**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**
**LAND DIVISION - HAZARDOUS WASTE PROGRAM**
**ADMINISTRATIVE CODE**

# CHAPTER 335-14-11
# STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

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## 335-14-11-.01 General.

(1) Scope.

(a) 335-14-11 establishes requirements for managing the following:

1. Batteries as described in 335-14-11-.01(2);

2. Pesticides as described in 335-14-11-.01(3);

3. Mercury-containing equipment as described in 335-14-11-.01(4);

4. Lamps as described in 335-14-11-.01(5); and

5. Aerosol cans as described in 335-14-11-.01(6)

(b) 335-14-11 provides an alternative set of management standards in lieu of regulation under 335-14-1 through 335-14-9.

(2) Applicability—batteries.

(a) Batteries covered under 335-14-11.

1. The requirements of 335-14-11 apply to persons managing batteries, as described in 335-14-1-.02, except those listed in 335-14-11-.01(2)(b).

2. Spent lead-acid batteries which are not managed under 335-14-7-.07 are subject to management under this 335-14-11.

(b) Batteries not covered under 335-14-11. The requirements of 335-14-11 do not apply to persons managing the following batteries:

1. Spent lead-acid batteries that are managed under 335-14-7-.07.

2. Batteries, as described in 335-14-1-.02, that are not yet wastes under 335-14-2, including those that do not meet the criteria for waste generation in 335-14-11-.01(2)(c).

3. Batteries, as described in 335-14-1-.02, that are not hazardous waste. A battery is a hazardous waste if it exhibits one or more of the characteristics identified in 335-14-2-.03.

(c) Generation of waste batteries.

1. A used battery becomes a waste on the date it is discarded (e.g., when sent for reclamation).

2. An unused battery becomes a waste on the date the handler decides to discard it.

(3) Applicability—pesticides.

(a) Pesticides covered under 335-14-11. The requirements of 335-14-11 apply to persons managing pesticides, as described in 335-14-1-.02, meeting the following conditions, except those listed in 335-14-11-.01(3)(b):

1. Recalled pesticides that are:

(i) Stocks of a suspended and canceled pesticide that are part of a voluntary or mandatory recall under FIFRA section 19(b), including, but not limited to those owned by the registrant responsible for conducting the recall; or

(ii) Stocks of a suspended or cancelled pesticide, or a pesticide that is not in compliance with FIFRA, that are part of a voluntary recall by the registrant.

2. Stocks of other unused pesticide products that are collected and managed as part of a waste pesticide collection program.

(b) Pesticides not covered under 335-14-11. The requirements of 335-14-11 do not apply to persons managing the following pesticides:

1. Recalled pesticides described in 335-14-11-.01(3)(a)1., and unused pesticide products described in 335-14-11-.01(3)(a)2., that are managed by farmers in compliance with 335-14-3-.07(1). (335-14-3-.07(1) addresses pesticides disposed of on the farmer's own farm in a manner consistent with the disposal instructions on the pesticide label, providing the container is triple rinsed in accordance with 335-14-2-.01(7)(b)3.);

2. Pesticides not meeting the conditions set forth in 335-14-11-.01(3)(a). These pesticides must be managed in compliance with the hazardous waste regulations in 335-14-1 through 335-14-9, except that aerosol cans as defined in 335-14-1-.02 that contain pesticides may be managed as aerosol can universal waste under 335-14-11-.02(4)(e) or 335-14-11-.03(4)(e);

3. Pesticides that are not wastes under 335-14-2, including those that do not meet the criteria for waste generation in 335-14-11-.01(3)(c) or those that are not wastes as described in 335-14-11-.01(3)(d); and

4. Pesticides that are not hazardous waste. A pesticide is a hazardous waste if it is listed in 335-14-2-.04 or if it exhibits one or more of the characteristics identified in 335-14-2-.03.

(c) When a pesticide becomes a waste.

1. A recalled pesticide described in 335-14-11-.01(3)(a)1. becomes a waste on the first date on which both of the following conditions apply:

(i) The generator of the recalled pesticide agrees to participate in the recall; and

(ii) The person conducting the recall decides to discard (e.g., burn the pesticide for energy recovery).

2. An unused pesticide product described in 335-14-11-.01(3)(a)2. becomes a waste on the date the generator decides to discard it.

(d) Pesticides that are not wastes. The following pesticides are not wastes:

1. Recalled pesticides described in 335-14-11-.01(3)(a)1., provided that the person conducting the recall:

(i) Has not made a decision to discard (e.g., burn for energy recovery) the pesticide. Until such a decision is made, the pesticide does not meet the definition of "solid waste" under 335-14-2-.01(2); thus the pesticide is not a hazardous waste and is not subject to hazardous waste requirements, including 335-14-11. This pesticide remains subject to the requirements of FIFRA; or

(ii) Has made a decision to use a management option that, under 335-14-2-.01(2), does not cause the pesticide to be a solid waste [i.e., the selected option is use (other than use constituting disposal) or reuse (other than burning for energy recovery), or reclamation]. Such a pesticide is not a solid waste and therefore is not a hazardous waste, and is not subject to the hazardous waste requirements including 335-14-11. This pesticide, including a recalled pesticide that is exported to a foreign destination for use or reuse, remains subject to the requirements of FIFRA.

2. Unused pesticide products described in 335-14-11-.01(3)(a)2., if the generator of the unused pesticide product has not decided to discard (e.g., burn for energy recovery) them. These pesticides remain subject to the requirements of FIFRA.

(4) Applicability—Mercury-containing equipment.

(a) Mercury-containing equipment covered under 335-14-11. The requirements of 335-14-11 apply to persons managing mercury-containing equipment, as described in 335-14-1-.02, except those listed in 335-14-11-.01(4)(b).

