

# New Jersey's Universal Waste Rule

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March 15, 2006

# What is Universal Waste?

- Universal Waste is a specific hazardous waste stream that has been designated by EPA or a state as universal waste
- Only those waste streams identified in the Universal Waste Rule (UWR) may be managed as universal waste

# Universal Waste Rule

- Adopted by EPA in 1994 under RCRA
- Adopted by NJ in 1996 under Recycling Regulations (NJAC 7:26A)
- Provides alternative management options for specific hazardous waste streams
- Originally included batteries, spent pesticides, and thermostats

# New Jersey's Recycling Regulations

- Class A Recyclable Material
  - Curbside recyclables (glass, paper, plastic)
- Class B Recyclable Material
  - Construction materials (concrete, wood, tires)
- Class C Recyclable Material
  - Compostable material
- Class D Recyclable Material
  - Used oil and universal waste

# EPA Criteria for Universal Waste

- Generated in similar quantities by businesses, industry, and consumers.
- Found in municipal solid waste stream
- Fails hazardous waste test
- Negatively impacts solid waste facility operations
- Presents low risk in collection, storage, and transportation

# Federal vs State Listed UW

- Each state may choose to adopt additional waste streams as universal waste provided it meets EPA's criteria
- New Jersey has adopted the following as state listed universal waste:
  - Consumer electronics
  - Oil-based finishes

# New Jersey Universal Wastes

## Adopted in 1996

- Batteries\*
- Recalled Pesticides\*
- Thermostats\*

\* Also federal universal wastes

## Adopted June 17, 2002\*\*

- Hazardous Waste Lamps\*
- Mercury-containing Equipment\*
- Consumer Electronics
- Oil-based finishes

\*\*Effective December 17, 2002

# Incorporation by Reference

- Federal Universal Waste Rule found at 40 CFR Part 273
- June 17, 2002 rule amendment prospectively incorporated by reference the Federal Universal Waste Rule
- Must have copies of 40 CFR 273 and NJAC 7:26A



# Incorporation by Reference

- Prospective incorporation by reference:
  - If EPA makes changes to the federal Universal Waste Rule, the changes automatically become effective in New Jersey 45 days after the adoption unless the Department adopts a rule stating otherwise.
- Keeps New Jersey's rule equivalent to the federal rule

# Definitions

- Batteries
  - means a device consisting of one or more electrically connected electrochemical cells which is designed to receive, store, and deliver electric energy.
- Recalled Pesticides

# Definitions (cont.)

- Hazardous Waste Lamps
  - The bulb or tube portion of an electric lighting device. Examples of common universal waste lamps include fluorescent, high intensity discharge, neon, mercury vapor, high pressure sodium, and metal halide lamps
- Mercury-containing Equipment
  - A device or part of a device (including thermostats, but excluding batteries and lamps) that contains elemental mercury integral to its function.  
Examples: sphygmomanometers, mercury switches

# Definitions (cont.)

- Consumer electronics
  - Any appliance used in the home or business that includes circuitry. Includes components and subassemblies of the electronic products. Examples include computers, printers, copiers, VCRs, televisions.
- Oil-based finishes
  - Any paint or other finish which may exhibit a hazardous waste characteristic or contains a listed hazardous waste. Must be in original packaging. Examples include oil-based paints, lacquers, stains, and aerosol paint cans.

# Non-Hazardous Waste Consumer Electronics

- If electronic equipment is classified as non-hazardous waste, it may be managed under the Solid Waste Regulations

or

- Non-hazardous waste electronics may be recycled at a Class D Recycling Center

# Latex Paint

- Latex paint is usually a non-hazardous waste and therefore cannot be a universal waste.
- Latex paint may be managed as a Class D recyclable material provided the management requirements for oil-based finishes are followed.

# Management of Universal Waste

- Universal Wastes do not have to be stored in a hazardous waste 90-day accumulation area
- Universal Wastes do not count toward hazardous waste generation amounts
- Universal Wastes do not have to be transported by a hazardous waste transporter using a hazardous waste manifest

# Management of Universal Waste

- Universal Waste Handlers
  - a generator of universal waste or
  - the owner or operator of a facility that receives universal waste from other universal waste handlers, accumulates universal waste, and sends universal waste to another universal waste handler, to a destination facility, or to a foreign destination.



# Management of Universal Waste

- Universal Waste Transporters
  - a person engaged in the off-site transportation of universal waste by air, rail, highway, or water
- Universal Waste Destination Facility
  - either a RCRA treatment, storage, and disposal facility (TSDF) or a Class D recycling center

# Universal Waste Handlers

- Small Quantity Handlers
  - Accumulate less than 5,000 kilograms of universal waste (combined) at any given time
  - All universal waste must be labeled
  - Cannot be accumulated for longer than one year
    - Must maintain records to prove material has been accumulated for less than one year
  - UW must be sent to another handler or a destination facility

# Universal Waste Handlers

- Small Quantity Handlers (cont)
  - No notification required
  - No reporting requirements
  - Not required to keep records of shipments
  - Limited processing allowed:
    - Removal of mercury ampules from mercury-containing devices allowed with restrictions
    - Demanufacture of consumer electronics allowed
  - May not open containers of oil-based finishes

# Universal Waste Handlers

- Small Quantity Handlers (cont)
  - Must inform employees of proper handling and emergency procedures
  - Must contain all releases of universal wastes
    - Must determine if any material resulting from a release is a hazardous waste and manage appropriately
  - May export materials to foreign destinations but must comply with portions of 40 CFR 262 Subpart E - Exports of Hazardous Waste

