

An Overview of the Universal Waste Rule

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The Universal Waste Rule is a section under South Dakota's hazardous waste rules that provides management standards for certain waste streams. Wastes currently covered under the Universal Waste Rule in South Dakota include: mercury-containing equipment, certain pesticides, used batteries, and waste lamps. Two categories of "Universal Waste Handlers" are identified in the rule. They include Large Quantity Universal Waste Handlers, defined as businesses that accumulate 5000 kilograms (11,000 pounds) or more total universal waste at any one time, and Small Quantity Handlers, defined as businesses who accumulate less than 5000 kg at any one time.

The Universal Waste Rule provides a number of advantages to businesses generating these types of wastes. The rule allows businesses to safely manage certain hazardous wastes outside of the strict hazardous waste realm. As long as the business intends to have their universal waste shipped for recycling (in the case of batteries, mercury-containing equipment and waste lamps) or handled through a pesticide collection program (in the case of certain pesticides), the wastes do not need to be managed or shipped as a hazardous waste. That means the generator does not need to include those waste streams in their monthly hazardous waste count, nor do they need to ship the waste using a hazardous waste shipping manifest and hazardous waste transporter.

EPA's inclusion of waste lamps in the Universal Waste Rule covers devices defined as: "...the 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 common universal waste lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high pressure sodium and metal halide lamps. (ARSD 74:28:33:01 adopting by reference 40 CFR 273.9)." In accordance with those rules, some of the requirements for Small Quantity Universal Waste Handlers include:

- Storing the waste in a safe manner, to prevent the release of universal waste to the environment. In the case of spent bulbs, it is important to store spent bulbs in containers to prevent the bulbs from breaking and releasing mercury vapors. Containers must be structurally sound and made of material that is compatible with the contents of the lamps. Containers must also be kept closed while the spent lamps are being stored.
- Each container used to store spent bulbs needs to be labeled with the words "Universal Waste – Lamps," or "Waste Lamps," or "Used Lamps."
- The universal waste cannot, in most cases, be stored on-site for more than one year. Placing accumulation start dates on each container, or other date-certain records need to be kept to document the one year storage period is not exceeded.

It is important to note that waste lamps do not need to be handled as a hazardous waste as long as the generator manages the bulbs according to the universal waste rule and ships the bulbs off-site for recycling. Should a company instead wish to dispose of their bulbs, they will need to follow the standard hazardous waste rules. This means the company will need to determine whether the waste is a hazardous waste, and if so, include the spent bulbs in their total monthly hazardous waste generation amount. Depending upon the generator category, companies sending their bulbs off-site for disposal may need to ship them to a hazardous waste facility.

For additional information regarding the universal waste rule and the state's hazardous waste regulations, please contact the Department of Agriculture and Natural Resources (DANR) Waste Management Program at 773-3153.