

This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.

08-019

revised February, 2021

Universal Waste Regulations

The universal waste regulations provide alternate management standards for certain hazardous wastes. These regulations are found at Chapter 25 of [Title 128 – Nebraska Hazardous Waste Regulations](#).

What Are Universal Wastes?

- **Used Batteries:**
Batteries that would be hazardous waste, such as nickel-cadmium (Ni-Cad), mercuric-oxide, and certain lithium batteries, found in many items common to small businesses and households can be universal waste. These batteries are from such items as electronic equipment, cellular telephones, portable computers, and emergency generator backup lighting. This could include spent lead-acid batteries, but these batteries are usually best managed under a separate hazardous waste exemption for lead-acid batteries in Title 128, Chapter 7.
- **Pesticides:**
Pesticides that would be hazardous waste that have been recalled (suspended and canceled as part of a voluntary or mandatory recall) and stocks of other unused pesticides that are collected and managed as part of a waste pesticide collection program can be universal waste.
- **Mercury-containing Items:**
Mercury-containing items such as thermostats, barometers, thermometers, certain gages, and electrical switches can be universal waste. The item must contain elemental mercury.
- **Spent Lamps:**
Lamps and bulbs that would be hazardous waste, such as fluorescent, high-pressure sodium, mercury vapor, and metal halide lamps that are located in commercial, industrial, agricultural, or community buildings can be universal waste.
- **Electronic items:**
Electronics that would be hazardous waste such as cathode ray tubes or other e-waste that might be found to be hazardous waste can be universal waste. Electronic items are electronic equipment that contains one or more circuit boards or other complex circuitry. Examples of electronic items include laptop computers, telephones, radios, keyboards, and stereos. They also include components and subassemblies or other parts derived from the disassembly of electronic items.

Note: A material cannot be a universal waste unless it would meet the definition of hazardous waste and fits in one of the categories above.

Who is Affected by this Regulation?

- **Businesses.**

Universal wastes are generated by small and large businesses that are regulated under the hazardous waste regulations (Title 128 – Nebraska Hazardous Waste Regulations) and have been required to handle these materials as hazardous wastes. The universal waste regulations ease the regulatory burden on businesses that generate these wastes. Specifically, it streamlines the requirements related to notification, labeling, marking, prohibitions, accumulation time limits, employee training, response to releases, off-site shipments, tracking, and transportation.

The universal waste regulations allow businesses to accumulate these materials on-site. It also allows companies to transport them with a common carrier, instead of a hazardous waste transporter, and no longer requires companies to use a hazardous waste manifest. The universal waste regulations will make it easier for companies to establish collection programs and to participate in manufacturer take-back programs.

Conditionally Exempt Small Quantity Generators (CESQG), Small Quantity Generators (SQG), and Large Quantity Generators (LQG) are allowed to accumulate universal waste for recycling without having to include these wastes when counting their hazardous waste generation rates and storage times. This could affect facilities that have a lot of universal waste and small amounts of other hazardous waste by qualifying them for a lower generator status.

Businesses, for regulatory purposes, also include governmental agencies, not-for-profit organizations, schools and colleges, charitable organizations, churches, farms and ranches, and hospitals.

- **Households.**

Universal wastes from households are not subject to the universal waste regulations and items that might otherwise qualify as universal waste may be disposed of in the trash. However, these wastes can be better managed in a collection or recycling program. NDEE encourages households to take these items to collection sites located at nearby businesses or other centers or household hazardous waste collection events for recycling if available.

- **Communities.**

Communities can work with both businesses and residents to facilitate proper recycling or disposal of universal wastes. By easing the regulatory burden on businesses, communities can establish collection programs or assist area businesses in setting up collection programs.

Categories of Universal Waste Handlers.

The four categories of universal waste handlers are:

1. Small Quantity Handlers of Universal Waste – accumulate less than 5,000 kg (11,000 lbs) of universal waste.
2. Large Quantity Handlers of Universal Waste – accumulate 5,000 kg (11,000 lbs) or more of universal waste.
3. Transporter – transport universal wastes from handlers to other handlers, or destination facilities.
4. Destination Facilities – treat, dispose, or recycle universal wastes.

Note: A universal waste handler and a hazardous waste generator have different meanings.

What Requirements Apply to Universal Waste?

Refer to the attached table “An Overview of Title 128, Chapter 25, Universal Waste Regulation.” It includes references to the Chapter 25 paragraphs.