(b) Mercury-containing equipment not covered under 335-14-11. The requirements of 335-14-11 do not apply to persons managing the following mercury-containing equipment:

1. Mercury-containing equipment that is not yet a waste under 335-14-2. 335-14-11-.01(4)(c) describes when mercury-containing equipment becomes a waste;

2. Mercury-containing equipment that is not a hazardous waste. Mercury-containing equipment is a hazardous waste if it exhibits one or more of the characteristics identified in 335-14-2-.03 or is listed in 335-14-2-.04.

3. Equipment and devices from which the mercury-containing components have been removed.

(c) Generation of waste mercury-containing equipment.

1. Used mercury-containing equipment becomes a waste on the date it is discarded.

2. Unused mercury-containing equipment becomes a waste on the date the handler decides to discard it.

(5) Applicability—Lamps.

(a) Lamps covered under 335-14-11. The requirements of 335-14-11 apply to persons managing lamps, as described in 335-14-1-.02, except those listed in 335-14-11-.01(5)(b).

(b) Lamps not covered under 335-14-11. The requirements of 335-14-11 do not apply to persons managing the following lamps:

1. Lamps that are not yet wastes under 335-14-2. 335-14-11-.01(5)(c) describes when lamps become wastes.

2. Lamps that are not hazardous waste. A lamp is a hazardous waste if it exhibits one or more of the characteristics identified in 335-14-2-.03.

3. Lamps that are broken, crushed, or otherwise no longer intact are not to be handled as universal waste.

(c) Generation of waste lamps.

1. A used lamp becomes a waste on the date it is discarded (e.g., sent for reclamation).

2. An unused lamp becomes a waste on the date the handler decides to discard it.

(6) Applicability - aerosol cans

(a) Aerosol cans covered under 335-14-11. The requirements of 335-14-11 apply to persons managing aerosol cans, as described in 335-14-1-.02, except those listed in 335-14-11-.01(6)(b).

(b) Aerosol cans not covered under 335-14-11. The requirements of 335-14-11 do not apply to persons managing the following types of aerosol cans:

1. Aerosol cans that are not yet waste under 335-14-2. 335-14-11-.01(6)(c) describes when an aerosol can becomes a waste;

2. Aerosol cans that are not hazardous waste. An aerosol can is a hazardous waste if the aerosol can exhibits one or more of the characteristics identified in 335-14-2-.03 or the aerosol can contains a substance that is listed in 335-14-2-.04; and

3. Aerosol cans that meet the standard for empty containers under 335-14-2-.01(7).

(c) Generation of waste aerosol cans.

1. A used aerosol can becomes a waste on the date it is discarded.

2. An unused aerosol can becomes a waste on the date the handler decides to discard it.

(7) Reserved.

(8) Applicability—household and very small quantity generator waste.

(a) Persons managing the wastes listed below may, at their option, manage them under the requirements of 335-14-11:

1. Household wastes that are exempt under 335-14-2-.01(4)(b)1. and are also of the same type as the universal wastes defined at 335-14-1-.02; and/or

2. Very small quantity generator wastes that are exempt under 335-14-2-.01(5) and are also of the same type as the universal wastes defined at 335-14-1-.02.

(b) Persons who commingle the wastes described in 335-14-11-.01(8)(a)1. and (a)2. together with universal waste regulated under 335-14-11 must manage the commingled waste under the requirements of 335-14-11.

(9) [Reserved]

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## 335-14-11-.02 Standards For Small Quantity Handlers Of Universal Waste.

(1) Applicability. 335-14-11-.02 applies to small quantity handlers of universal waste [as defined in Rule 335-14-1-.02].

(2) Prohibitions. A small quantity handler of universal waste is:

(a) Prohibited from disposing of universal waste; and

(b) Prohibited from diluting or treating universal waste, except by responding to releases as provided in 335-14-11-.02(8); or by managing specific wastes as provided in 335-14-11-.02(4) or 335-14-8-.01(1)(c)2.(x).

(3) Notification. A small quantity handler of universal waste is not required to notify the Department of universal waste handling activities.

(4) Waste management.

(a) Universal waste batteries. A small quantity handler of universal waste must manage universal waste batteries in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1. A small quantity handler of universal waste must contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

2. A small quantity handler of universal waste may conduct the following activities as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but must be immediately closed after removal):

(i) Sorting batteries by type;

(ii) Mixing battery types in one container;

(iii) Discharging batteries so as to remove the electric charge;

(iv) Regenerating used batteries;

(v) Disassembling batteries or battery packs into individual batteries or cells;

(vi) Removing batteries from consumer products; or

(vii) Removing electrolyte from batteries.

3. A small quantity handler of universal waste who removes electrolyte from batteries, or who generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed above, must determine whether the electrolyte and/or other solid waste exhibit a characteristic of hazardous waste identified in Rule 335-14-2-.03.

(i) If the electrolyte and/or other solid waste exhibit a characteristic of hazardous waste, it is subject to all applicable requirements of 335-14-1 through 335-14-9. The handler is considered the generator of the hazardous electrolyte and/or other waste and is subject to 335-14-3.

(ii) If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State of Alabama or local solid waste regulations.

(b) Universal waste pesticides. A small quantity handler of universal waste must manage universal waste pesticides in a way that prevents releases of any universal waste or component of a universal waste to the environment. The universal waste pesticides must be contained in one or more of the following:

1. A container that remains closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; or

2. A container that does not meet the requirements of 335-14-11-.02(4)(b)1., provided that the unacceptable container is overpacked in a container that does meet the requirements of 335-14-11-.02(4)(b)1.; or

3. A tank that meets the requirements of Rule 335-14-6-.10, except for 335-14-6-.10(8)(e), (11), and (12); or

4. 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 leakage under reasonably foreseeable conditions.

