

Chapter NR 673

UNIVERSAL WASTE MANAGEMENT STANDARDS

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Subchapter A — General

NR 673.01 Scope. c1d This chapter establishes requirements for managing all of the following:

- cad Batteries as described in s. NR 673.02.
- cbd Pesticides as described in s. NR 673.03.
- ccd Thermostats and mercury-containing equipment as described in s. NR 673.04.
- cdd Lamps as described in s. NR 673.05.

c2d This chapter provides an alternative set of management standards in lieu of regulation under chs. NR 660 to 670.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 16-007: am. c1d ccd Register July 2017 No. 739, eff. 8-1-17.

NR 673.02 Applicability — batteries. c1d BATTERIES COVERED UNDER THIS CHAPTER. cad The requirements of this chapter apply to persons managing batteries, as described in s. NR 673.09, except those listed in sub. c2d.

cbd Spent lead-acid batteries which are not managed under subch. G of ch. NR 666, are subject to management under this chapter.

c2d BATTERIES NOT COVERED UNDER THIS CHAPTER. The requirements of this chapter do not apply to persons managing any of the following batteries:

cad Spent lead-acid batteries that are managed under subch. G of ch. NR 666.

cbd Batteries, as described in s. NR 673.09, that are not yet wastes under ch. NR 661, including those that do not meet the criteria for waste generation in sub. c3d.

ccd Batteries, as described in s. NR 673.09, that are not hazardous waste. A battery is a hazardous waste if it exhibits one or more of the characteristics identified in subch. C of ch. NR 661.

c3d GENERATION OF WASTE BATTERIES. cad A used battery

becomes a waste on the date it is discarded ce.g., when sent for reclamation.

cbd An unused battery becomes a waste on the date the handler decides to discard it.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 673.03 Applicability — pesticides. c1d PESTICIDES COVERED UNDER THIS CHAPTER. The requirements of this chapter apply to persons managing pesticides, as described in s. NR 673.09, meeting any of the following conditions, except those listed in sub. c2d:

cad Recalled pesticides that are any of the following:

1. Stocks of a suspended and canceled pesticide that are part of a voluntary or mandatory recall under 7 USC 136qcbd, including, but not limited to those owned by the registrant responsible for conducting the recall.

2. Stocks of a suspended or canceled pesticide, or a pesticide that is not in compliance with 7 USC 136 to 136y, that are part of a voluntary recall by the registrant.

Note: Section NR 662.070 addresses pesticides disposed of on the farmer[s] own farm in a manner consistent with the disposal instructions on the pesticide label, provided the container is triple rinsed in accordance with s. NR 661.0007 c2d ccd.

cbd Stocks of other unused pesticide products that are collected and managed as part of a waste pesticide collection program.

c2d PESTICIDES NOT COVERED UNDER THIS CHAPTER. The requirements of this chapter do not apply to persons managing any of the following pesticides:

cad Recalled pesticides described in sub. c1d cad, and unused pesticide products described in sub. c1d cbd, that are managed by farmers in compliance with s. NR 662.070.

Note: Section NR 662.070 addresses pesticides disposed of on the farmer[s] own farm in a manner consistent with the disposal instructions on the pesticide label, provided the container is triple rinsed in accordance with s. NR 661.0007 c2d ccd.

cbd Pesticides not meeting the conditions set forth in sub. c1d. These pesticides shall be managed in compliance with the hazardous waste rules in chs. NR 660 to 670.

ccd Pesticides that are not wastes under ch. NR 661, including those that do not meet the criteria for waste generation in sub. c3d or those that are not wastes as described in sub. c4d.

cdd Pesticides that are not hazardous waste. A pesticide is a hazardous waste if it is listed in subch. D of ch. NR 661 or if it exhibits one or more of the characteristics identified in subch. C of ch. NR 661.

c3d WHEN A PESTICIDE BECOMES A WASTE. cad A recalled pesticide described in sub. c1d cad becomes a waste on the first date on which all of the following conditions apply:

1. The generator of the recalled pesticide agrees to participate in the recall.
2. The person conducting the recall decides to discard ce.g., burn the pesticide for energy recoveryd.

cbd An unused pesticide product described in sub. c1d cbd becomes a waste on the date the generator decides to discard it.

c4d PESTICIDES THAT ARE NOT WASTES. All of the following pesticides are not wastes:

cad Recalled pesticides described in sub. c1d cad, provided that the person conducting the recall has done any of the following:

1. Has not made a decision to discard ce.g., burn for energy recoveryd the pesticide. Until such a decision is made, the pesticide does not meet the definition of Xsolid wasteY under s. NR 661.0002. Thus, the pesticide is not a hazardous waste and is not subject to hazardous waste requirements, including this chapter. This pesticide remains subject to the requirements of 7 USC 136 to 136y.
2. Has made a decision to use a management option that, under s. NR 661.0002, does not cause the pesticide to be a solid waste ci.e., the selected option is use cother than use constituting disposal or reuse cother than burning for energy recoveryd, or reclamationd. Such a pesticide is not a solid waste and therefore is not a hazardous waste, and is not subject to the hazardous waste requirements including this chapter. This pesticide, including a recalled pesticide that is exported to a foreign destination for use or reuse, remains subject to the requirements of 7 USC 136 to 136y.

cbd Unused pesticide products described in sub. c1d cbd, if the generator of the unused pesticide product has not decided to discard ce.g., burn for energy recoveryd them. These pesticides remain subject to the requirements of 7 USC 136 to 136y.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 19-082: am. c4d cad 1., 2. Register August 2020 No. 776, eff. 9-1-20.

NR 673.04 Applicability — mercury-containing equipment. c1d MERCURY-CONTAINING EQUIPMENT COVERED UNDER THIS CHAPTER. The requirements of this chapter apply to persons managing mercury-containing equipment, as described in s. NR 673.09, except those listed in sub. c2d.

c2d MERCURY-CONTAINING EQUIPMENT NOT COVERED UNDER THIS CHAPTER. The requirements of this chapter do not apply to persons managing any of the following mercury-containing equipment:

cad Mercury-containing equipment that is not yet a waste under ch. NR 661. Subsection c3d describes when mercury-containing equipment become a waste.

cbd Mercury-containing equipment that is not hazardous waste. Mercury-containing equipment is a hazardous waste if it exhibits one or more of the characteristics identified in subch. C of ch. NR 661 or is listed in subch. D of ch. NR 661.

ccd Equipment and devices from which the mercury-containing components have been removed.

c3d GENERATION OF WASTE MERCURY-CONTAINING EQUIPMENT. cad Used mercury-containing equipment becomes a waste on the date it is discarded cfor example, sent for reclamationd.

cbd Unused mercury-containing equipment becomes a waste on the date the handler decides to discard it.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 16-007: am. c1d, c2d cintro.d, cad, cbd, cr. c2d ccd, am. c3d Register July 2017 No. 739, eff. 8-1-17.

NR 673.05 Applicability — lamps. c1d LAMPS COVERED UNDER THIS CHAPTER. The requirements of this chapter apply to persons managing lamps as described in s. NR 673.09, except those listed in sub. c2d.

c2d LAMPS NOT COVERED UNDER THIS CHAPTER. The requirements of this chapter do not apply to persons managing any of the following lamps:

cad Lamps that are not yet wastes under ch. NR 661 as provided in sub. c3d.

cbd Lamps that are not hazardous waste. A lamp is a hazardous waste if it exhibits one or more of the characteristics identified in subch. C of ch. NR 661.

ccd Lamps that are intentionally broken or crushed by the generator as defined in s. NR 673.09 c4d.

c3d GENERATION OF WASTE LAMPS. cad A used lamp becomes a waste on the date it is discarded.

cbd An unused lamp becomes a waste on the date the handler decides to discard it.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 19-082: cr. c2d ccd Register August 2020 No. 776, eff. 9-1-20.