RESOURCES:

Useful Websites:

- NDEE home page – <http://dee.ne.gov/>

Contacts:

- NDEE Hazardous Waste Compliance Assistance (402) 471-8308
- NDEE Main Line (402) 471-2186
- NDEE Toll Free Number (877) 253-2603

NDEE Publications*:

- [Title 128 – Nebraska Hazardous Waste Regulations](#)
- Environmental Guidance Document – Proper Disposal of Fluorescent Light Bulbs
- Environmental Guidance Document – Waste Computers, Monitors and Electronics

***These are available on the NDEE website or may be requested by calling the NDEE Waste Management Section**

Attachment: Overview of Title 128, Chapter 25 Universal Waste Regulations.

Produced by: Nebraska Department of Environment and Energy, P.O. Box 98922, Lincoln, NE 68509-8922; phone (402) 471-2186. To view this, and other information related to our agency, visit our web site at <http://dee.ne.gov>.

Overview of Title 128, Chapter 25 Universal Waste Regulations

Participants in Universal Waste System (§ = Chapter 25 section)	Small Quantity Handlers of Universal Waste <5,000 kg Accumulation	Large Quantity Handlers of Universal Waste ≥5,000 kg Accumulation	Universal Waste Transporters	Destination Facilities
Prohibitions	<ul style="list-style-type: none"> Prohibited from disposing, diluting or treating universal wastes 	<ul style="list-style-type: none"> Prohibited from disposing, diluting or treating universal wastes 	<ul style="list-style-type: none"> Prohibited from disposing of diluting or treating universal wastes 	Comply with RCRA TSD and Recycle Facility Requirements See §038 thru §040
Notification	<ul style="list-style-type: none"> No requirements 	<ul style="list-style-type: none"> Must notify NDEE and receive NDEE/EPA identification number if they have not previously received one 	<ul style="list-style-type: none"> Comply with DOT requirements 	
Waste Management Requirements (§012 or §023)	<ul style="list-style-type: none"> Must manage in a manner that prevents releases to the environment that is waste specific 	<ul style="list-style-type: none"> Must manage in a manner that prevents releases to the environment. Waste specific 	<ul style="list-style-type: none"> Comply with DOT requirements 	
Labeling/Marking (§013 or §024)	<ul style="list-style-type: none"> Must label or mark universal wastes or containers of universal wastes to identify universal waste type with specific wording required 	<ul style="list-style-type: none"> Must label or mark universal wastes or containers of universal wastes to identify universal waste type. Specific wording required 	<ul style="list-style-type: none"> Comply with DOT requirements 	
Storage Time Limits (§014 or §025)	<ul style="list-style-type: none"> May accumulate universal wastes for one year. Dating required 	<ul style="list-style-type: none"> May accumulate universal wastes for one year with container dating required 	<ul style="list-style-type: none"> TEN DAY LIMIT at transfer facilities 	
Employee Training (§015 or §026)	<ul style="list-style-type: none"> Must inform all employees of proper handling of wastes and emergency procedures 	<ul style="list-style-type: none"> Must inform all employees of proper handling of wastes and emergency procedures 	<ul style="list-style-type: none"> Comply with DOT requirements 	
Response to Releases	<ul style="list-style-type: none"> Must immediately contain releases and handle residue properly 	<ul style="list-style-type: none"> Must immediately contain releases and handle residue properly 	<ul style="list-style-type: none"> Must immediately contain releases and handle residue properly Must transport universal waste only to other handlers, destination facilities, or foreign destination 	
Off-Site Shipments	<ul style="list-style-type: none"> Must send universal waste <u>only</u> to other universal waste handlers, destination facilities or foreign destinations 	<ul style="list-style-type: none"> Must send universal waste <u>only</u> to other universal waste handlers, destination facilities or foreign destinations 	<ul style="list-style-type: none"> Comply with DOT requirements 	
Tracking	<ul style="list-style-type: none"> No requirements 	<ul style="list-style-type: none"> Maintain basic records documenting shipments received and shipments sent off-site (§029) 	<ul style="list-style-type: none"> Comply with DOT requirements 	
Export Requirements	<ul style="list-style-type: none"> Comply with primary exporter requirements Obtain consent from the receiving country Provide a copy of the consent to the transporter 	<ul style="list-style-type: none"> Comply with primary exporter requirements Obtain consent from the receiving country Provide a copy of the consent to the transporter 	<ul style="list-style-type: none"> Shipping must conform to the EPA Acknowledgment of Consent A copy of the consent must accompany the shipment The shipment is delivered to the facility designated by the person initiating the shipment 	