(c) Universal waste mercury-containing equipment. A small quantity handler of universal waste must manage universal waste mercury-containing equipment in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1. A small quantity handler of universal waste must place in a container any universal waste mercury-containing equipment with non-contained elemental mercury or that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container must be closed, structurally sound, compatible with the contents of the device, must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions, and must be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.

2. A small quantity handler of universal waste may remove mercury-containing ampules from universal waste mercury-containing equipment provided the handler:

(i) Removes and manages the ampules in a manner designed to prevent breakage of the ampules;

(ii) Removes ampules only over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);

(iii) Ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules, from that containment device to a container that meets all applicable requirements of 335-14-1 through 335-14-9;

(iv) Immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets all applicable requirements of 335-14-1 through 335-14-9;

(v) Ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;

(vi) Ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;

(vii) Stores removed ampules in closed, non-1eaking containers that are in good condition;

(viii) Packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation; and

3. A small quantity handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing holding the mercury from universal waste mercury-containing equipment provided the handler:

(i) Immediately seals the original housing holding the mercury with an air-tight seal to prevent the release of any mercury to the environment; and

(ii) Follows all requirements for removing ampules and managing removed ampules under paragraph (c)2. of this section;

4.

(i) A small quantity handler of universal waste who removes mercury-containing ampules from mercury-containing equipment or seals mercury from mercury-containing equipment in its original housing must determine whether the following exhibit a characteristic of hazardous waste identified in Rule 335-14-2-.03:

(I) Mercury or clean-up residues resulting from spills or leaks; and/or

(II) Other solid waste generated as a result of the removal of mercury-containing ampules or housings (e.g., the remaining mercury-containing device).

(ii) If the mercury, residues, and/or other solid waste exhibit a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of 335-14-1 through 335-14-9. The handler is considered the generator of the mercury, residues, and/or other waste and must manage it in compliance with 335-14-3.

(iii) If the mercury, residues, and/or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State of Alabama or local solid waste regulations.

(d) Lamps. A small quantity handler of universal waste must manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1. A small quantity handler of universal waste must contain any lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

2. A small quantity handler of universal waste must immediately clean up and place in a container any lamp that is broken and must place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Containers must be closed, structurally sound, compatible with the contents of the lamps and must lack evidence of leakage, spillage or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonable foreseeable conditions.

(e) Aerosol cans. A small quantity handler of universal waste must manage universal waste aerosol cans in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1. Universal waste aerosol cans must be accumulated in a container that is structurally sound, compatible with the contents of the aerosol cans, lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions, and is protected from sources of heat.

2. Universal waste aerosol cans that show evidence of leakage must be packaged in a separate closed container or overpacked with absorbents, or immediately punctured and drained in accordance with the requirements of 335-14-11-.02(4)(e)4.

3. A small quantity handler of universal waste may conduct the following activities as long as each individual aerosol can is not breached and remains intact:

(i) Sorting aerosol cans by type;

(ii) Mixing intact cans in one container; and

(iii) Removing actuators to reduce the risk of accidental release; and

4. A small quantity handler of universal waste who punctures and drains their aerosol cans must recycle the empty punctured aerosol cans and meet the following requirements while puncturing and draining universal waste aerosol cans:

(i) Conduct puncturing and draining activities using a device specifically designed to safely puncture aerosol cans and effectively contain the residual contents and any emissions thereof.

(ii) Establish and follow a written procedure detailing how to safely puncture and drain the universal waste aerosol can (including proper assembly, operation and maintenance of the unit, segregation of incompatible wastes, and proper waste management practices to prevent fires or releases); maintain a copy of the manufacturer's specification and instruction on site; and ensure employees operating the device are trained in the proper procedures.

(iii) Ensure that puncturing of the can is done in a manner designed to prevent fires and to prevent the release of any component of universal waste to the environment. This includes, but is not limited to, locating the equipment on a solid, flat surface in a well-ventilated area.

(iv) Immediately transfer the contents from the waste aerosol can or puncturing device, if applicable, to a container or tank that meets the applicable requirements of 335-14-3-.01(4), 335-14-3-.01(5), 335-14-3-.01(6), or 335-14-3-.01(7).

(v) Conduct a hazardous waste determination on the contents of the emptied aerosol can per 335-14-3-.01(2). Any hazardous waste generated as a result of puncturing and draining the aerosol can is subject to all applicable requirements of 335-14-1 through 335-14-9. The handler is considered the generator of the hazardous waste and is subject to 335-14-3.

(vi) If the contents are determined to be nonhazardous, the handler may manage the waste in any

way that is in compliance with applicable federal, state, or local solid waste regulations.

(vii) A written procedure must be in place in the event of a spill or leak and a spill clean-up kit must be provided. All spills or leaks of the contents of the aerosol cans must be cleaned up promptly.

(5) 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 below:

(a) Universal waste batteries (i.e., each battery), or a container in which the batteries are contained, must be labeled or marked clearly with any one of the following phrases: “Universal Waste - Battery(ies)”, or “Waste Battery(ies)”, or “Used Battery(ies)”;

(b) A container, (or multiple container package unit), tank, transport vehicle or vessel in which recalled universal waste pesticides as described in 335-14-11-.01(3)(a)1. are contained must be labeled or marked clearly with:

1. The label that was on or accompanied the product as sold or distributed; and

2. The words “Universal Waste - Pesticide(s)” or “Waste-Pesticide(s)”;

(c) A container, tank, or transport vehicle or vessel in which unused pesticide products as described in 335-14-11-.01(3)(a)2. are contained must be labeled or marked clearly with:

1.