NR 673.08 Applicability — household and very small quantity generator waste. c1d Persons managing any of the following wastes may, at their option, manage them under the requirements of this chapter:

cad Household wastes that are exempt under s. NR 661.0004 c2d cad and are also of the same type as the universal wastes defined at s. NR 673.09.

cbd Very small quantity generator wastes that are exempt under s. NR 662.014 and are also of the same type as the universal wastes defined at s. NR 673.09.

c2d Persons who commingle the wastes described in sub. c1d cad and cbd together with universal waste regulated under this chapter shall manage the commingled waste under the requirements of this chapter.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 19-082: am. c1d cad, cbd Register August 2020 No. 776, eff. 9-1-20.

NR 673.09 Definitions. In this chapter:

c1gd XAmpuleY means an airtight vial made of glass, plastic, metal, or any combination of these materials.

c1rd XBatteryY means a device consisting of one or more electrically connected electrochemical cells which is designed to receive, store and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode and an electrolyte, plus connections celectrical and mechanicald as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

c2d XDestination facilityY means a facility that treats, disposes of or recycles a particular category of universal waste, except those management activities described in ss. NR 673.13 c1d and c3d and 673.33 c1d and c3d. A facility at which a particular

category of universal waste is only accumulated, is not a destination facility for purposes of managing that category of universal waste.

c3d XFIFRAY means the federal insecticide, fungicide and rodenticide act c7 USC 136 to 136yd.

c4d XGeneratorY means any person, by site, whose act or process produces hazardous waste identified or listed in ch. NR 661 or whose act first causes a hazardous waste to become subject to regulation.

c5d XLampY, also referred to as Xuniversal waste lampY, means 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 electric lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high pressure sodium and metal halide lamps.

c6d XLarge quantity handler of universal wasteY means a universal waste handler as defined in this section who accumulates 5,000 kilograms c11,025 poundsd or more total of universal waste cbatteries, pesticides, mercury-containing equipment, or lamps, calculated collectivelyd at any time. This designation as a large quantity handler of universal waste is retained through the end of the calendar year in which 5,000 kilograms c11,025 poundsd or more total of universal waste is accumulated.

c6md XMercury-containing equipmentY means a device or part of a device including thermostats, but excluding batteries and lampsd that contains elemental mercury integral to its function.

c7d XOn-siteY means the same or geographically contiguous property which may be divided by public or private right-of-way, provided that the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along the right of way. Non-contiguous properties owned by the same person but connected by a right-of-way which that person controls and to which the public does not have access, are also considered on-site property.

c8d XPesticideY means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest, or intended for use as a plant regulator, defoliant or desiccant, other than any article that is one of the following:

cad A new animal drug under 21 USC 321evd.

cbd An animal drug that has been determined by regulation of the secretary of the U.S. department of health and human services not to be a new animal drug.

ccd An animal feed under 21 USC 321c wd that bears or contains any substances described by par. cad or cbd.

Note: Title 21 USC 301 to 397 is also known as the federal food, drug and cosmetic act cFFDCAd.

c9d XSmall quantity handler of universal wasteY means a universal waste handler as defined in this section who does not accumulate 5,000 kilograms c11,025 poundsd or more total of universal waste cbatteries, pesticides, mercury-containing equipment, or lamps, calculated collectivelyd at any time.

c10d XThermostatY means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element, and mercury-containing ampules that have been removed from these temperature control devices in compliance with the requirements of s. NR 673.13 c3d cbd or 673.33 c3d cbd.

c11d XUniversal wasteY means any of the following hazardous wastes that are subject to the universal waste requirements of this chapter:

cad Batteries as described in s. NR 673.02.

cbd Pesticides as described in s. NR 673.03.

ccd Mercury-containing equipment as described in s. NR 673.04.

