

## Results of a Survey by NEWMOA on State Universal Waste (UW) Requirements in the Northeast October 2021

State	Products/materials currently covered by Universal Waste requirements	Follow the federal (fed) requirements? Any state requirements that are more stringent than the federal ones? If so, what are they?	Special programs/activities for implementing UW requirements	Other comments on the state's UW requirements
Connecticut	<ul style="list-style-type: none"> <li>• HW regulations currently include the fed UW categories as of the 7/1/2000 CFR: batteries, pesticides, mercury thermostats, &amp; lamps.</li> <li>• Handlers are allowed to manage mercury-containing equipment as UW pursuant to a separate State statute.</li> <li>• HW regulations also have a state-</li> </ul>	<ul style="list-style-type: none"> <li>• Require <u>all</u> mercury-containing lamps to be managed as UW, not just the ones that fail TCLP for mercury.</li> <li>• Large quantity handlers of UW pesticides are not exempt from the requirement to notify &amp; obtain an EPA ID Number.</li> <li>• Regulations clarify that "inadvertent breakage" of small quantities</li> </ul>	<ul style="list-style-type: none"> <li>• Checks for compliance with UW requirements in every HW performed. Also check for compliance with these requirements during many of SW inspections, especially at SW transfer stations.</li> <li>• Respond to complaints regarding UW violations, &amp; have engaged in major enforcement actions against a lamp recycler, several lamp manufacturers, &amp; generators, such as tanning salons.</li> <li>• For compliance assistance, have a <a href="#">dedicated UW web page</a> on agency website, &amp; have also included UW in <a href="#">face-to-face training events</a> &amp; <a href="#">online training programs</a>.</li> <li>• Also have a toll-free HW compliance assistance help line, &amp; incoming calls for assistance often concern UW.</li> </ul>	<p>Currently engaged in a Reg Update project that will formally add mercury-containing equipment to our UW regulations, but will not be picking up the Aerosol Can Rule during the current Update.</p> <p>CT DEEP Universal Waste webpage:  <a href="https://portal.ct.gov/DEEP/Waste-Management-and-Disposal/Hazardous-Waste/Universal-Waste">https://portal.ct.gov/DEEP/Waste-Management-and-Disposal/Hazardous-Waste/Universal-Waste</a></p>

specific UW category: used electronics – a device or a component thereof that contains one or more circuit boards, or a cathode ray tube, & is used primarily for data transfer or storage, communication, or entertainment purposes.

of UW may continue to be managed as UW, but any other type of breakage must be managed as fully-regulated HW.

- Require all lamps with evidence of breakage, leakage, or damage to be placed in a container.
- Regs specify that UW that are not managed in accordance with UW requirements are subject to regulation as fully-regulated HW.
- Containers of UW thermostats must be capable of preventing releases.

