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT  
PROGRAM**

**SUBPART A GENERAL INFORMATION**

† **PURPOSE AND SCOPE OF THESE REGULATIONS**

replace “Thermostats” with “Mercury-containing equipment”	270.1(c)(2)(viii)(C)					
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**PART 273 STANDARDS FOR UNIVERSAL WASTE MANAGEMENT**

**SUBPART A GENERAL**

† **SCOPE**

replace “Thermostats” with “Mercury-containing equipment”	273.1(a)(3)					
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2† **APPLICABILITY—MERCURY-CONTAINING EQUIPMENT**

replace first occurrence of “Thermostats” with “Mercury- containing equipment”; replace second occurrence of “thermostats” with “mercury-containing equipment”	273.4(a)					
replace first occurrence of “Thermostats” with “Mercury- containing equipment”; replace second occurrence of “thermostats” with “mercury-containing equipment”	273.4(b) introductory paragraph					
replace existing subparagraph: Mercury-containing equipment that is not yet a waste under part 261 of this chapter. Paragraph (c) of this section describes when mercury- containing equipment becomes a waste;	273.4(b)(1)					

**RCRA REVISION CHECKLIST 209: Universal Waste Rule:  
Specific Provisions for Mercury-Containing Equipment (cont'd)**

**SPA 27**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
replace existing subparagraph;. mercury-containing equipment that is not a hazardous waste. Mercury-containing equipment is a hazardous waste if it exhibits one or more of the characteristics identified in part 261, subpart C of this chapter or is listed in part 261, subpart D of this chapter; and	273.4(b)(2)					
add subparagraph; equipment and devices from which the mercury-containing components have been removed.	273.4(b)(3)					
In heading replace “thermostats” with “mercury-containing equipment”; replace “A used thermostat” with “Used mercury-containing equipment”; remove “(e.g., sent for reclamation)” after “discarded”	273.4(c)(1)					
replace “An unused thermostat” with “Unused mercury-containing equipment”	273.4(c)(2)					
† DEFINITIONS						
add “Ampule” in alphabetical order	273.9 “Ampule”					
replace “thermostats” with “mercury-containing equipment”; in the last sentence replace “kilograms or more total of universal waste is accumulated” with “kilogram limit is met or exceeded”	273.9 “Large Quantity Handler of Universal Waste”					
add “Mercury-containing equipment” in alphabetical order	273.9 “Mercury-containing equipment”					
replace “thermostats” with “mercury-containing equipment”;	273.9 “Small Quantity Handler of Universal Waste”					
in definition of “universal waste”, the introductory paragraph is republished without change	273.9 “Universal Waste”					
in definition of “universal waste”, subparagraph (3) replace “Thermostats” with “Mercury-containing equipment”;	273.9 “Universal Waste”					

Checklist 209  
[Printed: 8/19/08]

**RCRA REVISION CHECKLIST 209: Universal Waste Rule:  
Specific Provisions for Mercury-Containing Equipment (cont'd)**

**SPA 27**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
SUBPART B STANDARDS FOR SMALL QUANTITY HANDLERS OF UNIVERSAL WASTE						
WASTE MANAGEMENT						
replace the heading “Universal waste thermostats” with “Mercury-containing equipment”; replace “thermostats” with “mercury-containing equipment”	273.13(c) introductory paragraph					
in the first sentence replace: “must contain” with “must place in a container”; replace “thermostat” with “mercury-containing equipment with non-contained elemental mercury or”, and “in a container” with “under reasonably foreseeable conditions”; in the second sentence: replace “thermostat and” with “device”, add to the end “, and must be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.”	273.13(c)(1)					
replace “thermostats” with “mercury-containing equipment”	273.13(c)(2) introductory paragraph					
insert “and manages” after “removes”	273.13(c)(2)(i)					
not changed although published in the final rule	273.13(c)(2)(ii)					
replace “the” with “that” before “containment device”	273.13(c)(2)(iii)					
not changed although published in the final rule	273.13(c)(2)(iv)-(vii)					
remove “and” from the end of the provision	273.13(c)(2)(viii)					
redesignate previous 273.13(c)(3) as 273.13(c)(4) and add new subparagraph (c)(3); a small quantity handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing holding the mercury from universal waste mercury-containing equipment provided the handler:	273.13(c)(3) introductory paragraph					

**RCRA REVISION CHECKLIST 209: Universal Waste Rule:  
Specific Provisions for Mercury-Containing Equipment (cont'd)**

**SPA 27**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
immediately seals the original housing holding the mercury with an air-tight seal to prevent the release of any mercury to the environment; and	273.13(c)(3)(i)					
follows all requirements for removing ampules and managing removed ampules under paragraph (c)(2) of this section; and	273.13(c)(3)(ii)					
3 replace “thermostats” with “mercury-containing equipment or seals mercury from mercury-containing equipment in its original housing”	273.13(c)(4)(i) introductory paragraph					
remove the semi-colon (;) after “leaks”	273.13(c)(4)(i)(A)					
insert “or housings” after “ampules”; in the parenthetical replace “remaining thermostat units” with “the remaining mercury-containing device”	273.13(c)(4)(i)(B)					
text unchanged in final rule	273.13(c)(4)(ii)					
text unchanged in final rule	273.13(c)(4)(iii)					
† LABELING/MARKING						
4 redesignate existing 273.14(d) as 273.14(d)(2) and add new subparagraph designated as 273.14(d)(1); Universal waste mercury-containing equipment (i.e., each device), or a container in which the equipment is contained, must be labeled or marked clearly with any of the following phrases: “Universal Waste—Mercury Containing Equipment,” “Waste Mercury-Containing Equipment,” or “Used Mercury-Containing Equipment.”	273.14(d)(1)					

