

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 142 A

Universal Waste: General Provisions

60 FR 25492-25551

May 11, 1995

(RCRA Cluster V, non-HSWA provisions)

Note:

- 1) This checklist, which addresses the universal waste general provisions, is one of five revision checklists developed for the Universal Waste Rule. To be authorized for this checklist, the State must also be authorized for at least one of the following universal waste checklists: Revision Checklists 142B, 142C, and 142D, and 142E.
- 2) Note that the wording of several paragraphs addressed by this checklist needs to be revised to reflect the universal waste(s) the State adopts. Examples of such paragraphs include 273.32(a)(1), 273.32(b)(4)&(5), 273.6 definition of "Small Quantity Generator," and 273.39(a)(2). For example, 273.39(a)(2) lists batteries, pesticides and thermostats as examples. A State should include as examples only those universal wastes it adopts.
- 3) Certain provisions, such as the 260.10 definition of universal wastes, 261.9, 264.1(g)(11), 265.1(c)(14), 268.1(f), 270.1(c)(2)(viii), and 273.1(a), address certain requirements after which the universal wastes to which the requirements apply are listed. Only the requirements are included in this current checklist because it addresses the general provisions for universal wastes. The universal waste listings are included in the specific universal waste checklist, Revision Checklist 142B, C or D, as appropriate. For example, for the 264.1(g)(11) provision, this checklist contains the 264.1(g)(11) introductory provisions because they apply to all of the universals listed. 264.1(g)(11)(i), which addresses batteries, is included in Revision Checklist 142B because that checklist contains all of the provisions addressing batteries. Similarly, 264.1(g)(11)(ii) and 264.1(g)(11)(iii) are included in Revision Checklists 142C and 142D, respectively. Thus, a State must be sure that the requirements at provisions such as 261.9, 264.1(g)(11), and 265.1(c)(14), appropriately reflect the universal wastes the State is adopting.
- 4) When a State adopts the 273.20(b)&(c) and 273.56 provisions, it should be sure to not replace "EPA" in "EPA Acknowledgement of Consent". This document is an export paper and can be prepared only by EPA. For further guidance regarding exports, see Revision Checklist 31.
- 5) Note that Public Law 104-142, at §104, subjects the collection, storage, or transportation of used rechargeable batteries and other covered batteries to applicable provisions of the Universal Waste Rule upon the enactment of the Law (May 13, 1996). States wishing to regulate used rechargeable batteries and other covered batteries must adopt standards identical to the applicable standards in the Universal Waste Rule. Note that the above types of batteries are regulated by the Universal Waste Rule. The provisions of the Universal Waste Rule that apply to these batteries are the general provisions addressed by Revision Checklist 142A as well as the specific provisions addressed by Revision Checklist 142B.

RCRA REVISION CHECKLIST 142 A: Universal Waste;
General Provisions (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE

PART 260--HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART B--DEFINITIONS

† DEFINITIONS

change "and 268" to ", 268, and 270 through 273"	260.10 intro	109	EQ				
add "Destination Facility"	260.10	3813	EQ				
add introductory paragraph for "Universal Waste" [Note: States should adopt (1)-(3) of the definition to appropriately reflect the universal wastes adopted. See Revision Checklists 142B-D and prenote 3 to this checklist.]	260.10	3813	EQ				
add "Universal Waste Handler"	260.10	3813	EQ				
add "Universal Waste Transporter"	260.10	3813	EQ				

PART 261--IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A--GENERAL

† SPECIAL REQUIREMENTS FOR HAZARDOUS WASTE GENERATED BY CONDITIONALLY EXEMPT SMALL QUANTITY GENERATORS

**RCRA REVISION CHECKLIST 142 A: Universal Waste;
General Provisions (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
entirely reword paragraph and include six new subparagraphs; when making the 261.5 and Part 262 quantity determinations, the generator must include all hazardous waste except that listed at 261.5(c)(1)-(6):	261.5(c)	¹ 3903			MS	
hazardous waste exempt from regulation under 261.4(c)-(f), 261.6(a)(3), 261.7(a)(1) or 261.8; or	261.5(c)(1)	¹ 3903			MS	
hazardous waste managed immediately upon generation only in on-site elementary neutralization units, wastewater treatment units, or totally enclosed treatment facilities as defined in 260.10; or	261.5(c)(2)	¹ 3903			MS	
hazardous waste that is recycled, without prior storage or accumulation, only in an on-site process subject to 261.6(c)(2) regulation; or	261.5(c)(3)	¹ 3903			MS	
hazardous waste that is used oil managed under 261.6(a)(4) and Part 279; or	261.5(c)(4)	¹ 3903			MS	

¹ The state does not recognize the class of generators generating 0-100 kg/mth referenced in the federal regulations as "conditionally exempt small quantity generators." Generators in Louisiana who generate 0-100 kg/mth must follow the more stringent guidelines for small quantity generators.

**RCRA REVISION CHECKLIST 142 A: Universal Waste;
General Provisions (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
hazardous waste that is spent lead-acid batteries managed under Part 266, Subpart G; or	261.5(c)(5)	¹ 3903			MS	
hazardous waste that is universal waste managed under 261.9 and Part 273	261.5(c)(6)	¹ 3903			MS	
included in rule, but not changed	261.5(f)(3) intro	² 3911 & 3915.B			MS	
included in rule, but not changed	261.5(f)(3)(i)-(iv)	^{1 & 2} 3915.B.1-3			MS	
included in rule, but not changed	261.5(f)(3)(v)	^{1 & 2} 3915.B.4			MS	
included in rule, but not changed	261.5(f)(3)(v)(A)	^{1 & 2} 3915.B.4.a			MS	
change the period to "; or"	261.5(f)(3)(v)(B)	^{1 & 2} 3915.B.4.b			MS	
add new subparagraph addressing universal waste managed under Part 273	261.5(f)(3)(vi)	^{1 & 2} 3915.B.5			MS	
included in rule, but not changed	261.5(g)(3) intro	^{1 & 2} 3915.B			MS	
included in rule, but not changed	261.5(g)(3)(i)-(iv)	^{1 & 2} 3915.B.1-3			MS	
included in rule, but not changed	261.5(g)(3)(v)	^{1 & 2} 3915.B.4			MS	
included in rule, but not changed	261.5(g)(3)(v)(A)	^{1 & 2} 3915.B.4.a			MS	

² The state regulations are more stringent because generators who generate more than 1 kg acutely hazardous waste are subject to full regulations. The 40 CFR 261.5(f)(3)(iv) and (g)(3)(iv) equivalent Louisiana citation, LAC 33:VII.301.B.1 (LAC 33:VII.315.N and LAC 33:VII.521.H), is more stringent because solid waste landfills are prohibited from accepting hazardous waste, with the exception of household hazardous waste.

**RCRA REVISION CHECKLIST 142 A: Universal Waste;
General Provisions (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
change the period to ", or"	261.5(g)(3)(v)(B)	^{1 & 2} 3915.B.4.b			MS	
add new subparagraph addressing universal waste managed under Part 273	261.5(g)(3)(vi)	^{1 & 2} 3915.B.5			MS	

† **REQUIREMENTS FOR UNIVERSAL WASTE**

wastes listed in 261.9 are exempt from regulation under Parts 262 through 270, except as specified in Part 273; wastes regulated under Part 273 [Note: States should adopt 269.1(a)-(c) as appropriate to reflect the universal wastes adopted. See Revision Checklists 142B-D and prenote 3 to this checklist.]	261.9 intro	105.D.48	EQ			✓
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PART 262--STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

SUBPART A--GENERAL

† **PURPOSE, SCOPE AND APPLICABILITY**

redesignate old 262.10(b) through 262.10(f) as 262.10(c) through 262.10(g); add new paragraph (b) stating that 261.5(c) and (d) must be used to determine the applicability of Part 262 for those provisions dependent on a quantity determination	262.10(b)-(g)	³ 1101.A-E			MS	✓
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† **HAZARDOUS WASTE DETERMINATION**

³ An equivalent to 40 CFR 262.10(b) was not added to the state regulations. This section refers to CESQs which the state does not recognize. Generators of 0-100 kg/mth of hazardous waste must follow the state SQG standards.