<p><b>Maine</b></p>	<p>Certain batteries, cathode ray tubes, certain lamps, fluorescent bulbs, mercury devices, mercury thermostats, motor vehicle mercury switches, polychlorinated biphenyl (PCB) ballasts, &amp; architectural paint</p>	<ul style="list-style-type: none"> <li>• Require <u>all</u> mercury-containing lamps to be managed as UW, including household, not just the ones that fail TCLP for mercury.</li> <li>• Weekly inspections if more than 200 items onsite.</li> <li>• Movement tracked on either a HW manifest ME UW BOL or Log.</li> <li>• State-assigned ID numbers for LUWGs unless they meet federal requirements.</li> <li>• “Inadvertent breakage” of small quantities of UW may continue to be managed as UW, but any other</li> </ul>	<p>Maine:  <a href="https://www.maine.gov/dep/waste/hazardouswaste/index.html#uw">https://www.maine.gov/dep/waste/hazardouswaste/index.html#uw</a></p> <ul style="list-style-type: none"> <li>• Handbook for UW Generators  <a href="https://www.maine.gov/dep/waste/hazardouswaste/documents/uwhandbook.pdf">https://www.maine.gov/dep/waste/hazardouswaste/documents/uwhandbook.pdf</a> (pdf format)</li> <li>• <a href="#">Universal Bill of Lading Request Form</a></li> <li>• <a href="#">Quarterly Universal Waste Report Form</a> (MS Excel)</li> <li>• <a href="#">Electronics De-manufacturing Facility Application</a> - (MS Word) - <a href="#">pdf format</a></li> <li>• <a href="#">Universal Waste Generator Inspection Checklist</a> (pdf format)</li> <li>• <a href="#">Universal Waste Central Accumulation Facility Inspection Checklist</a> (pdf format)</li> <li>• <a href="#">Universal Waste Consolidator Inspection Checklist</a> (pdf format)</li> </ul> <p>For enforcement, Maine has inspected UW activities as part of its CEIs, investigated complaints about improper management of UW, &amp; had follow-up enforcement if needed.</p> <p>Compliance assistance help may come from multiple programs in the DEP’s Division of Materials Management, including the hazardous waste people.</p>	<p>ME DEP UW webpage:  <a href="https://www.maine.gov/dep/waste/hazardouswaste/index.html#uw">https://www.maine.gov/dep/waste/hazardouswaste/index.html#uw</a></p> <p>No decision has been made yet about the Aerosol Can Rule. Architectural Paint was added a few years ago.</p>
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		type of breakage must be managed as fully-regulated HW.		
<b>Massachusetts</b>	<p>Certain batteries – like fed.</p> <p>Certain pesticides – like fed.</p> <p>Mercury containing devices – like fed.</p> <p>Certain lamps – like fed.</p>	No “more stringent” requirements for federal UWs.	<p>Fact sheet: <a href="https://www.mass.gov/doc/fact-sheet-universal-waste-rule-for-small-quantity-generators/download">https://www.mass.gov/doc/fact-sheet-universal-waste-rule-for-small-quantity-generators/download</a></p> <p>Also have a HW compliance assistance help line &amp; calls for assistance often concern UW.</p> <p>MassDEP has conducted inspections of UW Handlers &amp; issued enforcement actions, as needed.</p>	<p>Just began regulatory process of adopting UW regulations for aerosol cans.</p> <p>Mass DEP UW webpages: <a href="https://www.mass.gov/lists/massdep-hazardous-waste-policies-guidance-fact-sheets">https://www.mass.gov/lists/massdep-hazardous-waste-policies-guidance-fact-sheets</a> &amp; <a href="https://www.mass.gov/doc/fact-sheet-universal-waste-rule-for-small-quantity-generators/download">https://www.mass.gov/doc/fact-sheet-universal-waste-rule-for-small-quantity-generators/download</a></p>
<b>New Hampshire</b>	<ul style="list-style-type: none"> <li>• Certain batteries – like fed.</li> <li>• Certain pesticides – like fed.</li> <li>• Mercury containing devices – like fed.</li> <li>• Certain lamps – like fed.</li> <li>• Cathode ray tubes – NH specific UW</li> <li>• Antifreeze – NH specific UW</li> </ul>	<p>Yes &amp; Yes</p> <ul style="list-style-type: none"> <li>• Has more stringent requirements, including: 3 categories of handlers compared to the fed 2: NH SQ Handler (accumulate less than 5,000 kgs); NH LQ Handler (accumulate</li> </ul>	<ul style="list-style-type: none"> <li>• For compliance assistance, the DES website has UW Fact Sheets for Batteries (HW-23), Lamps (HW-7), &amp; Antifreeze (HW-4).</li> <li>• In addition, there is a UW section to the HW Coordinator Training (PowerPoint for that training is posted on website).</li> <li>• For enforcement, DES has conducted inspections of UW Handlers (e.g., Very LQ Handlers of CRTs), &amp; issued enforcement actions, as needed.</li> </ul>	<p>The UW Rule has been in effect in NH since 10/13/01. The complete UW requirements for NH can be found at Env-HW 1100 of the HW Rules.</p> <p>NH DES UW Webpages: <a href="https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/Env-Hw%201100.pdf">https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/Env-Hw%201100.pdf</a>; <a href="https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/2020-01/swmb-sichecklist-universal.pdf">https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/2020-01/swmb-sichecklist-universal.pdf</a>; &amp;</p>

		<p>5,000-20,000 kgs); &amp; NH Very LQ Handler (accumulate greater than 20,000 kgs.).</p> <ul style="list-style-type: none"><li>• Requires all handlers of UW storing UW outside to keep the UW covered to prevent precipitation from coming in contact with the waste or containers.</li><li>• Requires Very LQ Handlers to conduct weekly inspections; have a contingency plan; maintain emergency equipment, aisle space, &amp; emergency posting; provide security at outdoor storage areas; have a</li></ul>		<p><a href="https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/2020-01/hwcc-chapter8a.pdf">https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/2020-01/hwcc-chapter8a.pdf</a></p>
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		closure plan; & maintain financial assurance.		
<b>New Jersey</b>	Adopted all of the federal UW's & has added a few "State Only" UW's, such as consumer electronics & oil-based finishes.	Regulates all fed UWs the same as EPA. Allows handlers to manage consumer electronics & oil-based finishes as UW; this could be considered more stringent or less stringent, depending on if the waste would be considered "hazardous." For example, not all consumer electronics would fail TCLP for RCRA metals & not all oil-based finishes would be ignitable (D001) or fail TCLP for Benzene (D018). Sometimes the waste is overclassified to	<ul style="list-style-type: none"> <li>• Bureau provides free HW seminars to the regulated community twice/year; the seminars periodically cover such topics as UW.</li> <li>• DEP has compliance assistance resources on its webpages (compliance assistance package, training modules, links to resources, etc.).</li> <li>• Enforcement Alerts are used to help keep the regulated community aware of new regulations or other topics of concern.</li> <li>• Routine inspections of UW handlers &amp; recycling centers are conducted.</li> </ul>	NJ DEP UW Webpages: <a href="https://www.nj.gov/dep/dshw/lrm/uwaste/uwindex.htm">https://www.nj.gov/dep/dshw/lrm/uwaste/uwindex.htm</a>

