Chapter 858: UNIVERSAL WASTE RULES

Chapter 858: STANDARDS FOR UNIVERSAL WASTE

SUMMARY: This rule establishes standards and requirements for all universal waste.

l. Legal Authority. This rule is authorized by and adopted under 38 M.R.S. §1301 *et seq*.

2. Preamble. It is the purpose of the Department of Environmental Protection, consistent with legislative policy, to provide effective controls for the management of hazardous waste. Universal waste is a subset of hazardous waste. This rule provides for one of these controls by establishing certain standards which must be met by generators, and facilities managing universal waste.

3. Incorporations by Reference. Portions of this rule refer to specific federal regulations of the United States Environmental Protection Agency (EPA). Federal regulations referenced are those regulations revised as of July 1, 2001, as they appeared in volume 40 of the *Code of Federal Regulations* (C.F.R.). Where specifically stated, the terms of a referenced federal regulation are hereby adopted as terms of this rule, except that in regulations incorporated thereby, "EPA" shall mean "the Maine Department of Environmental Protection (DEP)"; "Administrator", "Regional Administrator" and "Director" shall mean "the Commissioner", and the phrase "treat, store, and/or dispose" shall mean "handle". In addition, where the terms of federal regulations hereby incorporated by reference differ from or are inconsistent with other terms of this Chapter or Chapters 850-860, the more stringent of the requirements shall apply. Other changes to regulations incorporated hereby are as expressly made in this rule.

NOTE: Other requirements for generators, transporters, and facilities appear in other rules of the Department dealing with specific aspects of hazardous waste management, including universal waste. See, for example, Chapter 857, *Hazardous Waste Manifest Requirements*; Chapter 856, *Licensing of Hazardous Waste Facilities*; Chapter 854, *Standards for Hazardous Waste Facilities*; and Chapter 853, *Licensing of Transporters of Hazardous Waste*.

4. Definitions. For the purposes of this rule, terms not defined in this section shall have the meaning given them in Chapter 850, or in 38 M.R.S. §§ 361-A, 1303-C.

A. **Architectural Paint.** Architectural paint means interior and exterior architectural coatings sold in containers of 5 gallons or less that is unused but intended for painting components of houses or other buildings. For the purposes of this Chapter, architectural paint only includes materials defined as a hazardous waste by characteristic or that contains a listed hazardous waste in accordance with Chapter 850, Section 3, that are generated by a person or entity that generates less than 100 kilograms in a calendar month (approximately 27 gallons or less) and accumulates no more than 55 gallons of hazardous waste at any one time in aggregate, including hazardous wastes other than architectural paints, or acutely hazardous waste in amounts less than or equal to those amounts specified in Chapter 850, Section 3(A)(5)(c). Architectural paint does not include industrial, original equipment or specialty coatings, ignitable or F-listed paint thinners, mineral spirits or solvents used for cleaning paint-related equipment, or other ignitable or F-listed paint thinners or solvents contaminated with architectural paint. Architectural paint also does not include: aerosol paints (spray cans), arts and crafts paints, adhesives and caulking compounds, epoxies, glues, automotive and marine paints, 2-component coatings, deck cleaners, industrial maintenance (IM) coatings, original equipment manufacturer (OEM) paints and finishes (shop applications), paint additives, colorants, tints, resins, roof patch and repair, tar, asphalt and bitumen based products, traffic and road marking paints, and wood preservatives. Architectural Paint may only be managed as universal waste if an approved Stewardship plan is also in place.

NOTE: Latex, water- based, and acrylic interior and exterior paints are not generally hazardous waste.

NOTE: Household hazardous wastes that are also a type of universal waste may be managed through the universal waste program.

B. **Ballast.** Ballast means a device that electronically controls light fixtures and includes a capacitor containing 0.1 kg or less of dielectric.

C. **Cathode Ray Tubes.** Cathode Ray Tubes (CRTs) means a product video display component of televisions, computer displays, military and commercial radar, and other display devices.

D. **Central Accumulation Facility.** Central Accumulation Facility means a facility where:

(1) A generator combines its own universal wastes from the generator's various facilities;

(2) A licensed solid waste transfer station or recycling center where universal waste generators may take their universal wastes;

(3) A facility where less than 200 universal waste items are collected from generators that are serviced by the facility; or

(4) For architectural paints, a paint retailer including paint, hardware and home improvement stores that accepts architectural paint from consumers as defined by 38 M.R.S. §2144.