RCRA REVISION CHECKLIST 142 A: Universal Waste;
General Provisions (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
add ", and 273" after "268"	262.11(d)	1103.C	EQ			

PART 264--STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART A--GENERAL

† PURPOSE, SCOPE, AND APPLICABILITY

add new paragraph; universal waste handlers and transporters handling the listed universal wastes are subject to Part 273 rather than Part 264 [Note: States should adopt 264.1(g)(11)(i)-(iii) as appropriate to reflect the universal wastes adopted. See Revision Checklists 142B-D and prenote 3 to this checklist.]	264.1(g)(11) intro	1501.C.11	EQ			
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PART 265--INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART A--GENERAL

† PURPOSE, SCOPE AND APPLICABILITY

add new paragraph; universal waste handlers and transporters handling the listed universal waste are subject to Part 273 rather than Part 265 [Note: States should adopt 265.1(c)(14)(i)-(iii) as appropriate to reflect the universal wastes adopted. See Revision Checklists 142B-D and prenote 3 to this checklist.]	265.1(c)(14) intro	4307 (1501.C.11)	EQ			
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PART 268--LAND DISPOSAL RESTRICTIONS

SUBPART A--GENERAL

RCRA REVISION CHECKLIST 142 A: Universal Waste;
General Provisions (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE

† PURPOSE, SCOPE AND APPLICABILITY

<p>add new paragraph; universal waste handlers and transporters are exempt from 268.7 and 268.50 for the listed universal wastes; these handlers are subject to Part 273 instead [Note: States should adopt 268.1(f)(1)-(3) to appropriately reflect the universal wastes adopted. See Revision Checklists 142B-D and prenote 3 to this checklist.]</p>	<p>268.1(f) intro</p>	<p>2201.1.5</p>	<p>EQ</p>			<p>✓</p>
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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

<p>add new paragraph; universal waste handlers and transporters managing the listed universal wastes are subject to Part 273 rather than Part 270 [Note: States should adopt 270.1(c)(2)(viii)(A)-(C) to appropriately reflect the universal wastes adopted. See Revision Checklists 142B-D and prenote 3 to this checklist.]</p>	<p>270.1(c)(2)(viii) intro</p>	<p>305.C.11</p>	<p>EQ</p>			<p>✓</p>
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PART 273--STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

SUBPART A--GENERAL

† SCOPE

**RCRA REVISION CHECKLIST 142 A: Universal Waste;
General Provisions (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
Part 273 establishes requirements for managing the listed universal wastes [Note: States should adopt 273.1(a)(1)-(3) to appropriately reflect the universal wastes adopted. See Revision Checklists 142B-D and prenote 3 to this checklist.]	273.1(a) intro	3801.A	EQ			
Part 273 provides an alternate set of management standards in lieu of regulation under Parts 260-272	273.1(b)	3801.A	EQ			

† **APPLICABILITY--HOUSEHOLD AND CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR WASTE**

persons managing the wastes listed in 273.5(a)(1)&(2) may, at their option, manage them under Part 273	273.5(a)	3801.B	EQ			
household wastes exempt under 261.4(b)(1) that are the same type as the 273.6 defined universal wastes	273.5(a)(1)	3801.B	EQ			
conditionally exempt small quantity generator wastes exempt under 261.5 that are the same type as the 273.6 defined universal hazardous wastes	273.5(a)(2)	⁴ 3801.D			MS	

⁴ Louisiana does not recognize the class of generators known as CESQGs. Generators of 0-100 kg/mth must follow guidelines for small quantity generators.

**RCRA REVISION CHECKLIST 142 A: Universal Waste;
General Provisions (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
273.5(a)(1)&(2) wastes commingled with universal wastes are regulated under Part 273	273.5(b)	⁵ 3801.C	EQ			

† **DEFINITIONS**

add "Destination facility"	273.6	3813	EQ			
add "Generator"	273.6	3813	EQ			
add "Large Quantity Handler of Universal Waste"	273.6	3813	EQ			
add "On-site"	273.6	3813	EQ			
add "Small Quantity Handler of Universal Waste"	273.6	3813	EQ			
add introductory paragraph to "Universal Waste" definition [Note: States should adopt (a)-(c) as appropriate to reflect the universal wastes adopted. See Revision Checklists 142B-D and prenote 3 to this checklist.]	273.6	3813	EQ			
add "Universal Waste Handler"	273.6	3813	EQ			
add "Universal Waste Transfer Facility"	273.6	3813	EQ			
add "Universal Waste Transporter"	273.6	3813	EQ			

SUBPART B--STANDARDS FOR SMALL QUANTITY HANDLERS OF UNIVERSAL WASTE

† **APPLICABILITY**

⁵ Note (a)(1) and (a)(2) are household and CESQG; the state regulates household waste but not CESQG.

**RCRA REVISION CHECKLIST 142 A: Universal Waste;
General Provisions (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
Part 273, Subpart B applies to small quantity handlers of universal waste	273.10	3815	EQ			

† PROHIBITIONS

a 273.6 small quantity generator of universal waste is:	273.11 intro	3817	EQ			
prohibited from disposing of universal waste	273.11(a)	3817.A	EQ			
prohibited from diluting or treating universal waste, except as provided	273.11(b)	3817.B	EQ			

RCRA REVISION CHECKLIST 142 A: Universal Waste;
General Provisions (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
† NOTIFICATION						
a small quantity handler of a universal waste is not required to notify EPA	273.12	3819	EQ			
† LABELING/MARKING						
a small quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste as specified in 273.14(a) through (d)	273.14 intro	3823	EQ			
† ACCUMULATION TIME LIMITS						
one year accumulation period for small quantity handlers unless 273.15(b) requirements are met	273.15(a)	3825.A	EQ			
an accumulation period longer than one year is allowed if activity is solely for the purpose of accumulating such quantities of universal wastes as necessary for proper recovery, treatment, or disposal; handler bears burden of proof	273.15(b)	3825.B	EQ			
small quantity handlers must be able to demonstrate the length of time the universal waste has been accumulated; this demonstration is made by:	273.15(c)	3825.C	EQ			

**RCRA REVISION CHECKLIST 142 A: Universal Waste;
General Provisions (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
placing the universal waste in a container and marking or labeling with the earliest date that any universal waste in the container became a waste or was received	273.15(c)(1)	3825.C.1	EQ			
marking or labeling each individual item of universal waste with date it became a waste or was received	273.15(c)(2)	3825.C.2	EQ			
maintaining an inventory system on-site that identifies the date each universal waste became a waste or was received	273.15(c)(3)	3825.C.3	EQ			
maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or group of containers of universal waste became a waste or was received	273.15(c)(4)	3825.C.4	EQ			
placing 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	273.15(c)(5)	3825.C.5	EQ			
any method clearly demonstrating the length of time that the universal waste has been accumulated	273.15(c)(6)	3825.C.6	EQ			

**RCRA REVISION CHECKLIST 142 A: Universal Waste;
General Provisions (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
† EMPLOYEE TRAINING						
small quantity handler employees who handle or are responsible for managing universal wastes must be informed of the proper handling and emergency procedures for the universal waste(s) handled	273.16	3827	EQ			
† RESPONSE TO RELEASES						
a small quantity handler must immediately contain all releases of universal waste and other residues from universal wastes	273.17(a)	3829.A	EQ			
determine if material resulting from a release is hazardous waste and manage it in compliance with all applicable Part 260 through 272 requirements; the handler is considered the generator and must be managed in compliance with Part 262	273.17(b)	3829.B	EQ			
† OFF-SITE SHIPMENTS						
small quantity handlers are prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination	273.18(a)	3831.A	EQ			

**RCRA REVISION CHECKLIST 142 A: Universal Waste;
General Provisions (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
when small quantity handler transports off-site, the handler becomes a universal waste transporter subject to the Part 273, Subpart D requirements while transporting the universal waste	273.18(b)	3831.B	EQ			
if the universal waste being transported off-site meets 49 CFR Parts 171-180 definition of hazardous materials, small quantity handlers must follow DOT requirements for packaging, labeling, marking, placarding, and tracking	273.18(c)	3831.C	EQ			
prior to shipment from the originating handler, the receiving handler must agree to receive the shipment	273.18(d)	3831.D	EQ			
if the receiving handler rejects the shipment, the originating handler must either:	273.18(e)	3831.E	EQ			
receive the waste back when notified that the shipment has been rejected, or	273.18(e)(1)	3831.E.1	EQ			
agree with the receiving handler on a destination facility to which the shipment will be sent	273.18(e)(2)	3831.E.2	EQ			