(i) The label that was on the product when purchased, if still legible;

(ii) If using the labels described in 335-14-11-.02(5)(c)1.(i) is not feasible, the appropriate label as required under the Department of Transportation regulation 49 CFR Part 172;

(iii) If using the labels described in 335-14-11-.02(5)(c)1.(i) and (ii) is not feasible, another label prescribed or designated by the waste pesticide collection program administered or recognized by a State; and

2. The words “Universal Waste - Pesticide(s)” or “Waste Pesticide(s)”.

(d)

(i) Universal waste mercury-containing equipment (i.e., each device), or a container in which the equipment is contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste - Mercury-Containing Equipment", "Waste Mercury-Containing Equipment", or "Used Mercury-Containing Equipment".

(ii) A universal waste mercury-containing thermostat or container containing only universal waste mercury-containing thermostats may be labeled or marked clearly with any of the following phrases: "Universal Waste-Mercury Thermostat(s)," "Waste Mercury Thermostat(s)," or "Used Mercury Thermostat(s)."

(e) Each lamp, or a container or package in which the lamps are contained, must be labeled or marked clearly with any one of the following phrases: “Universal - Waste Lamp(s)”, or “Waste Lamp(s)”, or “Used Lamp(s)”.

(f) Universal waste aerosol cans (i.e., each aerosol can), or a container in which the aerosol cans are contained, must be labeled or marked clearly with any of the following phrases: “Universal Waste—Aerosol Can(s),” “Waste Aerosol Can(s),” or “Used Aerosol Can(s)”.

(6) Accumulation time limits.

(a) A small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from another handler, unless the requirements of 335-14-11-.02(6)(b) are met.

(b) A small quantity handler of universal waste may accumulate universal waste for longer than one year from the date the universal waste is generated, or received from another handler, if such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal. However, the handler bears the burden of proving that such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal.

(c) A small quantity handler of universal waste who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration by:

1. Placing the universal waste in a container and marking or labeling the container with the earliest date that any

universal waste in the container became a waste or was received;

2. Marking or labeling each individual item of universal waste (e.g., each battery or thermostat) with the date it became a waste or was received;

3. Maintaining an inventory system on-site that identifies the date each universal waste became a waste or was received;

4. Maintaining an inventory system on-site that identifies the 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;

5. Placing the 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; or

6. Any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

(7) Employee training. A small quantity handler of universal waste must inform all employees who handle or have responsibility for managing universal waste. The information must describe proper handling and emergency procedures appropriate to the type(s) of universal waste handled at the facility.

(8) Response to releases.

(a) A small quantity handler of universal waste must immediately contain all releases of universal wastes and other residues from universal wastes.

(b) A small quantity handler of universal waste must determine whether any material resulting from the release is hazardous waste, and if so, must manage the hazardous waste in compliance with all applicable requirements of 335-14-1 through 335-14-9. The handler is considered the generator of the material resulting from the release, and must manage it in compliance with 335-14-3.

(9) Off-site shipments.

(a) A small quantity handler of universal waste is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.

(b) If a small quantity handler of universal waste self-transports universal waste off-site, the handler becomes a

universal waste transporter for those self-transportation activities and must comply with the transporter requirements of Rule 335-14-11-.04 while transporting the universal waste.

(c) If a universal waste being offered for off-site transportation meets the definition of hazardous materials under 49 CFR Parts 171 through 180, a small quantity handler of universal waste must package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with the applicable Department of Transportation regulations under 49 CFR Parts 172 through 180;

(d) Prior to sending a shipment of universal waste to another universal waste handler, the originating handler must ensure that the receiving handler agrees to receive the shipment.

(e) If a small quantity handler of universal waste sends a shipment of universal waste to another handler or to a destination facility and the shipment is rejected by the receiving handler or destination facility, the originating handler must either:

1. Receive the waste back when notified that the shipment has been rejected, or

2. Agree with the receiving handler on a destination facility to which the shipment will be sent.

(f) A small quantity handler of universal waste may reject a shipment containing universal waste, or a portion of a shipment containing universal waste that he has received from another handler. If a handler rejects a shipment or a portion of a shipment, he must contact the originating handler to notify him of the rejection and to discuss reshipment of the load. The handler must:

1. Send the shipment back to the originating handler, or

2. If agreed to by both the originating and receiving handler, send the shipment to a destination facility.

(g) If a small quantity handler of universal waste receives a shipment containing hazardous waste that is not a universal waste, the handler must immediately notify the Department of the illegal shipment, and provide the name, address, and phone number of the originating shipper. The Department will provide instructions for managing the hazardous waste.

(h) If a small quantity handler of universal waste receives a shipment of non-hazardous, non-universal waste, the handler may manage the waste in any way that is in compliance with applicable federal, State of Alabama, or local solid waste regulations.

(10) Tracking universal waste shipments. A small quantity handler of universal waste is not required to keep records of shipments of universal waste.

(11) Exports. A small quantity handler of universal waste who sends universal waste to a foreign destination is subject to the requirements of 335-14-3-.09.

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## 335-14-11-.03 Standards For Large Quantity Handlers Of Universal Waste.

(1) Applicability. 335-14-11-.03 applies to large quantity handlers of universal waste [as defined in Rule 335-14-1-.02].

(2) Prohibitions. A large quantity handler of universal waste is:

(a) Prohibited from disposing of universal waste; and

(b) Prohibited from diluting or treating universal waste, except by responding to releases as provided in 335-14-11-.03(8); or by managing specific wastes as provided in 335-14-11-.03(4) or 335-14-8-.01(1)(c)2.(x).

(3) Notification.

(a)1. Except as provided in 335-14-11-.03(3)(a)2. and 3., a large quantity handler of universal waste must have sent written notification of universal waste management to the Department, and received an EPA Identification Number, before meeting or exceeding the 5,000 kilogram storage limit.