**RCRA REVISION CHECKLIST 209: Universal Waste Rule:  
Specific Provisions for Mercury-Containing Equipment (cont'd)**

**SPA 27**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
4 redesignate existing 273.14(d)(1) as 273.14(d)(2); replace text before the colon (:) with "A universal waste mercury-containing thermostat or container containing only universal waste mercury-containing thermostats may be labeled or marked clearly with any of the following phrases"	273.14(d)(2)					
<b>SUBPART C STANDARDS FOR LARGE QUANTITY HANDLERS OF UNIVERSAL WASTE</b>						
† NOTIFICATION						
replace "thermostats" with "mercury-containing equipment"	273.32(b)(4)					
remove text from end starting with "and the types of universal waste..."	273.32(b)(5)					
† WASTE MANAGEMENT						
replace "Universal waste thermostats" with "Mercury-containing equipment"; replace "thermostats" with "mercury-containing equipment";	273.33(c) introductory paragraph					
in the first sentence replace: "must contain" with "must place in a container", "thermostat" with "mercury-containing equipment with non-contained elemental mercury or", and "in a container" with "under reasonably foreseeable conditions"; in the second sentence: replace "thermostat and" with "device", add to the end ", and must be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means."	273.33(c)(1)					
replace "thermostats" with "mercury-containing equipment"	273.33(c)(2) introductory paragraph					
insert "and manages" after "removes"	273.33(c)(2)(i)					
not changed although published in the final rule	273.33(c)(2)(ii)					

**RCRA REVISION CHECKLIST 209: Universal Waste Rule:  
Specific Provisions for Mercury-Containing Equipment (cont'd)**

**SPA 27**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
replace “from” with “of” before “broken ampules”, and “the” with “that” before “containment device”	273.33(c)(2)(iii)					
not changed although published in the final rule	273.33(c)(2)(iv)-(vii)					
remove “and” from the end of the provision	273.33(c)(2)(viii)					
5 redesignate previous 273.33(c)(3) as 273.33(c)(4) and add new subparagraph (c)(3); a large quantity handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing holding the mercury from universal waste mercury-containing equipment provided the handler:	273.33(c)(3) introductory paragraph					
immediately seals the original housing holding the mercury with an air-tight seal to prevent the release of any mercury to the environment; and	273.33(c)(3)(i)					
follows all requirements for removing ampules and managing removed ampules under paragraph (c)(2) of this section; and	273.33(c)(3)(ii)					
5 redesignate previous 273.33(c)(3) as 273.33(c)(4); replace “thermostats” with “mercury-containing equipment or seals mercury from mercury-containing equipment in its original housing”	273.33(c)(4)(i) introductory paragraph					
remove the semi-colon (;) after “leaks”	273.33(c)(4)(i)(A)					
insert “or housings” after “ampules”; in the parenthetical replace “remaining thermostat units” with “the remaining mercury-containing device”	273.33(c)(4)(i)(B)					
text unchanged in final rule	273.33(c)(4)(ii)					
text unchanged in final rule	273.33(c)(4)(iii)					

† LABELING/MARKING



**RCRA REVISION CHECKLIST 209: Universal Waste Rule:  
Specific Provisions for Mercury-Containing Equipment (cont'd)**

**SPA 27**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
6 redesignate existing 273.34(d) as 273.34(d)(2) and add new subparagraph designated as 273.34(d)(1), universal waste mercury-containing equipment (i.e., each device), or a container in which the equipment is contained, must be labeled or marked clearly with any of the following phrases: “Universal Waste—Mercury Containing Equipment,” “Waste Mercury-Containing Equipment,” or “Used Mercury-Containing Equipment.”	273.34(d)(1)					
redesignate existing 273.34(d) as 273.34(d)(2); replace text before the colon (:) with “A universal waste mercury-containing thermostat or container containing only universal waste mercury-containing thermostats may be labeled or marked clearly with any of the following phrases”	273.34(d)(2)					

† Optional provisions.

1 Note that there appears to be a typographical error in the Federal Register for the final rule. In the text of the introductory paragraph of the 40 CFR 260.10 definition of “Universal Waste” the section symbol (§) does not appear between “part” and “273”; however, the Final Rule indicates that the introductory text is being republished not revised, and the symbol is present in the 2006 CFR.

2 The final rule addressed by Revision Checklist 209 revised the title of section 273.4 from “Applicability – mercury thermostats” to “Applicability – Mercury-containing equipment”

3 The final rule addressed by Revision Checklist 209 added a new provision at 40 CFR 273.13(c)(3) and redesignated the previous provision as 40 CFR 273.13(c)(4).

4 The final rule addressed by Revision Checklist 209 added a new provision at 40 CFR 273.14(d)(1) and redesignated the previous provision from 40 CFR 273.14(d) as 273.14(d)(2).

5 The final rule addressed by Revision Checklist 209 added a new provision at 40 CFR 273.33(c)(3) and redesignated the previous provision as 40 CFR 273.33(c)(4).

6 The final rule addressed by Revision Checklist 209 added a new provision at 40 CFR 273.34(d)(1) and redesignated the previous provision from 40 CFR 273.14(d) as 273.34(d)(2).