NOTE: Section D(3) above allows sign service companies, electricians, and other service companies that service a generator's lights, and other universal waste, to take these waste back to their facilities by using a log, store them for a period of time and then transport them to an instate Consolidation facility. The instate consolidator would then take the log information and submit a Quarterly Report to the Department.

E. **Collection Container.** Collection container means a container that is designed to store more than one universal waste item, and for architectural paint, a reusable plastic or metal tote or drum. For a one or two day collection event of paint waste, a plastic lined cardboard gaylord box or lined roll off box may be used.

F. **Consolidation Facility.** Consolidation Facility means a facility where universal waste is consolidated and temporarily stored while awaiting shipment to a recycling, treatment or disposal facility. This facility is typically where a central accumulation facility will send its waste initially.

G. **Hazardous Waste Management Rules.** *Hazardous Waste Management Rules* means Chapters 850 through 858 inclusive.

H. **Lamp.** Lamp means a bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, and infra-red regions of the electromagnetic spectrum. Examples of lamps are fluorescent lamps, high intensity discharge lamps, neon lamps, mercury vapor lamps, high pressure sodium lamps and metal halide lamps. Lamp includes both lamps that fail the Toxicity Characteristic Leaching Procedure (TCLP) and those that contain mercury but pass the TCLP.

I. **Mercury Device.** Mercury Device means a manufactured item that has mercury added. Examples of mercury devices are mercury thermometers, mercury manometers, sphygmomanometers, and mercury switches. The term does not include a motor vehicle mercury switch.

J. **Mercury Switch.** Mercury Switch means a mercury added manufactured item that uses metallic mercury to measure, control or regulate the flow of gas, fluids or electricity.

K. **Mercury Thermostat.** Mercury Thermostat means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element.

L. **Motor Vehicle Mercury Switch.** Motor Vehicle Mercury Switch means a mercury switch used in a motor vehicle. It includes mercury light switches used to turn a light bulb or lamp on and off and a mercury switch used in anti-lock braking systems.

M. **Recycling Center.** "Recycling Center" means a publicly owned or publicly contracted facility that primarily handles municipal recyclables and that receives pre-separated, uncontaminated, unwanted paper, cardboard, glass, plastic, metal, and universal wastes. A recycling center is not a recycling facility.

N. **Recycling Facility.** "Recycling Facility" means a facility where universal wastes are dismantled, hazardous constituents recovered, reclaimed or separated for reuse.

O. **Small Universal Waste Generator.** Small Universal Waste Generator means a person or entity that generates in any calendar month or accumulates on site at any one time no more than:

(1) 200 universal waste items, including batteries as described in Section 12, or

(2) 4,000 motor vehicle mercury switches, or

(3) 40 tons of cathode ray tubes.

The total weight of all universal waste including batteries must be no more than 5,000 kg.

A one-time generation of lamps under a Green Lights or other similar energy conversion program that is completed within six months or a mercury thermometer collection event, is exempt from the 200 item count provided no more than 5,000 kg of universal waste are generated and the waste is managed in accordance with the standards for a Green Lights Program or mercury thermometer collection event in Section 10 of this chapter.

NOTE: 5,000 kg approximately equals 20,000 lamps.

40 tons of Cathode Ray Tubes (CRT's) approximately equals 4,000 CRT's.

An anti-lock brake system is considered one universal waste unit even though it may contain up to three mercury switches per unit.

P. **Universal Wastes.** Universal wastes are those wastes determined by the Department to meet the criteria in Chapter 850, Section 3(D). These universal wastes are:

(1) Architectural paint;

(2) Cathode ray tubes;

(3) Lamps;

(4) Mercury Devices;

(5) Mercury thermostats;

(6) Motor Vehicle Mercury Switches;

(7) Totally enclosed, non-leaking polychlorinated biphenyl (PCB) ballast.

NOTE: Only mercury-containing lamps or lamps otherwise hazardous are included as universal wastes.

NOTE: Batteries are managed as universal waste in accordance with Section 12.