2. A large quantity handler of universal waste who has already notified the Department of his hazardous waste management activities and has received an EPA Identification Number is not required to renotify under 335-14-11-.03(3).

3. A large quantity handler of universal waste who manages recalled universal waste pesticides as described in 335-14-11-.01(3)(a)1. and who has sent notification to EPA as required by 40 CFR Part 165 is not required to notify for those recalled universal waste pesticides under 335-14-11-.03(3).

(b) This notification must include:

1. The universal waste handler's name and mailing address;

2. The name and business telephone number of the person at the universal waste handler's site who should be contacted regarding universal waste management activities;

3. The address or physical location of the universal waste management activities;

4. A list of all of the types of universal waste managed by the handler (e.g., batteries, pesticides, mercury-containing equipment, lamps, and aerosol cans); and

5. A statement indicating that the handler is accumulating more than 5,000 kilograms of universal waste at one time and the types of universal waste (e.g., batteries, pesticides, mercury-containing equipment, lamps) the handler is accumulating above this quantity.

(4) Waste management.

(a) Universal waste batteries. A large quantity handler of universal waste must manage universal waste batteries in a way that prevents release of any universal waste or component of a universal waste to the environment, as follows:

1. A large quantity handler of universal waste must contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

2. A large quantity handler of universal waste may conduct the following activities as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but must be immediately closed after removal):

(i) Sorting batteries by type;

(ii) Mixing battery types in one container;

(iii) Discharging batteries so as to remove the electric charge;

(iv) Regenerating used batteries;

(v) Disassembling batteries or battery packs into individual batteries or cells;

(vi) Removing batteries from consumer products; or

(vii) Removing electrolyte from batteries.

3. A large quantity handler of universal waste who removes electrolyte from batteries, or who generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed above, must determine whether the electrolyte and/or other solid waste exhibit a characteristic of hazardous waste identified in rule 335-14-2-.03.

(i) If the electrolyte and/or other solid waste exhibit a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of 335-14-1 through 335-14-9. The handler is considered the generator of the hazardous electrolyte and/or other waste and is subject to 335-14-3.

(ii) If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State of Alabama, or local solid waste regulations.

(b) Universal waste pesticides. A large quantity handler of universal waste must manage universal waste pesticides in a way that prevents release of any universal waste or component of a universal waste to the environment. The universal waste pesticides must be contained in one or more of the following:

1. A container that remains closed, structurally sound, compatible with the pesticide, and that lacks evidence of

leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; or

2. A container that does not meet the requirements of 335-14-11-.03(4)(b)1., provided that the unacceptable container is overpacked in a container that does meet the requirements of 335-14-11-.03(4)(b)1.; or

3. A tank that meets the requirements of Rule 335-14-6-.10, except for 335-14-6-.10(8)(e), (11), and (12); or

4. 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 leakage under reasonably foreseeable conditions.

(c) Universal waste mercury-containing equipment. A large quantity handler of universal waste must manage universal waste mercury-containing equipment in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1. A large quantity handler of universal waste must place in a container any universal waste mercury-containing equipment with non-contained elemental mercury or that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container must be closed, structurally sound, compatible with the contents of the device, must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions, and must be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.

2. A large quantity handler of universal waste may remove mercury-containing ampules from universal waste mercury-containing equipment provided the handler:

(i) Removes and manages the ampules in a manner designed to prevent breakage of the ampules;

(ii) Removes the ampules only over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);

(iii) Ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks of broken ampules, from that containment device to a container that

meets all applicable requirements of 335-14-1 through 335-14-9;

(iv) Immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets all appplicable requirements of 335-14-1 through 335-14-9;

(v) Ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;

(vi) Ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;

(vii) Stores removed ampules in closed, non-1eaking containers that are in good condition;

(viii) Packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation; and

3. A large quantity handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing holding the mercury from universal waste mercury-containing equipment provided the handler:

(i) Immediately seals the original housing holding the mercury with an air-tight seal to prevent the release of any mercury to the environment; and

(ii) Follows all requirements for removing ampules and managing removed ampules under paragraph (c)2. of this section; and

4.(i) A large quantity handler of universal waste who removes mercury-containing ampules from mercury-containing equipment or seals mercury from mercury-containing equipment in its original housing must determine whether the following exhibit a characteristic of hazardous waste identified in Rule 335-14-2-.03:

(I) Mercury or clean-up residues resulting from spills or leaks; and/or

(II) Other solid waste generated as a result of the removal of mercury-containing ampules or

housings (e.g., the remaining mercury-containing device).

(ii) If the mercury, residues, and/or other solid waste exhibits a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of 335-14-1 through 335-14-9. The handler is considered the generator of the mercury, residues, and/or other waste and must manage it in compliance with 335-14-3.

(iii) If the mercury, residues, and/or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State of Alabama, or local solid waste regulations.

(d) Lamps. A large quantity handler of universal waste must manage lamps in a way that prevents release of any universal waste or component of a universal waste to the environment, as follows:

1. A large quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

2. A large quantity handler of universal waste must immediately clean up and place in a container any lamp that is broken and must place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Containers must be closed, structurally sound, compatible with the contents of the lamps and must lack evidence of leakage, spillage or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions.

(e) Aerosol cans. A large quantity handler of universal waste must manage universal waste aerosol cans in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1. Universal waste aerosol cans must be accumulated in a container that is structurally sound, compatible with the contents of the aerosol cans, lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions, and is protected from sources of heat.

2. Universal waste aerosol cans that show evidence of leakage must be packaged in a separate closed container or overpacked with absorbents, or immediately punctured and drained in accordance with the requirements of 335-14-11-.03(4)(e)4.