**RCRA REVISION CHECKLIST 142 A: Universal Waste;
General Provisions (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
a small quantity handler can reject a universal waste shipment or a portion of a shipment; if rejected, the handler must notify the originating handler and either:	273.18(f)	3831.F	EQ			
send the shipment back to the originating handler, or	273.18(f)(1)	3831.F.1	EQ			
if agreed to by both the originating and receiving handler, send the shipment to a destination facility	273.18(f)(2)	3831.F.2	EQ			
if small quantity handler receives a shipment containing hazardous waste that is not a universal waste, the handler must immediately notify EPA of the illegal shipment and provide the name, address, and phone number of the originating shipper; EPA will provide instructions for managing the hazardous waste	273.18(g)	3831.G	EQ			
if a small quantity handler receives a non-hazardous, non-universal waste shipment, the handler may manage the waste in any way that is in compliance with applicable Federal, State or local solid waste regulations	273.18(h)	3831.H	EQ			

† **TRACKING UNIVERSAL WASTE SHIPMENTS**

**RCRA REVISION CHECKLIST 142 A: Universal Waste;
General Provisions (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
small quantity handlers are not required to keep records of universal waste shipments	273.19	3833	EQ			

† EXPORTS

a small quantity handler who sends universal waste to a foreign destination must:	273.20 intro	3835	EQ			
comply with the 262.53, 262.56(a)(1)-(4)&(6), 262.56(b), and 262.57 primary exporter requirements	273.20(a)	3835.A.1	EQ			
export only upon consent of the receiving country and in conformance with the EPA Acknowledgement of Consent	273.20(b)	3835.A.2	EQ			
provide a copy of the EPA Acknowledgement of Consent for the shipment to the transporter transporting the shipment for export	273.20(c)	3835.A.3	EQ			

SUBPART C--STANDARDS FOR LARGE QUANTITY HANDLERS OF UNIVERSAL WASTE

† APPLICABILITY

Part 273, Subpart C applies to large quantity handlers of universal waste	273.30	3837	EQ			
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† PROHIBITIONS

a large quantity handler of universal waste is:	273.31 intro	3839	EQ			
prohibited from disposing of universal waste; and	273.31(a)	3839.A.1	EQ			

**RCRA REVISION CHECKLIST 142 A: Universal Waste;
General Provisions (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
prohibited from diluting or treating universal waste, except by responding to releases as per 273.37 or by managing a specific waste as provided in 273.33	273.31(b)	3839.A.2	EQ			
† NOTIFICATION						
except as provided in 273.32(a)(2)&(3), a large quantity handler must 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 kg storage limit [Note: If a State does not adopt the Revision Checklist 142C provisions, "and (3)" should be removed from the introductory clause of 273.32(a)(1).]	273.32(a)(1)	3841:A	EQ			
a large quantity handler who has already notified EPA of hazardous waste activities and has an EPA identification number, is not required to re-notify	273.32(a)(2)	3841.A.1	EQ			
what the notification must include:	273.32(b)	3841.B	EQ			
the universal waste handler's name and mailing address	273.32(b)(1)	3841.B.1	EQ			

RCRA REVISION CHECKLIST 142 A: Universal Waste;
General Provisions (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
the name and business telephone number of the person at the universal waste handler's site who should be contacted	273.32(b)(2)	3841.B.2	EQ			
the address or physical location of the universal waste management activities	273.32(b)(3)	3841.B.3.	EQ			
a list of all the types of universal waste managed by the handler	273.32(b)(4)	⁶ 3841.B.4	EQ			
a statement that the handler is accumulating more than 5,000 kg of universal waste at one time and the type of waste accumulating above this quantity	273.32(b)(5)	3841.B.5	EQ			
† LABELING/MARKING						
a large quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste as specified in 273.34(a) through (d)	273.34 intro	3845	EQ			
† ACCUMULATION TIME LIMITS						
one year accumulation period for large quantity handlers, unless 273.35(b) requirements are met	273.35(a)	3847.A	EQ			

⁶ Louisiana is in the process of adding lamps and antifreeze as universal waste.

**RCRA REVISION CHECKLIST 142 A: Universal Waste;
General Provisions (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
an accumulation period longer than one year is allowed if activity is solely for the purpose of accumulating such quantities of universal wastes as necessary for proper recovery, treatment, or disposal; handler bears burden of proof	273.35(b)	3847.B	EQ			
large quantity handlers must be able to demonstrate the length of time the universal waste has been accumulated; this demonstration is made by:	273.35(c)	3847.C	EQ			
placing the universal waste in a container and marking or labeling with the earliest date that any universal waste in the container became a waste or was received	273.35(c)(1)	3847.C.1	EQ			
marking or labeling the individual item of universal waste with the date it became a waste or was received	273.35(c)(2)	3847.C.2	EQ			
maintaining an inventory system on-site that identifies the date the universal waste became a waste or was received	273.35(c)(3)	3847.C.3	EQ			

**RCRA REVISION CHECKLIST 142 A: Universal Waste;
General Provisions (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
maintaining an inventory system on-site that identifies that 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	273.35(c)(4)	3847.C.4	EQ			
placing universal waste in a specific accumulation area and identifying the earliest date that any universal waste in area became a waste or was received	273.35(c)(5)	3847.C.5	EQ			
any other method clearly demonstrating the length of time that the universal waste has been accumulated	273.35(c)(6)	3847.C.6	EQ			
† EMPLOYEE TRAINING						
large quantity handlers must ensure that employees are thoroughly familiar with proper waste handling and emergency procedures	273.36	3849	EQ			
† RESPONSE TO RELEASES						
a large quantity handler must immediately contain all releases of universal waste and other residues from universal wastes	273.37(a)	3851.A	EQ			

**RCRA REVISION CHECKLIST 142 A: Universal Waste;
General Provisions (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
determine whether material resulting from the release is hazardous waste; if so, manage it in compliance with all applicable Part 260 through 272 requirements; the handler is considered the generator and subject to the Part 262 requirements	273.37(b)	3851.B	EQ			
† OFF-SITE SHIPMENTS						
large quantity handlers are prohibited from sending or taking universal waste to a place other than to another universal waste handler, a destination facility, or a foreign destination	273.38(a)	3853.A	EQ			
when a large quantity handler transports off-site, the handler becomes a universal waste transporter subject to the Part 273, Subpart D requirements while transporting the waste	273.38(b)	3853.B	EQ			
if the universal waste being transported off-site meets 49 CFR Parts 171-180 definition of hazardous materials, large quantity handlers must follow DOT requirements for packaging, labeling, marking, placarding, and tracking	273.38(c)	3853.C	EQ			

**RCRA REVISION CHECKLIST 142 A: Universal Waste;
General Provisions (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
prior to shipment from the originating handler, the receiving handler must agree to receipt of shipment	273.38(d)	3853.D	EQ			
if the receiving handler rejects the shipment, the originating handler must either:	273.38(e)	3853.E	EQ			
receive the waste back when notified that the shipment has been rejected, or	273.38(e)(1)	3853.E.1	EQ			
agree with the receiving handler on a destination facility to which the shipment will be sent	273.38(e)(2)	3853.E.2	EQ			
a large quantity handler can reject a universal waste shipment or a portion of a shipment; if rejected, the handler must notify the originating handler and either:	273.38(f)	3853.F	EQ			
send the shipment back to the originating handler, or	273.38(f)(1)	3853.F.1	EQ			
if agreed to by both the originating and receiving handler, send the shipment to a destination facility	273.38(f)(2)	3853.F.2				

**RCRA REVISION CHECKLIST 142 A: Universal Waste;
General Provisions (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
if large quantity handler receives a shipment containing hazardous waste that is not a universal waste, the handler must immediately notify EPA of the illegal shipment and provide the name, address, and phone number of the originating shipper; EPA will provide instructions for managing hazardous the waste	273.38(g)	3853.G	EQ			
if a large quantity handler receives a non-hazardous, non-universal waste shipment, the handler may manage the waste in any way that is in compliance with applicable Federal, State or local solid waste regulations	273.38(h)	3853.H	EQ			
† TRACKING UNIVERSAL WASTE SHIPMENTS						
large quantity handlers must keep a record of each universal waste shipment received; what form the record can take; the record must include:	273.39(a)	3855.A	EQ			
name and address of originating handler or foreign shipper	273.39(a)(1)	3855.A.1	EQ			
quantity of each type of universal waste received	273.39(a)(2)	3855.A.2	EQ			
the date the shipment was received	273.39(a)(3)	3855.A.3	EQ			