# Universal Waste Handlers

- Large Quantity Handlers
  - Accumulate greater than 5,000 kilograms of universal waste (combined) at any given time
  - All universal waste must be labeled
  - Cannot be accumulated for longer than one year
    - Must maintain records to prove material has been accumulated for less than one year
  - UW must be sent to another handler or a destination facility

# Universal Waste Handlers

- Large Quantity Handlers (cont)
  - Must notify the Department of activities and obtain an EPA ID# for universal waste
  - Limited processing allowed
    - May remove mercury ampules from mercury-containing devices with restrictions
  - May **not** demanufacture electronics and may not open containers of oil-based finishes

# Universal Waste Handlers

- Large Quantity Handlers (cont)
  - Must maintain records of receipt of material and shipments off-site
    - May be a log, invoice, manifest, bill of lading, or other shipping document
    - Must include name and address of originating handler or destination facility, quantity and type of material and date of receipt or shipment
  - Must retain records on-site for at least three years

# Universal Waste Handlers

- Large Quantity Handlers (cont)
  - Must ensure all employees are thoroughly familiar with proper handling and emergency procedures
  - Must contain all releases of universal wastes
    - Must determine if any material resulting from a release is a hazardous waste and manage appropriately
  - May export materials to foreign destinations but must comply with portions of 40 CFR 262 Subpart E - Exports of Hazardous Waste



# Universal Waste Destination Facilities

- Regulated as either a RCRA TSDF if treating or disposing of waste or a Class D recycling center if recycling the waste
- Recyclers must obtain a Class D recycling center approval to recycle universal waste
- Examples of recycling:
  - Demanufacturing consumer electronics
  - Crushing hazardous waste lamps or computer monitors
  - Mixing and screening of paint
  - Recovery of mercury from mercury switches

# Labeling Universal Wastes

- Universal Wastes must be labeled either by container or individually
- Handlers and Destination Facilities must label wastes
- Label must contain at a minimum the wording in the regulations (see next slides for wording)

# Labeling Universal Wastes (cont.)

- Label should contain the accumulation start date
- Label may be as simple as a piece of paper taped to a pallet or may be a purchased pre-printed label
- Label must be clear, legible, and easily visible
- Class D Facilities must also label as “Class D Recyclable Material”

# Labeling Universal Wastes (cont.)

- Batteries
  - Label each container batteries are accumulated in as follows:
    - “Universal Waste - Battery (ies)”
- Pesticides
  - Must have the label that was on or accompanied the product when sold and the following label:
    - “Universal Waste - Pesticide(s)”

# Labeling Universal Wastes (cont.)

- Hazardous Waste Lamps
  - Label each container lamps are accumulated in:
    - “Universal Waste - Lamps”
- Consumer Electronics
  - Label each unit or each pallet or container:
    - “Universal Waste - Consumer Electronics”

# Labeling Universal Wastes (cont.)

- Mercury-Containing Equipment
  - Label each container mercury devices are accumulated in as:
    - “Universal Waste - Mercury-Containing Equipment”
- Oil-Based Finishes
  - Label each container, tank, or pallet of oil-based finishes as:
    - “Universal Waste - Oil-Based Finishes”

# Transportation of Universal Waste

- Universal wastes must be transported in accordance with the US Department of Transportation requirements
  - includes packaging, labeling, marking, placarding, and preparing shipping papers
- For guidance on DOT requirements:
  - <http://hazmat.dot.gov>
  - DOT Hotline: 1-800-467-4922

# Transportation of Universal Waste (cont.)

- Universal Wastes sent to a Class D recycling center **do not** have to be transported by a NJ licensed solid or hazardous waste transporter
- Universal Wastes sent to a RCRA TSDF **must** be transported by a NJ licensed solid or hazardous waste transporter



# Summary

- Universal Wastes are hazardous wastes subject to reduced management requirements
- Batteries, pesticides, hazardous waste lamps mercury-containing equipment, consumer electronics, and oil-based finishes are the only universal wastes in New Jersey

## Summary (cont.)

- The Federal Universal Waste Rule (40 CFR 273) has been incorporated by reference into New Jersey's regulations
- Generators and accumulators of universal waste are regulated as handlers
- Recyclers of universal waste are regulated as Class D recycling centers

# Additional Information

- New Jersey's Recycling Regulations (NJAC 7:26A) are available on-line at:  
[www.nj.gov/dep/dshw/resource/rules.htm](http://www.nj.gov/dep/dshw/resource/rules.htm)
- Federal Universal Waste Rule (40 CFR 273) is available on-line at [www.epa.gov](http://www.epa.gov)
- USDOT Regulations are available at [hazmat.dot.gov](http://hazmat.dot.gov)

# Contact Information

- If you have questions on New Jersey's Universal Waste Rule contact:
  - Bureau of Solid & Haz. Waste Permitting North - Charlie D'Amico or Ralph Asplen (609) 292-9880 (Mercer, Hunterdon, Somerset, Union, Warren, Morris, Essex, Hudson, Bergen, Passaic, Sussex)
  - Bureau of Solid & Haz. Waste Permitting South - Dawn Higgins (609) 984-6664 (Middlesex, Monmouth, Ocean, Burlington, Camden, Gloucester, Atlantic, Salem, Cumberland, Cape May)