

## CALL CENTER QUESTIONS & ANSWERS

### RCRA

#### 1. Contractors as Cogenerators of Universal Waste Lamps

*An elementary school is in the process of remodeling and is replacing its light fixtures with more energy-efficient lamps. This process will generate more than 5,000 kg of spent hazardous waste lamps that will be subject to the universal waste management standards in 40 CFR Part 273. If the school hires a contractor to remove the spent hazardous lamps, who is required to comply with the universal waste standards in Part 273?*

Both the school and the contractor will be subject to the universal waste handler standards in Part 273 because they would both be considered universal waste handlers. A universal waste handler is defined as a generator of universal waste or the owner or operator of a facility that receives universal waste from other universal waste handlers (§273.9). A generator is any person, by site, whose act or process produces hazardous waste or whose act first causes a hazardous waste to become subject to regulation (§273.9). In this case, the school used the lamps and made the determination to discard them and is thus a generator. The contractor that actually removes the universal waste lamps from service is considered a handler and generator of the waste making the school and the contractor cogenerators (64 FR 36466, 36474; July 6, 1999). As cogenerators, both the school and the contractor will be jointly and severally liable as universal waste handlers. EPA recommends that when two or more parties meet the definition of generator they should mutually agree to have one party perform the generator duties (45 FR 72024, 72026;

October 30, 1980). The generator duties in this case are those required of a large quantity handler of universal waste in Part 273, Subpart C, which apply to universal waste handlers accumulating 5,000 kilograms or more universal waste at any time (§273.9).



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

FILED

APR 30 1981

UNITED STATES OF AMERICA )

-vs- )

LAURENCE KELLY )

No. 80 CR 517

H. Stuart Cunningham, Clerk  
United States District Court

VERDICT

DOCKETED

MAY 21 1981

We, the jury, find the defendant, Laurence Kelly, GUILTY as charged in the  
Indictment.

Michael J. Tomek  
FOREPERSON

Karl J. Eschenbahr

Joseph S. Kizzy

Patrick J. Doyle

Evelyn Schultz

Elva Magdalena Wilson

Murray S. Dybas  
Robert J. Jensen

Joseph E. Campbell

Howard Smith

Howard Fager

Victoria Ozolski

4-30-81

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

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Name of Presiding Judge, Honorable JAMES B. MORAN

Cause No. 80 CR 517-7

Date Apr 30, 1981

Title of Cause U.S.A. VS LAURENCE KELLY

Brief Statement of Motion TRIAL

The rules of this court require counsel to furnish the names of all parties entitled to notice of the entry of an order and the names and addresses of their attorneys. Please do this immediately below (separate lists may be appended).

Names and Addresses of moving counsel

Representing

Names and Addresses of other counsel entitled to notice and names of parties they represent.

Reserve space below for notations by minute clerk

Trial held. Jury resume deliberation. Jury verdict of guilty on all counts of the indictment. Court enters judgment of guilty on all counts of the indictment.

Trial ends. Order cause referred to the probation department for a presentence investigation. Sentencing set for June 11, 1981 at 1:45 p.m. Same bond to stand.

*Moran*  
**DOCKETED**

MAY 21 1981

4 MAY 1981

Hand this memorandum to the Clerk.  
Counsel will not rise to address the Court until motion has been called. ●

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