3. A large quantity handler of universal waste may conduct the following activities as long as each individual aerosol can is not breached and remains intact:

(i) Sorting aerosol cans by type;

(ii) Mixing intact cans in one container; and

(iii) Removing actuators to reduce the risk of accidental release; and

4. A large quantity handler of universal waste who punctures and drains their aerosol cans must recycle the empty punctured aerosol cans and meet the following requirements while puncturing and draining universal waste aerosol cans:

(i) Conduct puncturing and draining activities using a device specifically designed to safely puncture aerosol cans and effectively contain the residual contents and any emissions thereof.

(ii) Establish and follow a written procedure detailing how to safely puncture and drain the universal waste aerosol can (including proper assembly, operation and maintenance of the unit, segregation of incompatible wastes, and proper waste management practices to prevent fires or releases); maintain a copy of the manufacturer’s specification and instruction on site; and ensure employees operating the device are trained in the proper procedures.

(iii) Ensure that puncturing of the can is done in a manner designed to prevent fires and to prevent the release of any component of universal waste to the environment. This includes, but is not limited to, locating the equipment on a solid, flat surface in a well-ventilated area.

(iv) Immediately transfer the contents from the waste aerosol can or puncturing device, if applicable, to a container or tank that meets the applicable requirements of 335-14-3-.01(4), 335-14-3-.01(5), 335-14-3-.01(6), or 335-14-3-.01(7).

(v) Conduct a hazardous waste determination on the contents of the emptied aerosol can per 335-14-3-.01(2). Any hazardous waste generated as a result of puncturing and draining the aerosol can is subject to all applicable requirements of 335-14-1 through 335-14-9. The handler is considered the generator of the hazardous waste and is subject to 335-14-3.

(vi) If the contents are determined to be nonhazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state, or local solid waste regulations.

(vii) A written procedure must be in place in the event of a spill or leak and a spill clean-up kit must be provided. All spills or leaks of the contents of the aerosol cans must be cleaned up promptly.

(5) 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 below:

(a) Universal waste batteries (i.e., each battery), or a container or tank in which the batteries are contained, must be labeled or marked clearly with the any one of the following phrases: “Universal Waste Battery(ies)”, or “Waste Battery(ies)”, or “Used Battery(ies)”;

(b) A container (or multiple container package unit), tank, transport vehicle or vessel in which recalled universal waste pesticides as described in 335-14-11-.01(3)(a)1. are contained must be labeled or marked clearly with:

1. The label that was on or accompanied the product as sold or distributed; and

2. The words “Universal Waste Pesticide(s)” or “Waste Pesticide(s)”;

(c) A container, tank, or transport vehicle or vessel in which unused pesticide products as described in 335-14-11-.01(3)(a)2. are contained must be labeled or marked clearly with:

1.(i) The label that was on the product when purchased, if still legible;

(ii) If using the labels described in 335-14-11-.03(5)(c)1.(i) is not feasible, the appropriate label as required under the Department of Transportation regulation 49 CFR Part 172;

(iii) If using the labels described in 335-14-11-.03(5)(c)1.(i) and (ii) is not feasible, another label

prescribed or designated by the pesticide collection program; and

2. The words “Universal Waste Pesticide(s)” or “Waste Pesticide(s)”.

(d)1. Universal waste mercury-containing equipment (i.e., each device), or a container in which the equipment is contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste-Mercury Containing Equipment", "Waste Mercury-Containing Equipment," or "Used Mercury-Containing Equipment."

2. A universal waste mercury-containing thermostat or container containing only universal waste mercury-containing thermostats may be labeled or marked clearly with any of the following phrases: "Universal Waste-Mercury Thermostat(s)," "Waste Mercury Thermostat(s)," or "Used Mercury Thermostat(s)."

(e) Each lamp or a container or package in which the lamps are contained must be labeled or marked clearly with any one of the following phrases: “Universal Waste Lamp(s)”, or “Waste Lamp(s)”, or “Used Lamp(s)”. i.e.

(f) Universal waste aerosol cans ( , each aerosol can), or a container in which the aerosol cans are contained, must be labeled or marked clearly with any of the following phrases: “Universal Waste—Aerosol Can(s)”, “Waste Aerosol Can(s)”, or “Used Aerosol Can(s)”.

(6) Accumulation time limits.

(a) A large quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from another handler, unless the requirements of 335-14-11-.03(6)(b) are met.

(b) A large quantity handler of universal waste may accumulate universal waste for longer than one year from the date the universal waste is generated, or received from another handler, if such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal. However, the handler bears the burden of proving that such activity was solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal.

(c) A large quantity handler of universal waste must be able to demonstrate the length of time that the universal waste has

been accumulated from the date it becomes a waste or is received. The handler may make this demonstration by:

1. Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;

2. Marking or labeling the individual item of universal waste (e.g., each battery or thermostat) with the date it became a waste or was received;

3. Maintaining an inventory system on-site that identifies the date the universal waste being accumulated became a waste or was received;

4. Maintaining an inventory system on-site that identifies the 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;

5. Placing the 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; or

6. Any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

(7) Employee training. A large quantity handler of universal waste must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relative to their responsibilities during normal facility operations and emergencies.

(8) Response to releases.

(a) A large quantity handler of universal waste must immediately contain all releases of universal wastes and other residues from universal wastes.

(b) A large quantity handler of universal waste must determine whether any material resulting from the release is hazardous waste, and if so, must manage the hazardous waste in compliance with all applicable requirements of 335-14-1 through 335-14-9. The handler is considered the generator of the material resulting from the release, and is subject to 335-14-3.

(9) Off-site shipments.

(a) A large quantity handler of universal waste is prohibited from sending or taking universal waste to a place other than

another universal waste handler, a destination facility, or a foreign destination.

(b) If a large quantity handler of universal waste self-transports universal waste off-site, the handler becomes a universal waste transporter for those self-transportation activities and must comply with the transporter requirements of 335-14-11-.04 while transporting the universal waste.

