



US Army Corps
of Engineers

HTRW Center of Expertise Information - Fact Sheets

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HTRW Center of Expertise Fact Sheet FY 05-06

**Title: Hazardous Waste Management System;
Modification of the Hazardous Waste Program;
Mercury Containing Equipment**

Date: August 5, 2005

SARS RIN #:2050-AE52

Action Type: Final Rule

Cite: 70 FR 45507

Applicability: This rule applies to mercury-containing equipment (MCE). However, because the rule is less stringent than previously existing Federal standards, the rule will not be effective in RCRA authorized states unless the state chooses to adopt similar provisions. Thus discarded MCE must continue to be managed as hazardous waste where the rule is not effective. Where the rule is effective, managers of MCE have the option of handling MCE as either universal waste or as hazardous waste.

Summary: This rule facilitates collection and recycling of elemental mercury from MCE. MCE is likely to be hazardous waste when discarded because it exhibits the toxicity characteristic for mercury. This rule adds MCE to the Federal list of universal wastes and makes conforming changes throughout the RCRA regulations to allow MCE to be generated, collected, and transported as universal waste under provisions in 40 CFR 273 rather than as fully regulated hazardous waste.

When managed as universal waste, handlers do not need to count MCE for purposes of determining generator status; have longer accumulation timeframes; can transfer MCE to another handler without using a hazardous waste manifest, transporter, or permitted treatment, storage, and disposal facility (TSDF). See EPA's website, <http://www.epa.gov/epaoswer/hazwaste/id/univwast/table.htm>, for a table comparing universal waste and hazardous waste requirements.

Standards for small and large quantity handlers of universal waste are modified by this rule to address MCE. The rule provides as follows:

- Mercury containing ampules may be removed from MCE and managed as universal waste provided certain conditions are met.
- Housings holding mercury may be removed from MCE and managed as universal waste provided the handler immediately seals the housing to prevent releases and meets other specified conditions.
- MCE showing evidence of leakage, spillage, or damage that could cause leakage must be containerized, and the container must prevent escape of mercury. Thus containers are required for leaking MCE; intact MCE with open housings; ancillary equipment; ampules removed from MCE and sealed housings removed from MCE.

- A hazardous waste determination must be made for wastes generated during handling such as spill residues and equipment remnants from which mercury has been removed. If determined to be hazardous waste, the handler becomes the generator.
- MCE containers must be labeled and marked as universal waste.

Large quantity handlers, who accumulate 5,000 kilograms or more total of universal waste at any time, must also notify EPA of their activity, obtain an EPA ID number, and track shipments.

The final rule does not change the requirements for managing mercury thermostats.

Impact: This rule will have positive impacts to Army. Eventually it is expected that many authorized states will pursue adoption of similar provisions thus making universal waste provisions broadly available for MCE. The rule is expected to increase management efficiencies and to reduce associated costs.

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