cdd Lamps as described in s. NR 673.05.

c12d XUniversal waste handlerY:

cad Means any of the following:

1. A generator as defined in this section of universal waste.
2. The owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates universal waste and sends universal waste to another universal waste handler, a destination facility or a foreign destination.

cbd Does not mean any of the following:

1. A person who treats cexcept under s. NR 673.13 c1d or c3d, or 673.33 c1d or c3dd, disposes of or recycles universal waste.
2. A person engaged in the off-site transportation of universal waste by air, rail, highway or water, including a universal waste transfer facility.

c13d XUniversal waste transfer facilityY means any transportation-related facility including loading docks, parking areas, storage areas and other similar areas where shipments of universal waste are held during the normal course of transportation for 10 days or less.

c14d XUniversal waste transporterY means a person engaged in the off-site transportation of universal waste by air, rail, highway or water.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 16-007: renun. c1d to c1rd, cr. c1gd, am. c6d, cr. c6md, am. c9d, c11d, ccd Register July 2017 No. 739, eff. 8-1-17.

Subchapter B — Small Quantity Handlers

NR 673.10 Applicability. This subchapter applies to small quantity handlers of universal waste as defined in s. NR 673.09d.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 673.11 Prohibitions. A small quantity handler of universal waste is prohibited from doing any of the following:

c1d Disposing of universal waste.

c2d Diluting or treating universal waste, except by responding to releases as provided in s. NR 673.17, or by managing specific wastes as provided in s. NR 673.13.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 673.12 Notification. A small quantity handler of universal waste is not required to notify the department of universal waste handling activities.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 673.13 Waste management. **c1d** UNIVERSAL WASTE BATTERIES. A small quantity handler of universal waste shall manage universal waste batteries in all of the following ways that prevent releases of any universal waste or component of a universal waste to the environment:

cad A small quantity handler of universal waste shall contain any universal waste battery that shows evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions in a container. The container shall be closed, structurally sound, compatible with the contents of the battery and shall lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

cbd A small quantity handler of universal waste may conduct any of the following activities as long as the casing of each individual battery cell is not breached and remains intact and closed except that cells may be opened to remove electrolyte but shall be immediately closed after removal:

1. Sorting batteries by type.
2. Mixing battery types in one container.
3. Discharging batteries so as to remove the electric charge.
4. Regenerating used batteries.
5. Disassembling batteries or battery packs into individual batteries or cells.
6. Removing batteries from consumer products.
7. Removing electrolyte from batteries.

ccd A small quantity handler of universal waste who removes electrolyte from batteries, or who generates other solid waste ce.g., battery pack materials, discarded consumer productsd as a result of the activities listed in par. cbd, shall determine whether the electrolyte or other solid waste exhibits a characteristic of hazardous waste identified in subch. C of ch. NR 661.

1. If the electrolyte or other solid waste exhibits a characteristic of hazardous waste, it is subject to all applicable requirements of chs. NR 660 to 670. The handler is considered the generator of the hazardous electrolyte or other waste and is subject to ch. NR 662.

2. If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with chs. 287 and 289, Stats., chs. NR 500 to 524 and applicable federal or local solid waste regulations.

c2d UNIVERSAL WASTE PESTICIDES. A small quantity handler of universal waste shall manage universal waste pesticides in a way that prevents releases of any universal waste or component of a universal waste to the environment. The universal waste pesticides shall be contained in one or more of the following:

cad A container that remains closed, structurally sound, compatible with the pesticide and that lacks evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

cbd A container that does not meet the requirements of par. cad, provided that the unacceptable container is overpacked in a container that does meet the requirements of par. cad.

ccd A tank that meets the requirements of subch. J of ch. NR 665, except for ss. NR 665.0197 c3d and 665.0200.