5. Prohibitions. Generators, owners or operators of any central accumulation or consolidation facility, and transporters of universal wastes are prohibited from conducting the following activities:

A. Disposing, diluting or treating universal wastes.

NOTE: The intentional breaking of universal wastes including Cathode Ray Tubes is a form of treatment, and is therefore prohibited at locations other than the recycling facility.

B. Sending a universal waste to any facility other than:

(1) a central accumulation facility;

(2) a consolidation facility for universal waste;

(3) an approved recycling facility for universal wastes; or

(4) an approved disposal or treatment facility authorized to handle PCB ballasts, the residues from mercury spill kits, or architectural paint that cannot be recycled.

NOTE: Generators that self-transport waste must comply with universal waste transporter requirements, as provided in Section 7D of this chapter.

6. Household Hazardous Waste. Household hazardous waste (or household universal waste), which meets the description of universal waste in Section 4P but which is exempt under Chapter 850, Section 3A(4)(a)(vii), when combined or mixed with non-household universal or hazardous wastes is no longer exempt and must be managed either in accordance with the universal waste requirements of this chapter or the *Hazardous Waste Management Rules*, Chapter 850 through 857.

7. Generator Standards. All generators of universal wastes must comply with either the full *Hazardous Waste Management Rules*, Chapter 850 through 857 or the following alternative generator standards.

A. Determine whether the waste generated is hazardous in accordance with Section 5 of Chapter 851 and, pursuant to 38 M.R.S. §1663 determine that all mercury containing lamps are a universal waste; and

NOTE: All mercury containing lamps are universal wastes as required by statute, regardless of TCLP test results.

B. Determine whether the waste is a universal waste under Section 4P;

NOTE: If a hazardous waste is not eligible for regulation under the universal waste rules, then the full hazardous waste management rules apply, Chapter 850 through 857.

C. Properly track the universal waste via a manifest, Recyclable Hazardous Material Uniform Bill of Lading, or the log system in accordance with Chapter 857;

D. Utilize a licensed transporter in accordance with Section 7 of Chapter 851 or a common carrier in accordance with Section 10(B) of Chapter 853**;**

E. Transport or offer for transport, universal waste only to a facility authorized to handle the waste under a state program, and which is authorized to handle the waste under the federal hazardous waste regulatory program, if applicable, and which is one of the types of facilities named in Section 5B above;

F. Store all universal waste in containers. Containers must not show evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions. The containers must be closed, structurally sound, compatible with the content of the waste, and must not be leaking, spilling, dented or damaged such that it could cause leakage under reasonably foreseeable conditions;

G. Immediately contain and transfer all releases of waste and residues resulting from spills or leaks from broken or ruptured universal waste to a container that meets the requirements of the *Maine Hazardous Waste Management Rules*, Chapter 850 through 857, except that waste and residues from incidental breakage may still be managed as a universal waste;

H. Determine by testing, or handle as hazardous, clean up residues resulting from spills or leaks from events other than incidental breakage of lamps or CRTs in accordance with *Maine Hazardous Waste Management Rules*, Chapter 850 through 857, including generator accumulation time limit, storage and disposal standards, and count this waste toward the determination of hazardous waste generator status;

I. Train all employees and contractors who handle or have responsibility for managing universal wastes on proper handling and emergency procedures. Maintain the documentation of employee and contractor training. The documentation shall include the name of the person receiving the training, the date of the training and the information covered during the training;

J. Conduct weekly inspections of universal waste storage areas and maintain a written inspection log to document the inspections. The log must include the name of the inspector, date of inspection, number and condition of waste containers and descriptions of actions taken to address any problem discovered during the inspection. The number of universal wastes (i.e.: number of lamps, thermostats, individual architectural paint original containers) must be maintained onsite;

NOTE: The generator may find the inspection log to be the easiest way to keep track of the number of universal wastes onsite.

K. Store universal waste in a secured area which can be locked when not in use;

L. Label each universal waste container or collection container with an accumulation start date and the date the container becomes full;

M. Store universal wastes for no more than one year from the date the waste is first placed in the container or collection container. A generator may store waste for more than one year only if the generator stores the waste for no more than 90 days from the date the container or collection container becomes full when the activity is solely for the purposes of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment or disposal. The handler bears the burden of proving that such activity was solely for the purposes of accumulation of such quantities as necessary to facilitate proper recovery, treatment or disposal. For the purposes of the accumulation of the following waste in collection containers no larger than the following capacities, the accumulation time of 90 days from the collection container full date is deemed "necessary to facilitate proper recovery, treatment or disposal:"

(1) Architectural paint - container of 5 gallons or less;

(2) Cathode Ray Tubes - no larger than a single gaylord container;

NOTE: A gaylord container is typically a 4'x4'x4' container that will typically contain 24 CRTs.