RCRA REVISION CHECKLIST 142 A: Universal Waste;
General Provisions (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
large quantity handlers must keep a record of each universal waste shipment sent from the handler to other facilities; what form the record can take; the record must include:	273.39(b)	3855.B	EQ			
name and address of the universal waste handler, destination facility, or foreign destination to whom the universal waste was sent	273.39(b)(1)	3855.B.1	EQ			
quantity of each universal waste type sent	273.39(b)(2)	3855.B.2	EQ			
the date the shipment left the facility	273.39(b)(3)	3855.B.3	EQ			
large quantity handlers must retain the 273.39(a) records for at least 3 years from the date of receipt of a shipment	273.39(c)(1)	3855.C.1	EQ			
large quantity handlers must retain the 273.39(b) records for at least 3 years from the date a shipment left the facility	273.39(c)(2)	3855.C.2	EQ			

† EXPORTS

a large quantity handler who sends universal waste to a foreign destination must:	273.40 intro	3857	EQ			
comply with the 262.53, 262.56(a)(1)-(4)&(6), 262.56(b), and 262.57 primary exporter requirements	273.40(a)	3857.A	EQ			

**RCRA REVISION CHECKLIST 142 A: Universal Waste;
General Provisions (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
export only upon consent of the receiving country and in conformance with the EPA Acknowledgement of Consent as defined in 262, Subpart E	273.40(b)	3857.B	EQ			
provide a copy of the EPA Acknowledgement of Consent for the shipment to the transporter transporting the shipment for export	273.40(c)	3857.C	EQ			

SUBPART D--STANDARDS FOR UNIVERSAL WASTE TRANSPORTERS

† **APPLICABILITY**

Part 273, Subpart D applies to universal waste transporters	273.50	3859	EQ			
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† **PROHIBITIONS**

a universal waste transporter is:	273.51 intro	3861	EQ			
prohibited from disposing of universal waste	273.51(a)	3861.A	EQ			
prohibited from diluting or treating universal waste, except by responding to releases as 273.54 provides	273.51(b)	3861.B	EQ			

RCRA REVISION CHECKLIST 142 A: Universal Waste;
General Provisions (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
† WASTE MANAGEMENT						
universal waste transporters must comply with applicable 49 CFR Parts 171-180 DOT requirements for transport of any universal waste that meets the definition of hazardous material at 49 CFR 171.8; under the DOT regulations, a material is a hazardous waste if it is subject to the Part 262 hazardous waste manifest requirements; because universal waste does not require a hazardous waste manifest, it is not considered a hazardous waste under the DOT regulations	273.52(a)	3863.A	EQ			
those universal wastes meeting the criteria for one or more hazard classes specified at 49 CFR 173.2 are regulated by DOT as hazardous materials; because universal waste shipments do not require a Part 262 manifest, 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"	273.52(b)	3863.B	EQ			
† STORAGE TIME LIMITS						

**RCRA REVISION CHECKLIST 142 A: Universal Waste;
General Provisions (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
universal waste transporters may store universal wastes at a universal waste transfer facility for 10 days or less	273.53(a)	3865.A	EQ			
if waste is stored longer than 10 days, the transporter becomes a universal waste handler and must comply with Part 273, Subparts B or C, as applicable	273.53(b)	3865.B	EQ			

† **RESPONSE TO RELEASES**

a universal waste transporter must immediately contain all releases of universal wastes and other residues from universal wastes	273.54(a)	3867.A	EQ			
a universal waste transporter must determine whether material resulting from release is hazardous and subject to Parts 260-272; if the waste is hazardous, the transporter is subject to Part 262	273.54(b)	3867.B	EQ			

**RCRA REVISION CHECKLIST 142 A: Universal Waste;
General Provisions (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
† OFF-SITE SHIPMENTS						
universal waste transporters are prohibited from transporting universal waste to a place other than a universal waste handler, a destination facility or a foreign destination	273.55(a)	3869.A	EQ			
if universal waste meets DOT's definition of hazardous materials under 49 CFR 171.8, the shipment must be properly described on a shipping paper in accordance with 49 CFR Part 172	273.55(b)	3869.B	EQ			
† EXPORTS						
a universal waste transporter may not accept shipment to a foreign destination if it is known that the shipment does not conform with the EPA Acknowledgment of Consent; the transporter must also ensure:	273.56 intro	3871	EQ			
a copy of the EPA Acknowledgment of Consent accompanies the shipment	273.56(a)	3871.A	EQ			
the shipment is delivered to the facility designated by the person initiating the shipment	273.56(b)	3871.B	EQ			

**RCRA REVISION CHECKLIST 142 A: Universal Waste;
General Provisions (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE

SUBPART E--STANDARDS FOR DESTINATION FACILITIES

† APPLICABILITY

owner/operator of a destination facility is subject to all applicable requirements of Parts 264-270 and 124 and the RCRA §3010 notification requirements	273.60(a)	3873.A	EQ			
owner/operator of a destination facility who recycles without storing that universal waste must comply with 261.6(c)(2)	273.60(b)	3873.B	EQ			

† OFF-SITE SHIPMENTS

owner/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 a foreign destination	273.61(a)	3875.A	EQ			
owner/operator of a destination facility may reject a universal waste shipment or a portion of a shipment; if rejected, the owner/operator must notify the shipper and either:	273.61(b)	3875.B	EQ			
send shipment back to the original shipper, or	273.61(b)(1)	3875.B.1	EQ			
if agreed by both the shipper and the owner/operator, the shipment is sent to another destination facility	273.61(b)(2)	3875.B.2	EQ			

**RCRA REVISION CHECKLIST 142 A: Universal Waste;
General Provisions (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
if the owner/operator of a destination facility receives a shipment containing hazardous waste that is not a universal waste, owner/operator must immediately notify EPA of the illegal shipment and provide the name, address, and phone number of the originating shipper; EPA will provide instructions for managing the hazardous waste	273.61(c)	3875.C	EQ			
if non-hazardous, non-universal waste is received, the owner/operator may manage the waste in any that is in compliance with applicable Federal or State solid waste regulations	273.61(d)	3875.D	EQ			
† TRACKING UNIVERSAL WASTE SHIPMENTS						
owner/operator of a destination facility must keep a record of each shipment received; what form the record may take; the record should include:	273.62(a)	3877.A	EQ			
name and address of the universal waste handler, destination facility, or foreign shipper from whom the universal waste was sent	273.62(a)(1)	3877.A.1	EQ			
quantity of each universal waste type received	273.62(a)(2)	3877.A.2	EQ			
the date the shipment was received	273.62(a)(3)	3877.A.3	EQ			

RCRA REVISION CHECKLIST 142 A: Universal Waste;
General Provisions (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
273.62(a) records must be retained for at least three years from the date of receipt of shipment of universal waste	273.62(b)	3877.B	EQ			

SUBPART F--IMPORT REQUIREMENTS

† IMPORTS

persons managing imported universal waste are subject to Part 273, Subpart F requirements immediately after the waste enters the U.S.	273.70 intro	3879	EQ			
universal waste transporters are subject to the Part 273, Subpart D requirements	273.70(a)	3879.A	EQ			
universal waste handlers are subject to the small or large quantity waste handler requirements in Part 273, Subparts B or C	273.70(b)	3879.B	EQ			
owners/operators of destination facilities are subject to the Part 273, Subpart E requirements	273.70(c)	3879.C	EQ			

RCRA REVISION CHECKLIST 142 B

Universal Waste Rule: Specific Provisions for Batteries
 60 FR 25492-25551
 May 11, 1995
 (RCRA Cluster V, non-HSWA provisions)

Note: 1) This checklist, which addresses the specific universal waste provisions for batteries, is one of five revision checklists developed for the Universal Waste Rule. To be authorized for this checklist, a State must also be authorized for Revision Checklist 142 A which addresses the general universal waste provisions.