cdd A transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide and that lacks evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

c3d UNIVERSAL WASTE MERCURY-CONTAINING EQUIPMENT. A small quantity handler of universal waste shall manage universal waste mercury-containing equipment in a way that prevent releases of any universal waste or component of a universal waste to the environment, as follows:

cad A small quantity handler of universal waste shall place in a container any universal waste mercury-containing equipment with non-contained elemental mercury or that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container shall be closed, structurally sound, compatible with the contents of the mercury-containing equipment, shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions, and shall be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.

cbd A small quantity handler of universal waste may remove mercury-containing ampules from universal waste mercury-containing equipment provided the handler does all of the following:

1. Removes the ampules in a manner designed to prevent breakage of the ampules.
2. Removes ampules only over or in a containment device ce.g., tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage.
3. Ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules, from the containment device to a container that meets the requirements of ss. NR 662.015 and 662.016.
4. Immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of ss. NR 662.015 and 662.016.
5. Ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable exposure levels for mercury adopted under 29 USC 651 to 678 or s. 101.055, Stats.

Note: Title 29 USC 651 to 678 is also known as the federal occupational safety and health act cOSHA. Chapter SPS 332 implements s. 101.055, Stats.

6. Ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers.

7. Stores removed ampules in closed, non-leaking containers that are in good condition.

8. Packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling and transportation.

ccd A small quantity handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing holding the mercury from universal waste mercury-containing equipment provided the handler:

1. Immediately seals the original housing holding the mercury with an air-tight seal to prevent the release of any mercury to the environment.
2. Follows all requirements for removing ampules and managing removed ampules under par. cbd.
3. If the mercury, residues or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with chs. 287 and 289, Stats., chs. NR 500 to 524 and applicable federal or local solid waste regulations.

cdd 1. A small quantity handler of universal waste who removes mercury-containing ampules from mercury-containing equipment or seals mercury from mercury-containing equipment in its original housing shall determine whether the following exhibit a characteristic of hazardous waste identified in subch. C of ch. NR 661:

- a. Mercury or clean-up residues resulting from spills or leaks.
- b. Other solid waste generated as a result of the removal of mercury-containing ampules or housings cfor example, the remaining mercury-containing device.

2. If the mercury, residues, or other solid waste exhibits a characteristic of hazardous waste, it shall be managed in compliance with all applicable requirements of chs. NR 660 to 670. The handler is considered the generator of the mercury, residues or other waste and shall manage it subject to ch. NR 662.

3. If the mercury, residues, or other solid waste is not hazardous, the handler may manage the waste in any way that is in

compliance with chs. 287 and 289, Stats., chs. NR 500 to 524, and applicable federal solid waste regulations.

c4d LAMPS. A small quantity handler of universal waste shall manage lamps in all of the following ways that prevent releases of any universal waste or component of a universal waste to the environment:

cad A small quantity handler of universal waste shall contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage and compatible with the contents of the lamps. The containers and packages shall remain closed and shall lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

cbd A small quantity handler of universal waste shall immediately clean up and place in a container any lamp that is broken and shall place in a container any lamp that shows evidence of breakage, leakage or damage that could cause the release of mercury or other hazardous constituents to the environment. Containers shall be closed, structurally sound, compatible with the contents of the lamps and shall lack evidence of leakage, spillage or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 16-007: am. c1d ccd 2., c3d cintro.d, cad, cbd cintro.d, r. and recr. c3d ccd and am. c3d ccd 3., cr. c3d cdd Register July 2017 No. 739, eff. 8-1-17; correction in c3d cdd 3. made under s. 13.92 c4d cbd 7., Stats., Register July 2017 No. 739; CR 19-082: am. c3d cbd 3., 4. Register August 2020 No. 776, eff. 9-1-20.