(3) Lamps - no larger than 190 bulb size container;

(4) Mercury Thermostats - container of no larger than 30 gallons;

(5) Mercury Devices - containers of no larger than 55 gallons;

(6) Motor Vehicle Mercury Switches - containers of no larger than 5 gallons.

Motor Vehicle Mercury Switches must be shipped off site at least every three years regardless of whether the size limit identified in (6) in this paragraph is reached.

NOTE: This universal waste in storage will not be considered part of your hazardous waste accumulation for the purpose of your generation status.

N. Store universal waste containers or collection containers, with adequate aisle space to be able to inspect the condition of the containers and collection containers and determine the accumulation start dates and container and collection container full dates;

O. Comply with the export and import requirements of Chapter 857, Section 7(D);

P. Generators that accumulate more than 4,000 motor vehicle mercury switches or 200 other items of universal wastes at any one time or in any

given month must notify the Maine Department of Environmental Protection of the handling of universal wastes and must receive an EPA Identification Number, unless the generator has previously notified and the site has been assigned an EPA Identification Number. Alternatively generators that handle less than 40 tons of cathode ray tubes or 5,000 kg of other universal wastes are required to notify but may notify the Department on a state waste notification form provided by the Department in lieu of notifying EPA using the EPA form. This notification shall include the specific type of universal wastes handled by the generator. The requirement of an EPA Identification Number for those that generate or accumulate only universal waste is intended as a registration provision and does not make other sections of the hazardous waste rules applicable unless other hazardous wastes are generated or accumulated.

NOTE: A generator may obtain an EPA identification number by applying to the Department of Environmental Protection, Bureau of Remediation and Waste Management, State House Station #17, Augusta, Maine 04333-0017 using EPA form 8700-12.

NOTE: A generator or central accumulation facility that meets the threshold in paragraph P but is not required to obtain an EPA identification number is required to notify the Department of its activities by submitting either a Notification of State Universal Waste Activities form or an EPA 8700-12 form to the Department of Environmental Protection at the above address.

Q. **Reduced requirements for small universal waste generators**

(1) A small universal waste generator may log information at the Central Accumulation facility or instate Consolidation facility in accordance with Section 13(A) of Chapter 857;

(2) In lieu of 7(J) above, a small universal waste generator must keep track of the number of universal waste items onsite (i.e.: number of lamps, thermostats);

NOTE: The Department recommends that the universal waste area is inspected when placing wastes in the area to ensure that the area is in compliance with the rules and to minimize exposures to toxic releases.

(3) A small universal waste generator is not required to notify the Department of this activity, as provided in 7(P);

(4) A small universal waste generator must maintain a copy of the log or a certificate of receipt from the receiving facility if transporting and using a log; and

(5) Records related to personnel training may be retained by the instate consolidation facility in lieu of a small universal waste generator as provided in 7(T).

R. **Ship universal waste**

(1) Whole, intact, and unbroken except as authorized by the Department as incidental breakage;

(2) In proper packaging that includes closed containers that are compatible for the type and amount of waste and that meet the US DOT standards;

(3) Accompanied by a Recyclable Hazardous Material Uniform Bill of Lading, manifest, or log (as applicable); and

(4) Via a common carrier or licensed hazardous waste transporter, or if operating as a small universal waste generator, the small universal waste generator may self-transport its universal waste in accordance with the universal waste transporter requirements of 06-096 C.M.R. ch. 853 §11;

S. Comply with the Recyclable Hazardous Material Uniform Bill of Lading, manifest or log requirements of Chapter 857;

NOTE: An instate small universal waste generator and an instate central accumulation facility are allowed to use the log in lieu of the manifest or bill of lading provided they are transporting to an instate consolidation facility.