2) Note that Public Law 104-142, at §104, subjects the collection, storage, or transportation of used rechargeable batteries and other covered batteries to applicable provisions of the Universal Waste Rule upon the enactment of the Law (May 13, 1996). States wishing to regulate used rechargeable batteries and other covered batteries must adopt standards identical to the applicable standards in the Universal Waste Rule. Note that the above types of batteries are regulated by the Universal Waste Rule. The provisions of the Universal Waste Rule that apply to these batteries are the general provisions addressed by Revision Checklist 142A as well as the specific provisions addressed by Revision Checklist 142B.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE

PART 260--HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART B--DEFINITIONS

† DEFINITIONS

add "Battery"	260.10	3813	EQ			
to definition of "Universal Waste" add subparagraph addressing batteries	260.10	3813	EQ			

PART 261--IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A--GENERAL

† REQUIREMENTS FOR RECYCLABLE MATERIALS

remove old 261.6(a)(3)(ii) and redesignate old 261.6(a)(3)(iii) as 261.6(a)(3)(ii)	261.6(a)(3)(ii)	4105.B.4	EQ			
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**RCRA REVISION CHECKLIST 142 B: Universal Waste Rule;
Specific Provisions for Batteries (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
redesignate old 261.6(a)(3)(iv)-(vii) as 261.6(a)(3)(iii)-(vi)	261.6(a)(3)(iii)-(vi) ¹	4105.B.8-12	EQ			
† REQUIREMENTS FOR UNIVERSAL WASTE						
add paragraph addressing batteries	261.9(a)	105.D.48.a	EQ			✓
PART 264--STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES						
SUBPART A--GENERAL						
† PURPOSE, SCOPE AND APPLICABILITY						
add subparagraph addressing batteries	264.1(g)(11)(i)	1501.C.11.a	EQ			✓
PART 265--INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES						
SUBPART A--GENERAL						
† PURPOSE, SCOPE AND APPLICABILITY						
add subparagraph addressing batteries	265.1(c)(14)(i)	4307 (1501.C.11.a)	EQ			
PART 266--STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES						
SUBPART G--SPENT LEAD ACID BATTERIES BEING RECLAIMED						
† APPLICABILITY AND REQUIREMENTS						

¹ No (vi) was found as per the federal citation 261.6(a)(3)(iii)-(vi). The state interpreted the (vi) as (v) to remain consistent with the federal requirements and analogous state citation.

RCRA REVISION CHECKLIST 142 B: Universal Waste Rule;
Specific Provisions for Batteries (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
insert "(including regeneration)" after "persons who reclaim" in the first sentence; insert "who regenerate spent batteries," after "or collect spent batteries,"; insert "(other than spent batteries that are to be regenerated)" after "but do not reclaim them"	266.80(a)	4145.A	EQ			
insert "lead-acid" after "that store spent"; insert "(other than spent batteries that are to be regenerated)" after "before reclaiming"	266.80(b) intro	4145.B	EQ			

PART 268--LAND DISPOSAL RESTRICTIONS

SUBPART A--GENERAL

† PURPOSE, SCOPE AND APPLICABILITY

add subparagraph addressing batteries	268.1(f)(1)	2201.1.5.a	EQ			<input checked="" type="checkbox"/>
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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

add subparagraph addressing batteries	270.1(c)(2)(viii)(A)	305.C.11.a	EQ			<input checked="" type="checkbox"/>
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PART 273--STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

SUBPART A--GENERAL

† SCOPE

add subparagraph addressing batteries	273.1(a)(1)	3801	EQ			
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† APPLICABILITY--BATTERIES

**RCRA REVISION CHECKLIST 142 B: Universal Waste Rule;
Specific Provisions for Batteries (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
requirements of Part 273 apply to persons managing 273.6 batteries, except those in 273.2(b) list	273.2(a)(1)	3803.A.1	EQ			
spent lead-acid batteries not managed under Part 266, Subpart G are subject to management under Part 273	273.2(a)(2)	3803.A.2	EQ			
requirements of Part 273 do not apply to persons managing the following batteries:	273.2(b)	3803.B	EQ			
spent lead-acid batteries managed under Part 266, Subpart G	273.2(b)(1)	3803.B.1	EQ			
batteries, as described in 273.6, that are not yet hazardous waste under Part 261, including those that do not meet the criteria for waste generation in 273.2(c)	273.2(b)(2)	3803.B.2	EQ			
batteries, as described in 273.6, that are not hazardous waste; a hazardous waste only if it exhibits one or more of the characteristics of a hazardous waste	273.2(b)(3)	3803.B.3	EQ			
a used battery becomes a waste on the date it is discarded	273.2(c)(1)	3803.C.1	EQ			
an unused battery becomes a waste on the date the handler decides to discard it	273.2(c)(2)	3803.C.2	EQ			

† DEFINITIONS

**RCRA REVISION CHECKLIST 142 B: Universal Waste Rule;
Specific Provisions for Batteries (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
add "Battery"	273.6	3813	EQ			
add a subparagraph addressing batteries to the definition of "Universal Waste"	273.6	3813	EQ			

SUBPART B—STANDARDS FOR SMALL QUANTITY HANDLERS OF UNIVERSAL WASTE

† **WASTE MANAGEMENT**

small quantity handlers of universal waste must manage waste batteries to prevent release	273.13(a)	3821.A	EQ			
contain any universal waste battery that shows evidence of leakage, spillage, or damage; container must be closed, structurally sound, compatible, and lack evidence of leakage, spillage or damage that could cause a leak	273.13(a)(1)	3821.A.1	EQ			
activities that may be conducted as long as the casing of each battery is not breached and remains intact and closed, except for electrolyte removal	273.13(a)(2)	3821.A.2	EQ			
sorting batteries by type	273.13(a)(2)(i)	3821.A.2.a	EQ			
mixing batteries by type	273.13(a)(2)(ii)	3821.A.2.b	EQ			
discharging batteries so as to remove the electric charge	273.13(a)(2)(iii)	3821.A.2.c	EQ			
regenerating used batteries	273.13(a)(2)(iv)	3821.A.2.d	EQ			

**RCRA REVISION CHECKLIST 142 B: Universal Waste Rule;
Specific Provisions for Batteries (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
disassembling batteries or battery packs into individual batteries or cells	273.13(a)(2)(v)	3821.A.2.e	EQ			
removing batteries from consumer products	273.13(a)(2)(vi)	3821.A.2.f	EQ			
removing electrolyte from batteries	273.13(a)(2)(vii)	3821.A.2.g	EQ			
resulting electrolyte and other solid wastes must be tested to determine if they exhibit a hazardous waste characteristic	273.13(a)(3)	3821.A.3	EQ			
if a characteristic is exhibited, the electrolyte and/or solid waste is subject to Parts 260 through 272; the handler is considered a hazardous waste generator	273.13(a)(3)(i)	3821.A.3.a	EQ			
if not hazardous, then handler may manage the waste in any way that is in compliance with applicable Federal, State or local solid waste regulations	273.13(a)(3)(ii)	3821.A.3.b	EQ			

**RCRA REVISION CHECKLIST 142 B: Universal Waste Rule;
Specific Provisions for Batteries (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
† LABELING/MARKING						
each battery, or a container in which the batteries are contained, must be labeled or marked clearly with "Universal Waste-- Battery(ies)" or "Waste Battery(ies)" or "Used Battery(ies)"	273.14(a)	3823.A	EQ			
SUBPART C--STANDARDS FOR LARGE QUANTITY HANDLERS OF UNIVERSAL WASTE						
† WASTE MANAGEMENT						
large quantity handlers of universal waste must manage waste batteries to prevent release	273.33(a)	3843.A	EQ			
contain any universal waste battery that shows evidence of leakage, spillage, or damage; container must be closed, structurally sound, compatible, and lack evidence of leakage, spillage or damage that could cause a leak	273.33(a)(1)	3843.A.1	EQ			
activities that may be conducted as long as the casing of each battery is not breached and remains intact and closed, except for electrolyte removal	273.33(a)(2)	3843.A.2	EQ			
sorting batteries by type	273.33(a)(2)(i)	3843.A.2.a	EQ			
mixing batteries by type	273.33(a)(2)(ii)	3843.A.2.b	EQ			
discharging batteries so as to remove the electric charge	273.33(a)(2)(iii)	3843.A.2.c	EQ			

**RCRA REVISION CHECKLIST 142 B: Universal Waste Rule;
Specific Provisions for Batteries (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
regenerating used batteries	273.33(a)(2)(iv)	3843.A.2.d	EQ			
disassembling batteries or battery packs into individual batteries or cells	273.33(a)(2)(v)	3843.A.2.e	EQ			
removing batteries from consumer products	273.33(a)(2)(vi)	3843.A.2.f	EQ			
removing electrolyte from batteries	273.33(a)(2)(vii)	3843.A.2.g	EQ			
resulting electrolyte and other solid wastes must be tested to determine if they exhibit a hazardous waste characteristic	273.33(a)(3)	3843.A.3	EQ			
if a characteristic is exhibited, the electrolyte and/or solid waste is subject to Parts 260 through 272; the handler is considered a hazardous waste generator	273.33(a)(3)(i)	3843.A.3.a	EQ			
if not hazardous, then handler may manage the waste in any way that is in compliance with applicable Federal, State or local solid waste regulations	273.33(a)(3)(ii)	3843.A.3.b	EQ			

