

Mercury Containing Equipment

Final Rule
70 FR 45508-45522
August 5, 2005

What is this Federal Register About?

EPA has added mercury-containing equipment to the list of universal wastes.

Mercury-containing equipment (MCE) consists of devices, items, or articles that contain varying amounts of elemental mercury that is integral to their functions, including several types of instruments that are used throughout the electric utility industry and other industries, municipalities, and households. Some commonly recognized devices are thermostats, barometers, manometers, and mercury switches, such as light switches in automobiles. The definition does not include mercury waste that is generated as a by-product through the process of manufacturing or treatment, or equipment that has been contaminated by mercury.

Under today's rule, the existing universal waste requirements currently applicable to small quantity handlers of universal waste (SQHUWs) and large quantity handlers of universal wastes (LQHUWs) also apply to handlers of spent mercury-containing equipment. For both SQHUWs and LQHUWs, these requirements include waste management standards, labeling and marking, accumulation time limits, employee training, response to releases, requirements related to off-site shipments, and export requirements. LQHUWs are subject to additional notification and tracking requirements.

Persons meeting the definition of universal waste transporter include those persons who transport universal waste from one universal waste handler to another, to a processor, to a destination facility, or to a foreign destination. These persons are subject to the universal waste transporter requirements of part 273, subpart D. Today's rule does not change any of the existing requirements applicable to universal waste transporters.

The definition of a destination facility is "a facility that treats, disposes of, or recycles a particular category of universal waste" (except certain activities specified in the regulations, OAC chapter 3745-273). Today's rule does not change any of the existing requirements applicable to universal waste destination facilities.

What does this mean to the regulated community?

Adding MCE to the universal waste rule will promote and improve compliance with the hazardous waste rules with regards to the proper treatment and disposal of these types of wastes by reducing regulatory burden on handlers.

When are the rule changes effective in Ohio?

Currently in Ohio, MCE destined for reclamation is not subject to regulation under the hazardous waste rules because Ohio EPA categorizes MCE as a characteristic by-product. According to OAC 3745-51-02, characteristic by-products are not defined as solid wastes when recycled by reclamation. So, this rule would increase the regulatory burden on generators and collection facilities who recycle MCE. Ohio EPA will be adopting this rule.

U.S. EPA does not require us to adopt these rules in order to maintain our

authorization. The exclusions are not effective in Ohio until we adopt them.

Federal Register Link <http://www.epa.gov/fedrgstr/EPA-WASTE/2005/August/Day-05/f15437.htm>

Federal Guidance Document:
<http://www.epa.gov/epaoswer/hazwaste/recycle/electron/crt.htm>