T. Retain the following records at the generator facility, the central accumulation facility, and the consolidation facility (where applicable);

(1) Inspection logs for at least one year from generator's shipment or facility's receipt of the universal waste;

(2) Documentation of employee or contractor training for at least three years from the date of generator shipment or facility receipt of the universal waste or for the length of employee service whichever is greater. An instate consolidation facility may maintain the record of training for small universal waste generators and central accumulation locations on behalf of these entities; and

(3) Recyclable Hazardous Materials Uniform Bill of Lading, or manifest, or log for at least three years from the date of shipment or receipt of the universal waste.

U. Submit the following information to the Department:

(1) The original Recyclable Hazardous Materials Uniform Bill of Lading or proper manifest copies within 7 days of shipment.

(2) The quarterly universal waste report from the consolidation facility in accordance with the provisions of Chapter 857, Section 13(C)(2).

V. In addition to 5, 6, and 7(A) through (U) above, cathode ray tubes (CRT) must also be managed in accordance with the following requirements:

(1) Pack CRT in containers, boxes, gaylord, or another acceptable container method approved by the Department that will contain any breakage. CRTs must have packing materials adequate to prevent breakage during storage, handling and transportation;

(2) Seal securely, such as with tape, around the box openings of all full boxes and immediately if incidental breakage should occur;

(3) Do not stack containers or boxes of CRT's more than five feet in height;

(4) Store CRT's in an inside, dry area not exposed to weather;

(5) Mark the container or box with the words "Waste Cathode Ray Tube";

(6) Designate each waste CRT storage area by a clearly marked sign which states. "Waste Cathode Ray Tube Storage" or Universal Hazardous Waste Storage;"

W. In addition to 5, 6 and 7(A) through (U) above, lamps must also be managed in accordance with the following requirements:

(1) Pack lamps in containers or boxes with packing materials adequate to prevent breakage during storage, handling, and transportation;

(2) Seal securely, such as with tape, around the box openings of all full boxes and immediately if incidental breakage should occur;

(3) Do not stack containers or boxes of lamps more than five feet in height;

(4) Store lamps in an inside, dry area not exposed to weather;

(5) Mark the container with the words "Waste Lamps";

(6) Designate each waste lamp storage area by a clearly marked sign which states "Waste Lamp Storage" or "Universal Hazardous Waste Storage";

X. In addition to 5, 6 and 7(A) through (U) above, mercury devices must also be managed in accordance with the following requirements:

(1) Pack mercury devices in rigid, sealable containers with packing materials adequate to prevent breakage during storage, handling, and transportation;

(2) Store mercury devices in an inside, dry area not exposed to weather;

(3) Mark the containers with the words "Waste Mercury Devices";

(4) Designate each mercury device storage area by a clearly marked sign which states "Waste Mercury Device Storage" or "Universal Hazardous Waste Storage";

Y. In addition to 5, 6 and 7(A) through (U) above, mercury thermostats must also be managed in accordance with the following requirements:

(1) Pack mercury thermostats in rigid, sealable containers with packing materials adequate to prevent breakage during storage, handling, and transportation;

(2) Store mercury thermostats in an inside, dry area not exposed to weather;

(3) Mark each container with the words "Waste Mercury Thermostats";

(4) Designate each waste thermostat area by a clearly marked sign which states "Waste Mercury Thermostat Storage" or "Universal Hazardous Waste Storage";

Z. In addition to 5, 6 and 7(A) through (U) above, motor vehicle mercury switches must also be managed in accordance with the following requirements:

(1) Pack switches in rigid, sealable containers with packing material adequate to prevent breakage during storage, handling, and transportation;

(2) Store switches in an inside, dry area not exposed to the weather;

(3) Mark the container with the words "Waste Motor Vehicle Switches";

(4) Designate each waste motor vehicle mercury switch storage area by a clearly marked sign which states "Waste Motor Vehicle Switch Storage" or "Universal Hazardous Waste Storage";

(5) A motor vehicle switch generator may accumulate 4,000 motor vehicle mercury switches before becoming a large universal waste generator. The 200 item limit would continue to apply to all other universal waste items;

(6) In addition to 7M above, a motor vehicle switch generator must ship off its motor vehicle mercury switches at least every three years whether or not the container is full;

AA. In addition to 5, 6 and 7(A) through (U) above, totally enclosed, non-leaking PCB ballast must also be managed in accordance with the following requirements:

(1) Pack ballasts in rigid, sealable containers with packing materials adequate to prevent breakage during storage, handling, and transportation;