NR 673.14 Labeling and marking. A small quantity handler of universal waste shall label or mark the universal waste to identify the type of universal waste as specified below:

c1d Universal waste batteries (i.e., each battery), or a container in which the batteries are contained, shall be labeled or marked clearly with the phrase XUniversal Waste — BatteriesY, XWaste BatteriesY or XUsed BatteriesY.

c2d A container (or multiple container package unit), tank or transport vehicle or vessel in which recalled universal waste pesticides as described in s. NR 673.03 c1d cad are contained shall be labeled or marked clearly with all of the following:

cad The label that was on or accompanied the product as sold or distributed.

cbd The words XUniversal Waste — PesticidesY or XWaste-PesticidesY.

c3d A container, tank or transport vehicle or vessel in which unused pesticide products as described in s. NR 673.03 c1d cbd are contained shall be labeled or marked clearly with all of the following:

cad 1. The label that was on the product when purchased, if still legible.

2. If using the labels described in subd. 1. is not feasible, the appropriate label as required under the U.S. department of transportation regulation 49 CFR part 172.

3. If using the labels described in subds. 1. and 2. is not feasible, another label prescribed or designated by the waste pesticide collection program administered or recognized by the state of Wisconsin.

cbd The words XUniversal Waste-PesticidesY or XWaste-PesticidesY.

c4d cad Universal waste mercury-containing equipment (for instance, each device), or a container in which the equipment is contained, shall be labeled or marked clearly with any of the following phrases: XUniversal Waste — Mercury-Containing EquipmentY, XWaste Mercury-Containing EquipmentY, or XUsed Mercury-Containing EquipmentY.

cbd A universal waste mercury-containing thermostat or con-

tainer containing only universal waste mercury-containing thermostats may be labeled or marked clearly with any of the following phrases: XUniversal Waste — Mercury ThermostatsY, XWaste Mercury ThermostatsY or XUsed Mercury ThermostatsY.

c5d Each lamp or a container or package in which the lamps are contained shall be labeled or marked clearly with the phrase XUniversal Waste — LampsY, XWaste LampsY or XUsed LampsY.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 16-007: r. and recr. c4d Register July 2017 No. 739, eff. 8-1-17.

NR 673.15 Accumulation time limits. **c1d** A small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from another handler, unless the requirements of sub. c2d are met.

c2d A small quantity handler of universal waste may accumulate universal waste for longer than one year from the date the universal waste is generated, or received from another handler, if this activity is solely for the purpose of accumulation of quantities of universal waste as necessary to facilitate proper recovery, treatment or disposal. However, the handler bears the burden of proving that this activity is solely for the purpose of accumulation of quantities of universal waste as necessary to facilitate proper recovery, treatment or disposal.

c3d A small quantity handler of universal waste who accumulates universal waste shall be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration by doing any of the following:

cad Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received.

cbd Marking or labeling each individual item of universal waste (e.g., each battery or thermostat) with the date it became a waste or was received.

ccd Maintaining an inventory system on-site that identifies the date each universal waste became a waste or was received.

cdd Maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received.

ced Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received.

cfg Any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 673.16 Employee training. A small quantity handler of universal waste shall inform all employees who handle or have responsibility for managing universal waste. The information shall describe proper handling and emergency procedures appropriate to the types of universal waste handled at the facility.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 673.17 Response to releases. **c1d** A small quantity handler of universal waste shall immediately contain all releases of universal wastes and other residues from universal wastes.

c2d A small quantity handler of universal waste shall determine whether any material resulting from the release is hazardous waste, and if so, shall manage the hazardous waste in

compliance with all applicable requirements of chs. NR 660 to 670. The handler is considered the generator of the material resulting from the release, and shall manage it in compliance with ch. NR 662.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 673.18 Off-site shipments. c1d A small quantity handler of universal waste is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility or a foreign destination.

c2d If a small quantity handler of universal waste self-transport universal waste off-site, the handler becomes a universal waste transporter for those self-transportation activities and shall comply with the transporter requirements of subch. D while transporting the universal waste.

c3d If a universal waste being offered for off-site transportation meets the definition of hazardous materials under 49 CFR parts 171 to 180, a small quantity handler of universal waste shall package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with the applicable U.S. department of transportation regulations under 49 CFR parts 172 to 180.

