An Overview of the Universal Waste Rule

(February 2024)

The Universal Waste Rule is a section under South Dakota's hazardous waste rules applicable to certain waste streams. This rule provides an alternative set of management standards for those wastes in lieu of the "typical" hazardous waste provisions (see ARSD 74:28:33:01, incorporating by reference 40 CFR 273 revised as of July 1, 2022).

Wastes Covered

- mercury-containing equipment
- certain pesticides
- used batteries
- hazardous waste lamps
- waste aerosol cans

An important note: the underlying assumption regarding these wastes is that they are considered characteristic hazardous wastes under ARSD 74:28:23:01/40 CFR 262.11. Wastes that are not hazardous wastes would not be subject to regulation under either the hazardous waste or the universal waste provisions.

Who it Applies To

Four categories of universal waste (UW) managers are identified in the rule:

- Small Quantity Handlers (SQHUW): entities that generate and/or accumulate a total of less than 5,000 kilograms (< 11,000 pounds) of universal waste at any one time;
- Large Quantity Handlers (LQHUW): entities that generate and/or accumulate a total of more than 5,000 kilograms (> 11,000 pounds) of universal waste at any one time;
- Universal Waste Transporter/Transfer Facilities: entities that transport and/or hold universal wastes at their transportation-related facility for ten days or less; and
- Universal Waste Destination Facilities: facilities permitted to receive and recycle, treat, store, or dispose of universal wastes.

General Management Standards for UW Handlers

- On-site storage of up to one year;
- UW handlers should ***not*** include universal wastes in their monthly hazardous waste count;
- Ensure universal wastes are stored in a manner that prevents a release;
- Ensure employees are thoroughly familiar with proper waste management and emergency procedures should a release occur;
- Label or mark universal wastes to identify the type of universal waste(s);
- Document the length of time universal wastes are stored on-site by marking, labeling, or maintaining an inventory;
- Ensure universal wastes are sent to another universal waste handler, a destination facility or foreign destination (note: if a UW handler self-transports universal waste off-site, the handler becomes a UW transporter and must comply with the UW transporter requirements);
- Although SQHUW are not required to notify of their waste activity (using EPA Form 8700-12), nor keep records of off-site UW shipments, LQHUW must do so.

This overview provides a short synopsis of multiple requirements. Details regarding requirements for the two universal waste handler categories as well as UW transporters and destination facilities are found in https://sdlegislature.gov/Rules/Administrative/74:28. Questions regarding the universal waste rule and the state's hazardous waste regulations in general can be directed to the Department of Agriculture and Natural Resources (DANR) Waste Management Program's Hazardous Waste Section at 605-773-3153.