(2) Store ballasts in an inside, dry area not exposed to the weather;

(3) Mark containers with the words "Waste PCB Ballasts";

(4) Designate each waste ballast storage area by a clearly marked sign which states "Waste PCB Ballast Storage " or "Universal Hazardous Waste Storage";

BB. In addition to 5, 6 and 7(A) through (U) above, architectural paint must also be managed in accordance with the following requirements:

(1) Store the paint in its original closed non-leaking container of 5 gallons or less in size;

(2) Store container or collection container in an inside, dry area not exposed to the weather;

(3) Store the securely closed original paint containers within secondary containment to contain liquids in the event of a leak, and store away from storm drains and floor drains, and away from ignition sources;

(4) Mark collection containers with the words "Waste Paint" or designate each waste storage area or container by a clearly marked sign which states "Waste Paint Storage" or "Universal Hazardous Waste Storage."

NOTE: In addition to the requirements contained in this rule, Architectural Paint will also be subject to any requirements in an approved stewardship program plan.

8. Central Accumulation Facility. The owner or operator of a central accumulation facility must comply with the following requirements:

A. Sections 5, 6, and 7, excluding 7(J), (L), (M) and (P);

B. Conduct weekly inspections of universal waste storage areas and maintain a written inspection log to document the inspections. The log must include

the name of the inspector, date of inspection, number, and condition of original waste containers and collection containers, and descriptions of actions taken to address any problem discovered during the inspection;

C. Obtain an EPA ID number as outlined in Subsection 7(P) or if handling less than 5,000 kg notify the Department on a waste notification form provided by the Department;

D. Ship to a consolidation facility for universal waste or a properly approved recycling facility for universal waste, or in the case of ballasts, residues from mercury spill kits, and architectural paint which cannot be recycled ship to a properly approved disposal or treatment facility within one year of receipt of the waste;

E. Mark each container with the date the universal waste is received at the facility; or mark each collection container with the date the first universal waste item is placed into collection container and the date the collection container is full;

F. Maintain an inventory system on-site that identifies the date and manifest or Uniform Bill of Lading number or log information i.e. name of generator, log, date, type and number of universal waste items (if applicable) for each universal waste container or group of containers that is received at the facility and the date and manifest or Uniform Bill of Lading number (if applicable) for each waste container or group of containers that is shipped from the facility;

G. For architectural paint, pack original securely closed containers completely in the collection container, keep the collection container closed except when adding containers of architectural paint, and label the collection container with the words "Waste Paint;" and

NOTE: This universal waste in storage as part of a take back program will not be considered part of the facility's hazardous waste accumulation for the purpose of the facility's hazardous waste generation status.

H. When the facility no longer accepts universal wastes, remove all universal waste and any residues from the universal wastes to a facility licensed to handle the wastes. Provide written notice to the Department within ten (10) days of ceasing acceptance of each type of universal waste.

9. Consolidation Facility. The owner or operator of a consolidation facility must comply with the following requirements:

A. Sections 5, 6, and 7, excluding 7(J), (L), (M) and (P);

B. Conduct weekly inspections of universal waste storage areas and maintain a written inspection log to document the inspections. The log must include the name of the inspector, date of inspection, number, and condition of original waste containers and collection containers, and descriptions of actions taken to address any problem discovered during the inspection;

C. Ship to a properly approved recycling facility for universal waste, or in the case of ballasts, the residues from mercury spill kits, and architectural paint which cannot be recycled to a properly approved treatment or disposal facility within one year of receipt of waste;

D. Obtain an EPA ID number as outlined in Section 7(P);

E. Mark each container with the date the universal waste is received at the facility; or mark each collection container with the date the first universal waste item is placed into the collection container and the date the collection container is full;

F. Maintain an inventory system on-site that identifies the date and manifest or Uniform Bill of Lading number or log information i.e. name of generator, log date, and type and number of universal waste items (if applicable) for each universal waste container or group of containers that is received at the facility and the date and manifest or Uniform Bill of Lading number for each waste container or group of containers that is shipped from the facility;

G. For architectural paint where paint will be transferred out of the original container for consolidation in another container, consolidators must:

(1) Make hazardous waste determinations for paint including any unidentified architectural paint in accordance with Chapter 851, Section 5;