RCRA REVISION CHECKLIST 142 B: Universal Waste Rule;
Specific Provisions for Batteries (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
† LABELING/MARKING						
each battery, or a container or tank in which the batteries are contained, must be labeled or marked clearly with "Universal Waste--Battery(ies)" or "Waste Battery(ies)" or "Used Battery(ies)"	273.34(a)	3845.A	EQ			

RCRA REVISION CHECKLIST 142 C

Universal Waste Rule: Specific Provisions for Pesticides

60 FR 25492-25551

May 11, 1995

(RCRA Cluster V, non-HSWA provisions)

Note: This checklist, which addresses the specific universal waste provisions for pesticides, is one of five revision checklists developed for the Universal Waste Rule. To be authorized for this checklist, a State must also be authorized for Revision Checklist 142 A which addresses the general universal waste provisions.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
PART 260--HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL						
SUBPART B--DEFINITIONS						
† DEFINITIONS						
add "Pesticide"	260.10	3813	EQ			
to definition of "Universal Waste", add subparagraph addressing pesticides	260.10	3813	EQ			
PART 261--IDENTIFICATION AND LISTING OF HAZARDOUS WASTE						
SUBPART A--GENERAL						
† REQUIREMENTS FOR UNIVERSAL WASTE						
add paragraph addressing pesticides	261.9(b)	105.D.48.b	EQ			✓
PART 264--STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES						
SUBPART A--GENERAL						
† PURPOSE, SCOPE AND APPLICABILITY						
add subparagraph addressing pesticides	264.1(g)(11)(ii)	1501.C.11.b	EQ			

**RCRA REVISION CHECKLIST 142 C: Universal Waste Rule;
Specific Provisions for Pesticides (cont'd)**

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

**PART 265--INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS
WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES**

SUBPART A--GENERAL

† **PURPOSE, SCOPE AND APPLICABILITY**

add subparagraph addressing pesticides	265.1(c)(14)(ii)	4307 (1501.C.11.b)	EQ			
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PART 268--LAND DISPOSAL RESTRICTIONS

SUBPART A--GENERAL

† **PURPOSE, SCOPE AND APPLICABILITY**

add subparagraph addressing pesticides	268.1(f)(2)	2201.1.5.b	EQ			✓
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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**

add subparagraph addressing pesticides	270.1(c)(2)(viii)(B)	305.C.11.b	EQ			✓
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PART 273--STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

SUBPART A--GENERAL

† **SCOPE**

add subparagraph addressing pesticides	273.1(a)(2)	3801	EQ			
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† **APPLICABILITY--PESTICIDES**

requirements of Part 273 apply to persons managing 273.6 pesticides, except those in 273.3(b) list	273.3(a)	3805.A	EQ			
recalled pesticides that are:	273.3(a)(1)	3805.A.1	EQ			

**RCRA REVISION CHECKLIST 142 C: Universal Waste Rule;
Specific Provisions for Pesticides (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
stocks of suspended and cancelled pesticides as per FIFRA §19(b), including, but not limited to those owned by the registrant responsible for conducting the recall	273.3(a)(1)(i)	3805.A.1.a	EQ			
stocks of suspended and cancelled pesticides, or pesticides not in compliance with FIFRA, that are part of a voluntary recall by the registrant	273.3(a)(1)(ii)	3805.A.1.b	EQ			
stocks of other unused pesticide products collected and managed as part of a waste pesticide collection program	273.3(a)(2)	3805.A.2	EQ			
requirements of Part 273 do not apply to persons managing the following pesticides:	273.3(b)	3805.B	EQ			
recalled 273.3(a)(1)&(2) pesticides managed by farmers in compliance with 262.70	273.3(b)(1)	305.B.1 <i>Should be 3805.B.</i>	EQ			
pesticides not meeting the 273.3(a) conditions; these pesticides must be managed in compliance with Parts 260 through 272	273.3(b)(2)	3805.B.2	EQ			
pesticides that are not wastes under Part 261, including those that do not meet the 273.3(c) criteria for waste generation or those that are not 273.3(d) wastes	273.3(b)(3)	3805.B.3	EQ			

**RCRA REVISION CHECKLIST 142 C: Universal Waste Rule;
Specific Provisions for Pesticides (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
pesticides that are not hazardous waste (i.e., is not listed nor exhibits a characteristic)	273.3(b)(4)	3805.B.4	EQ			
a recalled 273.3(a)(1) pesticide becomes a waste on the first date on which both of the following conditions apply:	273.3(c)(1)	3805.C.1	EQ			
the generator of the recalled pesticide agrees to participate in the recall	273.3(c)(1)(i)	3805.C.1.a	EQ			
the person conducting the recall decides to discard (e.g., burn the pesticide for energy recovery)	273.3(c)(1)(ii)	3805.C.1.b	EQ			
an unused pesticide product described in 273.3(a)(2) becomes a waste on the date the generator decides to discard it	273.3(c)(2)	3805.C.2	EQ			
pesticides that are not wastes:	273.3(d)	3805.D	EQ			
recalled 273.3(a)(1) pesticides, provided that the person conducting the recall:	273.3(d)(1)	3805.D.1	EQ			
has not made a decision to discard the pesticide; until decision is met, it does not meet the definition of "solid waste"; pesticide remains subject to FIFRA	273.3(d)(1)(i)	3805.D.1.a	EQ			

**RCRA REVISION CHECKLIST 142 C: Universal Waste Rule;
Specific Provisions for Pesticides (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
has made the decision to use a management option under 261.2 that does not cause the pesticide to be a solid waste and, therefore, not a hazardous waste; this pesticide, including a recalled pesticide exported to a foreign destination for reuse, remains subject to FIFRA	273.3(d)(1)(ii)	3805.D.1.b	EQ			
unused pesticide products described in 273.3(a)(2), if the generator has not decided to discard them. These pesticides remain subject to FIFRA	273.3(d)(2)	3805.D.2				

† DEFINITIONS

add "FIFRA"	273.6	3813	EQ			
add "Pesticide"	273.6	3813	EQ			
add a subparagraph addressing pesticides to the definition of "Universal Waste"	273.6	3813	EQ			

**RCRA REVISION CHECKLIST 142 C: Universal Waste Rule;
Specific Provisions for Pesticides (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE

SUBPART B--STANDARDS FOR SMALL QUANTITY HANDLERS OF UNIVERSAL WASTE

† **WASTE MANAGEMENT**

small quantity handlers of universal waste must manage waste pesticides to prevent release; universal waste pesticide must be contained in one or more of the following:	273.13(b)	3821.B	EQ			
a container that remains closed, structurally sound, compatible with the pesticide, and lacks evidence of leakage, spillage, or damage that could cause a leak	273.13(b)(1)	3821.B.1	EQ			
a container that does not meet the requirements of 273.13(b)(1), provided that the unacceptable container is overpacked in a container that meets the 273.13(b)(1) requirements	273.13(b)(2)	3821.B.2	EQ			
a tank meeting the Part 265, Subpart J requirements (except for 265.197(c), 265.200 and 265.201)	273.13(b)(3)	3821.B.3	EQ			
a transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause a leak	273.13(b)(4)	3821.B.4	EQ			

† **LABELING/MARKING**

**RCRA REVISION CHECKLIST 142 C: Universal Waste Rule;
Specific Provisions for Pesticides (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
for recalled 273.3(a)(1) pesticides, the container (or multiple container unit), tank, transport vehicle or vessel must be labeled/marked with:	273.14(b)	3823.A.2	EQ			
the label that was on or accompanied the product as sold or distributed	273.14(b)(1)	3823.A.2.a	EQ			
the words "Universal Waste-Pesticide(s)" or "Waste-Pesticide(s)"	273.14(b)(2)	3823.A.2.b	EQ			
for unused 273.3(a)(2) pesticides, the container, tank or transport vehicle or vessel must be labeled/marked with:	273.14(c)	3823.A.3-3.a	EQ			
the label that was on the product when purchased, if still legible	273.14(c)(1)(i)	3823.A.3.a.i	EQ			
if 273.14(c)(1)(i) labeling not feasible, then the appropriate label as required under 49 CFR Part 172	273.14(c)(1)(ii)	3823.A.3.a.ii	EQ			
if 273.14(c)(1)(i) or (ii) labeling not feasible, then another label prescribed or designated by the waste pesticide collection program administered or recognized by a State	273.14(c)(1)(iii)	3823.A.3.a.iii	EQ			
the words "Universal Waste-Pesticide(s)" or "Waste-Pesticide(s)"	273.14(c)(2)	3823.A.3.b	EQ			