(c) If a universal waste being offered for off-site transportation meets the definition of hazardous materials under 49 CFR 171 through 180, a large quantity handler of universal waste must package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with the applicable Department of Transportation regulations under 49 CFR Parts 172 through 180;

(d) Prior to sending a shipment of universal waste to another universal waste handler, the originating handler must ensure that the receiving handler agrees to receive the shipment.

(e) If a large quantity handler of universal waste sends a shipment of universal waste to another handler or to a destination facility and the shipment is rejected by the receiving handler or destination facility, the originating handler must either:

1. Receive the waste back when notified that the shipment has been rejected, or

2. Agree with the receiving handler on a destination facility to which the shipment will be sent.

(f) A large quantity handler of universal waste may reject a shipment containing universal waste, or a portion of a shipment containing universal waste that he has received from another handler. If a handler rejects a shipment or a portion of a shipment, he must contact the originating handler to notify him of the rejection and to discuss reshipment of the load. The handler must:

1. Send the shipment back to the originating handler, or

2. If agreed to by both the originating and receiving handler, send the shipment to a destination facility.

(g) If a large quantity handler of universal waste receives a shipment containing hazardous waste that is not a universal waste, the handler must immediately notify the Department of the illegal shipment, and provide the name, address, and phone number of the originating shipper. The Department will provide instructions for managing the hazardous waste.

(h) If a large quantity handler of universal waste receives a shipment of non-hazardous, non-universal waste, the handler may manage the waste in any way that is in compliance with applicable federal, State of Alabama, or local solid waste regulations.

(10) Tracking universal waste shipments.

(a) Receipt of shipments. A large quantity handler of universal waste must keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, movement document or other shipping document. The record for each shipment of universal waste received must include the following information:

1. The name and address of the originating universal waste handler or foreign shipper from whom the universal waste was sent;

2. The quantity of each type of universal waste received (e.g., batteries, pesticides, thermostats);

3. The date of receipt of the shipment of universal waste.

(b) Shipments off-site. A large quantity handler of universal waste must keep a record of each shipment of universal waste sent from the handler to other facilities. The record may take the form of a log, invoice, manifest, bill of lading, movement document or other shipping document. The record for each shipment of universal waste sent must include the following information:

1. The name and address of the universal waste handler, destination facility, or foreign destination to whom the universal waste was sent;

2. The quantity of each type of universal waste sent (e.g., batteries, pesticides, thermostats);

3. The date the shipment of universal waste left the facility.

(c) Record retention.

1. A large quantity handler of universal waste must retain the records described in 335-14-11-.03(10)(a) for at least three years from the date of receipt of a shipment of universal waste.

2. A large quantity handler of universal waste must retain the records described in 335-14-11-.03(10)(b) for

at least three years from the date a shipment of universal waste left the facility.

(11) Exports. A large quantity handler of universal waste who sends universal waste to a foreign destination is subject to the requirement of 335-14-3-.09.

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**335-14-11-.04 Standards For Universal Waste Transporters.**

(1) Applicability. 335-14-11-.04 applies to universal waste transporters (as defined in 335-14-1-.02.

(2) Prohibitions. A universal waste transporter is:

(a) Prohibited from disposing of universal waste; and

(b) Prohibited from diluting or treating universal waste, except by responding to releases as provided in 335-14-11-.04(5).

(3) Waste management.

(a) A universal waste transporter must comply with all applicable U.S. Department of Transportation regulations in 49 CFR Part 171 through 180 for transport of any universal waste that meets the definition of hazardous material in 49 CFR 171.8. For purposes of the Department of Transportation regulations, a material is considered a hazardous waste if it is subject to the Hazardous Waste Manifest Requirements of the U.S. Environmental Protection Agency specified in 335-14-3. Because universal waste does not require a hazardous waste

manifest, it is not considered hazardous waste under the Department of Transportation regulations.

(b) Some universal waste materials are regulated by the Department of Transportation as hazardous materials because they meet the criteria for one or more hazard classes specified in 49 CFR 173.2. As universal waste shipments do not require a manifest under 335-14-3, 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".

(4) Storage time limits.

(a) A universal waste transporter may only store the universal waste at a universal waste transfer facility for ten days or less.

(b) If a universal waste transporter stores universal waste for more than ten days, the transporter becomes a universal waste handler and must comply with the applicable requirements of 335-14-11-.02 or 335-14-11-.03 while storing the universal waste.

(5) Response to releases.

(a) A universal waste transporter must immediately contain all releases of universal wastes and other residues from universal wastes.

(b) A universal waste transporter must determine whether any material resulting from the release is hazardous waste, and if so, it is subject to all applicable requirements of 335-14-1 through 335-14-9. If the waste is determined to be a hazardous waste, the transporter is subject to 335-14-3.

(6) Off-site shipments.

(a) A universal waste transporter is prohibited from transporting the universal waste to a place other than a universal waste handler, a destination facility, or a foreign destination.

(b) If the universal waste being shipped off-site meets the Department of Transportation's definition of hazardous materials under 49 CFR 171.8, the shipment must be properly described on a shipping paper in accordance with the applicable Department of Transportation regulations under 49 CFR Part 172.

(7) Exports. A universal waste transporter transporting a shipment of universal waste to a foreign destination is subject to requirements of 335-14-3-.09.

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## 335-14-11-.05 Standards For Destination Facilities.

(1) Applicability.

(a) The owner or operator of a destination facility (as defined in 335-14-1-.02) is subject to all applicable requirements of Chapters 335-14-5 through 335-14-9 and the notification requirement under Section 3010 of RCRA:

(b) The owner or operator of a destination facility that recycles a particular universal waste without storing that universal waste before it is recycled must comply with 335-14-2-.01(6)(c)2.