(2) Separate any characteristic or listed hazardous waste paint containers from other paint containers and only consolidate hazardous waste paints with other hazardous waste paints in the same containers;

(3) Identify and separate any waste or containers which do not meet the criteria of architectural paint pursuant to Chapter 858, Section 4(A). Manage any of these wastes and containers identified as hazardous waste in accordance with the applicable standards for hazardous waste of Chapters 850 through 857, including labeling with the words "hazardous waste" and disposal through a licensed hazardous waste transporter;

(4) Conduct all transfer and consolidation activities over secondary containment;

(5) Empty individual architectural paint containers by draining the emptied container for at least thirty (30) seconds after the steady flow of paint has ceased and individual droplets are clearly evident. Then perform that procedure two more times, or crush the can using a commercially available crusher that collects vapors, liquids, and is explosion proof;

(6) Place empty containers in a collection container that is closed except when adding or removing containers and that will prevent the release of any residue or vapors that remains after complying with subsection (5) above;

(7) Remove and cleanup all discharges of hazardous waste to the Department's satisfaction;

(8) Ship all architectural paint on a hazardous waste manifest or uniform bill of lading;

(9) Submit for Department review and approval a closure plan with financial assurance sufficient for a third party to conduct the closure activities. The closure plan and financial assurance shall be in accordance with 06-096 CMR 854(6)(C)(15) and (16) and shall be updated annually in accordance with the rules;

(10) Submit quarterly reports on a form approved by the Department that identifies the number of individual containers and volume of architectural paint received, the number of individual containers and volume determined not to meet the definition of architectural paint, the name and location of all facilities where architectural paint and non-hazardous paint waste has been shipped, and the number of individual containers and volumes remaining on site at the end of the reported quarter;

(11) Submit proof of liability insurance; and

(12) Submit an environmental monitoring plan.

H. For architectural paint, pack original securely closed containers directly into collection containers, keep the collection container closed except when adding containers of paint, label the container with the words "Waste Paint."

I. Conduct closure of the facility in accordance with Chapter 851, Section 11.

10. Green Light and Thermometer Collection Programs. A small universal waste generator that generates greater than 200 lamps or thermometers per month or at any one time under (i) a Green Lights Program or other similar energy conversion program that is completed within a six month period; or (ii) a single short term event of a maximum of five consecutive days per year for the collection of mercury thermometers, or

such other period of time approved by the Department, must comply with the following requirements:

A. Ship the lamps or thermometers directly to a properly approved recycling facility for universal waste on a manifest or Recyclable Hazardous Materials Uniform Bill of Lading; and

B. Comply with all other requirements for a small universal waste generator. A small universal waste generator conducting a Green Lights or thermometer collection event of 200 items or more under this Section is not required to obtain an EPA ID Number or notify the Department on a state waste notification form pursuant to Section 7(P) of this chapter.

11. Alternate Standards. Notwithstanding 7, 8 and 9 above, the Department may on a case by case basis approve alternative standards for tracking and reporting universal waste, in the case of a manufacturer's sponsored product take back program, also known as a "product stewardship" program or other similar manufacturer sanctioned collection program. A criteria of any approval under this subsection must include an annual report from the manufacturer on the amount of the particular product collected through this program in the state and the program must meet the federal universal waste requirements of 40 C.F.R. 273. The operator of such a program must file a request with the Department and identify the regulatory tracking and reporting elements for which the operator is seeking alternative approval.

12. Special Requirements For Certain Batteries

Batteries that are described in 40 C.F.R. 273.2, must be managed in accordance with 40 C.F.R. 273, except that references to 40 C.F.R. Parts 260 through 272 shall mean 850 through 857 of the *Maine Hazardous Waste Management Rules* and except that 40 C.F.R. 273.8(a)(2) is not adopted, and instead, batteries handled by federally conditionally exempt small quantity generators are regulated as small quantity handlers pursuant to 40 C.F.R. 273 Subpart B. In addition, instead of 40 C.F.R. 273.2(c), a battery becomes a waste on the date that it becomes useless, unwanted, or intended for disposal, and spent lead acid batteries described in 40 C.F.R. 273.2(a)(2) and 273.2(b)(1) are regulated under 850 through 858 instead of 40 C.F.R. part 266, subpart G.

STATUTORY AUTHORITY: 38 M.R.S. §1319-O(1) and § 2144

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