		save money on analytical costs (for waste determination).		
<b>New York</b>	<ul style="list-style-type: none"> <li>• Has mercury containing equipment, pesticides, lamps, &amp; batteries. Have not yet adopted aerosol cans.</li> <li>• Begun the regulatory process to update UW regulations for aerosol cans &amp; for waste paint. Expect the process to take between 1 &amp; 2 years.</li> <li>• Are also developing a UW rule, which will include solar panels, largely based on California's rules, but that will be a year or so behind</li> </ul>	Regulations require that the transport of UW either be conducted by the UW handler, or via a NYS permitted transporter, under 6NCRR Part 364 if the transport involves 500 lbs. or greater of UW. That is the only more stringent requirement now. Will likely have a couple of more stringent requirements in the final aerosol can rule, but until the rule is released to the public, cannot share them.	Website on the appropriate management of lamps & batteries but have neither done specific outreach nor enforcement for UW issues. Do find UW waste handling issues during overall HW inspections.	<p>Once go public with NY's draft regulations for aerosol cans &amp; paint waste as UW, can share these with NEWMOA.</p> <p>NYSDEC UW Webpages:  <a href="https://www.dec.ny.gov/chemical/99942.html">https://www.dec.ny.gov/chemical/99942.html</a></p>

	the aerosol can and paint waste rule.			
<b>Rhode Island</b>	Cover batteries, pesticides, mercury-containing equipment, lamps, used electronics, & silver-containing photo-fixer.	<ul style="list-style-type: none"> <li>• Definition of used electronics includes things not included as federal UW. Do not recognize farmer exemption for pesticides.</li> <li>• Ni-cad, mercury oxide, &amp; lead acid batteries are managed as UW or HW, depending on whether they exhibit a hazardous characteristic.</li> <li>• Mercury-containing waste is a UW even if it does not exhibit a characteristic.</li> <li>• Waste lamps are UW even if they</li> </ul>	No	RI DEM UW Webpages: <a href="http://www.dem.ri.gov/programs/benviron/assist/pdf/univrule.pdf">http://www.dem.ri.gov/programs/benviron/assist/pdf/univrule.pdf</a>



		<p>do not exhibit a characteristic.</p> <ul style="list-style-type: none"> <li>• Do not recognize CESQG exemption except for paint.</li> <li>• Used electronics &amp; lamps cannot be shredded or crushed by handlers.</li> </ul>		
<b>Vermont</b>	<ul style="list-style-type: none"> <li>• Batteries (fed)</li> <li>• Pesticides (fed, includes provisions to address VT's broader-in-scope pesticide listing)</li> <li>• Thermostats (state, based on original fed UW category that is now included under the fed "mercury-containing equipment" category)</li> <li>• PCB-containing fluorescent light</li> </ul>	<p>Besides the differences noted in the left column, VT requires all UWs to be stored "within a structure such that (containers/wastes) are protected from precipitation", &amp; for UW lamps Vermont specifies a maximum stacking height of 5 feet, requires full containers of UW lamps to be sealed, prohibits intentional</p>	<p>Maintains a general fact sheet about UW, &amp; another fact sheet about UW lamps.</p>	<p>Will likely roll the UW category of thermostats under "mercury-containing devices" in the future (like EPA did). Have also discussed the idea of addressing solar panels as UW in the future.</p> <p>VT DEC UW Web resource: <a href="https://www.youtube.com/watch?v=OfwmDtERQuw">https://www.youtube.com/watch?v=OfwmDtERQuw</a> and</p>

	<p>ballasts (state – VT lists PCB-containing wastes as HW)</p> <ul style="list-style-type: none"><li>• Lamps (fed)</li><li>• Mercury-containing devices (fed/state, based on fed “mercury-containing equipment”)</li><li>• CRTs (state; fed, CRTs addressed under a conditional exclusion)</li><li>• Postconsumer paint (state, currently in state statute &amp; proposed rule; developed to accommodate Paint Care program)</li><li>• Aerosol cans (fed, in current proposed rule)</li></ul>	<p>breakage of lamps (e.g., drum-top crushers), &amp; requires that a HW waste determination be made on broken lamps (with exception of “incidental breakage” that occurs within containers of UW lamps).</p>		
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