(2) Off-site shipments.

(a) The owner or 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 foreign destination.

(b) The owner or operator of a destination facility may reject a shipment containing universal waste, or a portion of a shipment containing universal waste. If the owner or operator of the destination facility rejects a shipment or a portion of a shipment, he must contact the shipper to notify him of the rejection and to discuss reshipment of the load. The owner or operator of the destination facility must:

1. Send the shipment back to the original shipper, or

2. If agreed to by both the shipper and the owner or operator of the destination facility, send the shipment to another destination facility.

(c) If the owner or operator of a destination facility receives a shipment containing hazardous waste that is not a universal waste, the owner or operator of the destination facility must immediately notify the appropriate regional EPA

office and this Department of the illegal shipment, and provide the name, address, and phone number of the shipper. The Department will provide instructions for managing the hazardous waste.

(d) If the owner or operator of a destination facility receives a shipment of non-hazardous, non-universal waste, the owner or operator may manage the waste in any way that is in compliance with applicable federal or State of Alabama solid waste regulations.

(3) Tracking universal waste shipments.

(a) The owner or operator of a destination facility must keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, movement document or other shipping document. The record for each shipment of universal waste received must include the following information:

1. The name and address of the universal waste handler, destination facility, or foreign shipper from whom the universal waste was sent;

2. The quantity of each type of universal waste received (e.g., batteries, pesticides, thermostats, lamps);

3. The date of receipt of the shipment of universal waste.

(b) The owner or operator of a destination facility must retain the records described in 335-14-11-.05(3)(a) for at least three years from the date of receipt of a shipment of universal waste.

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**335-14-11-.06 Import Requirements.**

(1) Imports. Persons managing universal waste that is imported from a foreign country into the United States are subject to the

requirements of 335-14-3-.09 and the applicable requirements of 335-14-11, immediately after the waste enters the United States, as indicated in 335-14-11-.06(1)(a) through (c):

(a) A universal waste transporter is subject to the universal waste transporter requirements of 335-14-11-.04.

(b) A universal waste handler is subject to the small or large quantity handler of universal waste requirements of Rules 335-14-11-.02 and 335-14-11-.03, as applicable.

(c) An owner or operator of a destination facility is subject to the destination facility requirements of 335-14-11-.05.

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## 335-14-11-.07 Petitions To Include Other Wastes Under Chapter 335-14-11.

(1) General.

(a) Except as provided in 335-14-11-.07(1)(d), any person seeking to add a hazardous waste or a category of hazardous waste to 335-14-11 may petition for a regulatory amendment under 335-14-11-.07 and 335-14-1-.03(3).

(b) To be successful, the petitioner must demonstrate to the satisfaction of the Director that regulation under the universal waste regulations of 335-14-11 is: appropriate for the waste or category of waste; will improve management practices for the waste or category of waste; and will improve implementation of the hazardous waste program. The petition must include the information required by 335-14-1-.03(3)(b). The petition should also address as many of the factors listed in 335-14-11-.07(2) as are appropriate for the waste or waste category addressed in the petition.

(c) The Director will evaluate petitions using the factors listed in 335-14-11-.07(2). The Director will grant or deny a petition using the factors listed in 335-14-11-.07(2). The decision will be based on the weight of evidence showing that regulation under Chapter 335-14-11 is appropriate for the waste or category of waste, will improve management practices for the waste or category of waste, and will improve implementation of the hazardous waste program.

(d) Hazardous waste pharmaceuticals are regulated by 335-14-7-.16 and may not be added as a category of hazardous waste for management under 335-14-11.

(2) Factors for petitions to include other wastes under Chapter 335-14-11.

(a) The waste or category of waste, as generated by a wide variety of generators, is listed in Rule 335-14-2-.04, or (if not listed) a proportion of the waste stream exhibits one or more characteristics of hazardous waste identified in Rule 335-14-2-.03. (When a characteristic waste is added to the universal waste regulations of Chapter 335-14-11 by using a generic name to identify the waste category (e.g., batteries), the definition of universal waste in Rules 335-14-1-.02 will be amended to include only the hazardous waste portion of the waste category (e.g., hazardous waste batteries).) Thus, only the portion of the waste stream that does exhibit one or more characteristics (i.e., is hazardous waste) is subject to the universal waste regulations of Chapter 335-14-11;

(b) The waste or category of waste is not exclusive to a specific industry or group of industries, is commonly generated by a wide variety of types of establishments (including, for example, households, retail and commercial businesses, office complexes, very small quantity generators, small businesses, government organizations, as well as large industrial facilities);

(c) The waste or category of waste is generated by a large number of generators (e.g., more than 1,000 nationally) and is frequently generated in relatively small quantities by each generator;

(d) Systems to be used for collecting the waste or category of waste (including packaging, marking, and labeling practices) would ensure close stewardship of the waste;

(e) The risk posed by the waste or category of waste during accumulation and transport is relatively low compared to other hazardous wastes, and specific management standards proposed or referenced by the petitioner (e.g., waste management requirements appropriate to be added to Rules 335-14-11-.02(4), 335-14-11-.03(4), and 335-14-11-.04(3); and/or applicable Department of Transportation requirements) would be protective of human health and the environment during accumulation and transport;

(f) Regulation of the waste or category of waste under Chapter 335-14-11 will increase the likelihood that the waste will be diverted from non-hazardous waste management systems (e.g., the municipal waste stream, non-hazardous industrial or commercial waste stream, municipal sewer or stormwater

systems) to recycling, treatment, or disposal in compliance with Subtitle C of RCRA.

(g) Regulation of the waste or category of waste under Chapter 335-14-11 will improve implementation of and compliance with the hazardous waste regulatory program; and/or

(h) Such other factors as may be appropriate.

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