SUBPART C--STANDARDS FOR LARGE QUANTITY HANDLERS OF UNIVERSAL WASTE

† NOTIFICATION

**RCRA REVISION CHECKLIST 142 C: Universal Waste Rule;
Specific Provisions for Pesticides (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
this paragraph should be adopted as part of Revision Checklist 142A; because Revision Checklist 142C is also being adopted, the first part of the first sentence should read: "Except as provided in paragraphs (a)(2) and (3)"	273.32(a)(1)	3841.A	EQ			
a large quantity handler of 273.3(a)(1) recalled pesticides who has send EPA notification as per 40 CFR 165 is not required to notify under 273.32 for those recalled universal wastes	273.32(a)(3)	3841.A.2	EQ			

† **WASTE MANAGEMENT**

large quantity handlers of universal waste must manage waste pesticides to prevent release; universal waste pesticide must be contained in one or more of the following:	273.33(b)	3843.B	EQ			
a container that remains closed, structurally sound, compatible with the pesticide, and lacks evidence of leakage, spillage, or damage that could cause a leak	273.33(b)(1)	3843.B.1	EQ			
a container that does not meet the requirements of 273.33(b)(1), provided that the unacceptable container is overpacked in a container that meets the 273.33(b)(1) requirements	273.33(b)(2)	3843.B.2	EQ			

**RCRA REVISION CHECKLIST 142 C: Universal Waste Rule;
Specific Provisions for Pesticides (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
a tank meeting the Part 265, Subpart J requirements (except for 265.197(c), 265.200 and 265.201); or	273.33(b)(3)	3843.B.3	EQ			
a transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause a leak	273.33(b)(4)	3843.B.4	EQ			

† LABELING/MARKING

for recalled 273.3(a)(1) pesticides, the container (or multiple container unit), tank, transport vehicle or vessel must be labeled/marked with:	273.34(b)	3845.A.2	EQ			
the label that was on or accompanied the product as sold or distributed	273.34(b)(1)	3845.A.2.a	EQ			
the words "Universal Waste--Pesticide(s)" or "Waste--Pesticide(s)"	273.34(b)(2)	3845.A.2.b	EQ			
for unused 273.3(a)(2) pesticides, the container, tank or transport vehicle or vessel must be labeled/marked with:	273.34(c)	3845.A.3-3.a	EQ			
the label that was on the product when purchased, if still legible	273.34(c)(1)(i)	3845.A.3.a.i	EQ			
if 273.34(c)(1)(i) labeling not feasible, then the appropriate label as required under 49 CFR Part 172	273.34(c)(1)(ii)	3845.A.3.a.ii	EQ			

**RCRA REVISION CHECKLIST 142 C: Universal Waste Rule;
Specific Provisions for Pesticides (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
if 273.34(c)(1)(i) or (ii) labeling not feasible, then another label prescribed or designed by the pesticide collection program	273.34(c)(1)(iii)	3845.A.3.a.iii	EQ			
the words "Universal Waste-Pesticide(s)" or "Waste-Pesticide(s)"	273.34(c)(2)	3845.A.3.b	EQ			

RCRA REVISION CHECKLIST 142 D

Universal Waste Rule: Specific Provisions for Thermostats
 60 FR 25492-25551
 May 11, 1995
 (RCRA Cluster V, non-HSWA provisions)

Note: This checklist, which addresses the specific universal waste provisions for thermostats, is one of five revision checklists developed for the Universal Waste Rule. To be authorized for this checklist, a State must also be authorized for Revision Checklist 142 A which addresses the general universal waste provisions.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE

PART 260--HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART B--DEFINITIONS

† DEFINITIONS

add "Thermostat"	260.10	3813	EQ			
to definition of "Universal Waste" add subparagraph addressing thermostats	260.10	3813	EQ			

PART 261--IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A--GENERAL

† REQUIREMENTS FOR UNIVERSAL WASTE

add paragraph addressing thermostats	261.9(c)	105.D.48.c	EQ			✓
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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

add subparagraph addressing thermostats	264.1(g)(11)(iii)	305.C.11.c	EQ			✓
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**RCRA REVISION CHECKLIST 142 D: Universal Waste Rule;
Specific Provisions for Thermostats (cont'd)**

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

**PART 265--INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS
WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES**

SUBPART A--GENERAL

† **PURPOSE, SCOPE AND APPLICABILITY**

add subparagraph addressing thermostats	265.1(c)(14)(iii)	4307 (1501.C.11.c)	EQ			
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PART 268--LAND DISPOSAL RESTRICTIONS

SUBPART A--GENERAL

† **PURPOSE, SCOPE AND APPLICABILITY**

add subparagraph addressing thermostats	268.1(f)(3)	2201.1.5.c	EQ			✓
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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**

add subparagraph addressing thermostats	270.1(c)(2)(viii)(C)	305.C.11.c	EQ			✓
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PART 273--STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

SUBPART A--GENERAL

† **SCOPE**

add subparagraph addressing thermostats	273.1(a)(3)	3801	EQ			
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† **APPLICABILITY--MERCURY THERMOSTATS**

requirements of Part 273 apply to persons managing 273.6 thermostats, except those in 273.4(b) list	273.4(a)	3807.A	EQ			
requirements of Part 273 do not apply to persons managing the following thermostats:	273.4(b)	3807.B	EQ			

**RCRA REVISION CHECKLIST 142 D: Universal Waste Rule;
Specific Provisions for Thermostats (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
thermostats not yet wastes under Part 261; 273.4(c) describes when a thermostat becomes a waste	273.4(b)(1)	3807.B.1	EQ			
thermostats that are not hazardous waste (i.e., they do not exhibit a characteristic)	273.4(b)(2)	3807.B.2	EQ			
a used thermostat becomes a waste on the date it is discarded	273.4(c)(1)	3807.C.1	EQ			
an unused thermostat becomes a waste on the date handler decides to discard it	273.4(c)(2)	3807.C.2	EQ			

† DEFINITIONS

add "Thermostat"	273.6	3813	EQ			
add a subparagraph addressing thermostats to the definition of "Universal Waste"	273.6	3813	EQ			

SUBPART B--STANDARDS FOR SMALL QUANTITY HANDLERS OF UNIVERSAL WASTE

† WASTE MANAGEMENT

small quantity handler must manage universal waste thermostats to prevent releases	273.13(c)	3821.C	EQ			
contain any universal waste thermostat that shows evidence of leakage, spillage, or damage; container must be closed, structurally sound, compatible, and lack evidence of leakage, spillage or damage that could cause a leak	273.13(c)(1)	3821.C.1	EQ			

**RCRA REVISION CHECKLIST 142 D: Universal Waste Rule;
Specific Provisions for Thermostats (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
a small quantity handler of universal waste may remove mercury-constraining ampules from universal waste thermostats provided the handler:	273.13(c)(2)	3821.C.2	EQ			
removes the ampules in a manner designed to prevent breakage of the ampules	273.13(c)(2)(i)	3821.C.2.a	EQ			
removes ampules only over or in a containment device	273.13(c)(2)(ii)	3821.C.2.b	EQ			
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 262.34 requirements	273.13(c)(2)(iii)	3821.C.2.c	EQ			
immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets 262.34 requirements	273.13(c)(2)(iv)	3821.C.2.d	EQ			
ensures that the area where ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA mercury exposure levels	273.13(c)(2)(v)	3821.C.2.e	EQ			

**RCRA REVISION CHECKLIST 142 D: Universal Waste Rule;
Specific Provisions for Thermostats (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
ensures that employees are thoroughly familiar with mercury handling and emergency procedures including transfer of mercury from containment devices to appropriate containers	273.13(c)(2)(vi)	3821.C.2.f	EQ			
1 stores removed ampules in closed, non-leaking containers that are in good condition; and	273.13(c)(2)(vii)	3821.C.2.g	EQ			
1 packs removed ampules in the container with packing materials adequate to prevent breakage	273.13(c)(2)(viii)	3821.C.2.h	EQ			
a small quantity handler who removes mercury-containing ampules from thermostats must determine whether the following exhibit a hazardous waste characteristic	273.13(c)(3)(i)	3821.C.3	EQ			
mercury or clean-up residues resulting from spills or leaks; and/or	273.13(c)(3)(i)(A)	3821.C.3	EQ			
other solid waste generated as result of removing mercury-containing ampules	273.13(c)(3)(i)(B)	3821.C.3	EQ			
if a characteristic is exhibited, the mercury, residues and/or solid waste is subject to Parts 260 through 272; the handler is considered a hazardous waste generator	273.13(c)(3)(ii)	3821.C.3.a	EQ			

