

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C 20460**

April 10, 1996

SUBJECT: Universal Waste Rule - Implementation

FROM: Steve Herman, Assistant Administrator
Office of Enforcement and Compliance Assurance

Elliott P. Laws, Assistant Administrator
Office of Solid Waste and Emergency Response

TO: Regional Administrators

On May 11, EPA promulgated a final rule which promotes the environmentally sound collection of several hazardous waste categories for recycling or proper disposal under the Resource Conservation and Recovery Act (RCRA). This rule, known as the Universal Waste Rule (40 CFR Part 273), creates a framework for streamlined regulatory requirements for hazardous waste batteries, certain pesticides and mercury-containing thermostats (universal wastes). The Universal Waste rule is designed to achieve the following three goals: 1) encouraging resource conservation while ensuring adequate protection of human health and the environment, 2) improving implementation of the current Subtitle C hazardous waste regulatory program, and 3) removing these universal wastes from the municipal waste stream by providing incentives for individuals and organizations to collect currently unregulated wastes and then ensuring that treatment of those wastes meets the hazardous waste management standards. To achieve these goals, environmentally sound collection systems must be developed for universal wastes. As such, another goal is to foster the development of an appropriate collection infrastructure in all of the States as quickly as possible.

The Agency encourages the timely development of the types collection systems allowed by this new regulation. EPA recognizes that both States and private industry may delay the implementation of universal waste collection programs until States adopt and become authorized for this rule. To facilitate the speedy implementation of the Universal Waste rule, EPA is encouraging States to quickly adopt the rule. Because most States are already authorized for the base RCRA program, authorization for the Universal Waste rule should be swift and uncomplicated. Therefore, Regions should make authorization of States for this rule a high priority in Regional State Authorization Programs and should process States' authorization applications as quickly as possible.

By finalizing 40 C.F.R. Part 273, EPA has taken the position that managing wastes in

FaxBack # 11960

compliance with those standards is environmentally protective. Therefore, where States are implementing the Part 273 standards but have not yet received authorization, Regions should take enforcement actions involving universal wastes only where handlers of such wastes are not in full compliance with the Part 273 standards. Regions should continue to address universal waste management practices that may present an imminent and substantial endangerment to human health and the environment under the authority provided in section 7003 of RCRA.

If you or your staff have any technical questions or concerns regarding the Universal Waste Rule or the policies contained in this memorandum, please contact Kristina Meson at (202) 260-5736 or Bryan Groce at (202) 260-9550 of the Office of Solid Waste.