**RCRA REVISION CHECKLIST 142 D: Universal Waste Rule;
Specific Provisions for Thermostats (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
if not hazardous, then handler may manage the mercury, residues and/or solid waste in any way that is in compliance with applicable Federal, State or local solid waste regulations	273.13(c)(3)(iii)	3821.C.3.b	EQ			

**RCRA REVISION CHECKLIST 142 D: Universal Waste Rule;
Specific Provisions for Thermostats (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
† LABELING/MARKING						
universal waste thermostats, or a container in which the thermostats are contained, must be labeled or marked clearly with "Universal Waste--Mercury Thermostat(s)" or "Waste Mercury Thermostat(s)" or "Used Mercury Thermostat(s)"	273.14(d)	3823.A.4	EQ			
SUBPART C--STANDARDS FOR LARGE QUANTITY HANDLERS OF UNIVERSAL WASTE						
† WASTE MANAGEMENT						
large quantity handler must manage universal waste thermostats to prevent releases	273.33(c)	3843.C	EQ			
contain any universal waste thermostat that show evidence of leakage, spillage, or damage; container must be closed, structurally sound, compatible, and lack evidence of leakage, spillage or damage that could cause a leak	273.33(c)(1)	3843.C.1	EQ			
a large quantity handler of universal waste may remove mercury-constraining ampules from universal waste thermostats provided the handler:	273.33(c)(2)	3843.C.2	EQ			
removes the ampules in a manner designed to prevent breakage of the ampules	273.33(c)(2)(i)	3843.C.2.a	EQ			

**RCRA REVISION CHECKLIST 142 D: Universal Waste Rule;
Specific Provisions for Thermostats (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
removes ampules only over or in a containment device	273.33(c)(2)(ii)	3843.C.2.b	EQ			
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 262.34 requirements	273.33(c)(2)(iii)	3843.C.2.c	EQ			
immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets 262.34 requirements	273.33(c)(2)(iv)	3843.C.2.d	EQ			
ensures that the area where ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA mercury exposure levels	273.33(c)(2)(v)	3843.C.2.e	EQ			
ensures that employees are thoroughly familiar with mercury handling and emergency procedures including transfer of mercury from containment devices to appropriate containers	273.33(c)(2)(vi)	3843.C.2.f	EQ			
2 stores removed ampules in closed, non-leaking containers that are in good condition; and	273.33(c)(2)(vii)	3843.C.2.g	EQ			

**RCRA REVISION CHECKLIST 142 D: Universal Waste Rule;
Specific Provisions for Thermostats (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
2 packs removed ampules in the container with packing materials adequate to prevent breakage	273.33(c)(2)(viii)	3843.C.2.h	EQ			
a large quantity handler who removes mercury-containing ampules from thermostats must determine whether the following exhibit a hazardous waste characteristic	273.33(c)(3)(i)	3843.C.3	EQ			
mercury or clean-up residues resulting from spills or leaks	273.33(c)(3)(i)(A)	3843.C.3	EQ			
other solid waste generated as result of removing mercury-containing ampules	273.33(c)(3)(i)(B)	3843.C.3	EQ			
if a characteristic is exhibited, the mercury, residues and/or solid waste is subject to Parts 260 through 272; the handler is considered a hazardous waste generator	273.33(c)(3)(ii)	3843.C.3.a	EQ			
if not hazardous, then handler may manage the mercury, residues and/or solid waste in any way that is in compliance with applicable Federal, State or local solid waste regulations	273.33(c)(3)(iii)	3843.C.3.b	EQ			

† LABELING/MARKING

**RCRA REVISION CHECKLIST 142 D: Universal Waste Rule;
Specific Provisions for Thermostats (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
universal waste thermostats or container in which the thermostats are contained must be labeled or marked clearly with "Universal Waste--Mercury Thermostat(s)" or "Waste Mercury Thermostat(s)" or "Used Mercury Thermostat(s)"	273.34(d)	3845.A.4	EQ			

- 1 Note, there is an error in the Federal Register article for this checklist. The "and" found at the end of 273.13(c)(2)(viii) should be at the end of 273.13(c)(2)(vii).
- 2 Note, there is an error in the Federal Register article for this checklist. The "and" found at the end of 273.33(c)(2)(viii) should be at the end of 273.33(c)(2)(vii).

RCRA REVISION CHECKLIST 142 E

Universal Waste Rule: Petition Provisions
 to Add a New Universal Waste
 60 FR 25492-25551
 May 11, 1995
 (RCRA Cluster V, non-HSWA provisions)

Note:

1) This revision checklist, addressing petitions to add additional universal wastes, is one of five checklists developed for the Universal Waste Rule. To be authorized for this checklist, a State must also be authorized for Revision Checklist 142 A.

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 C—RULEMAKING PETITIONS

† GENERAL

change "and 268" to ", 268 and 273"; insert "of this chapter" after "265"; insert "or waste-derived material" after "to exclude a waste"; add "of this chapter" after "subpart D of part 261"; add a new sentence at the end of the paragraph regarding the 260.23 provisions	260.20(a)	105.H	EQ				✓
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† PETITIONS TO AMEND 40 CFR PART 273 TO INCLUDE ADDITIONAL HAZARDOUS WASTES

persons seeking to add a hazardous waste or a category to Part 273 universal waste provisions, may petition under 260.20, 260.23 and Part 273, Subpart G	260.23(a)	105.N.1	EQ				✓
what the petitioner must demonstrate to be successful; petition must include 260.20(b) information; petition must address 273.81 factors	260.23(b)	105.N.2	EQ				✓

**RCRA REVISION CHECKLIST 142 E: Universal Waste Rule;
Petition Provisions (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
Administrator will use 273.81 factors to evaluate and decide; factors on which the decision will be based	260.23(c)	105.N.3	EQ			
Administrator may request additional information	260.23(d)	105.N.4	EQ			

PART 273--STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

SUBPART G--PETITIONS TO INCLUDE OTHER WASTES UNDER 40 CFR PART 273

† **GENERAL**

persons seeking to add a hazardous waste or a category, may petition under 260.20, 260.23, and Part 273, Subpart G.	273.80(a)	3881.A	EQ			
what the petitioner must demonstrate to be successful; petition must include the 260.20(b) information; 273.81 factors	273.80(b)	3881.B	EQ			
Administrator will use the 273.81 factors to evaluate and decide; factors on which the decision will be based	273.80(c)	3881.C	EQ			

RCRA REVISION CHECKLIST 142 E: Universal Waste Rule;
Petition Provisions (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
† FACTORS FOR PETITIONS TO INCLUDE OTHER WASTES UNDER 40 CFR PART 273						
waste or waste category, as generated by a wide variety of generators, is a listed waste or, if not listed, a proportion of the waste stream exhibits one or more of the 261, Subpart C hazardous waste characteristics; how the definition of universal waste is amended when a characteristic waste is added; only that portion of the waste stream exhibiting one or more characteristics (i.e., is a hazardous waste) is subject to Part 273	273.81(a)	3883.A	EQ			
waste or waste category is not exclusive to a specific industry or group of industries and is commonly generated by a wide variety of establishments	273.81(b)	3883.B	EQ			
waste or waste category is generated by a large number of generators and is frequently generated in small quantities by each generator	273.81(c)	3883.C	EQ			
collection systems for waste or waste category would ensure close stewardship of the waste	273.81(d)	3883.D	EQ			

**RCRA REVISION CHECKLIST 142 E: Universal Waste Rule;
Petition Provisions (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
low risk posed by accumulation and transport of waste or waste category; specific proposed management standards would be protective of human health and the environment during accumulation and transport	273.81(e)	3883.A.5	EQ			
Part 273 regulation of waste or waste category will increase the likelihood that the waste will be diverted from non-hazardous waste management systems to recycling, treatment, or disposal in compliance with RCRA Subtitle C	273.81(f)	3883.A.6	EQ			
Part 273 regulation will improve implementation and compliance with hazardous waste regulatory program	273.81(g)	3883.A.7	EQ			
such other factors as may be appropriate	273.81(h)	3883.A.8	EQ			