c4d Prior to sending a shipment of universal waste to another universal waste handler, the originating handler shall ensure that the receiving handler agrees to receive the shipment.

c5d If a small quantity handler of universal waste sends a shipment of universal waste to another handler or to a destination facility and the shipment is rejected by the receiving handler or destination facility, the originating handler shall do one of the following:

cad Receive the waste back when notified that the shipment has been rejected.

cbd Agree with the receiving handler on a destination facility to which the shipment will be sent.

c6d A small quantity handler of universal waste may reject a shipment containing universal waste, or a portion of a shipment containing universal waste, that the handler has received from another handler. If a handler rejects a shipment or a portion of a shipment, the handler shall contact the originating handler to notify the originating handler of the rejection and to discuss reshipping of the load. The handler shall do one of the following:

cad Send the shipment back to the originating handler.

cbd If agreed to by both the originating and receiving handler, send the shipment to a destination facility.

c7d If a small quantity handler of universal waste receives a shipment containing hazardous waste that is not a universal waste, the handler shall immediately notify the department of the illegal shipment, and provide the name, address and phone number of the originating shipper. The department will provide instructions for managing the hazardous waste.

c8d If a small quantity handler of universal waste receives a shipment of non-hazardous, non-universal waste, the handler may manage the waste in any way that is in compliance with chs. 287 and 289, Stats., chs. NR 500 to 524 and applicable federal or local solid waste regulations.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 16-007: am. c8d Register July 2017 No. 739, eff. 8-1-17.

NR 673.19 Tracking shipments. A small quantity handler of universal waste is not required to keep records of shipments of universal waste.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 673.20 Exports. A small quantity handler of univer-

sal waste who sends universal waste to a foreign destination is subject to the requirements of subch. H of ch. NR 662.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 19-082: renum. cintro.d to NR 673.20, r. c1d to c3d Register August 2020 No. 776, eff. 9-1-20.

Subchapter C — Large Quantity Handlers

NR 673.30 Applicability. This subchapter applies to large quantity handlers of universal waste.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 673.31 Prohibitions. A large quantity handler of universal waste is prohibited from doing any of the following:

c1d Disposing of universal waste.

c2d Diluting or treating universal waste, except by responding to releases as provided in s. NR 673.37, or by managing specific wastes as provided in s. NR 673.33.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 673.32 Notification. c1d cad Except as provided in pars. cbd and ccd, a large quantity handler of universal waste shall have sent written notification of universal waste management to the department, and received an EPA identification number, before meeting or exceeding the 5,000 kilogram c11,025 poundsd storage limit.

cbd A large quantity handler of universal waste who has already notified the department of its hazardous waste management activities and has received an EPA identification number is not required to renotify under this section.

ccd A large quantity handler of universal waste who manages recalled universal waste pesticides as described in s. NR 673.03 c1d cad and who has sent notification to EPA as required by 40 CFR part 165 is not required to notify for those recalled universal waste pesticides under this section.

c2d This notification shall include all of the following:

cad The universal waste handler[s name and mailing address.

cbd The name and business telephone number of the person at the universal waste handler[s site who should be contacted regarding universal waste management activities.

ccd The address or physical location of the universal waste management activities.

cdd A list of all the types of universal waste managed by the handler cfor example, batteries, pesticides, mercury-containing equipment, lampsd.

ced A statement indicating that the handler is accumulating more than 5,000 kg c11,025 poundsd of universal waste at one time.

Note: See s. NR 660.07 for information on obtaining EPA form 8700-12.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 16-007: am. c2d cdd, ccd Register July 2017 No. 739, eff. 8-1-17.

NR 673.33 Waste management. c1d UNIVERSAL WASTE BATTERIES. A large quantity handler of universal waste shall manage universal waste batteries in all of the following ways that prevent releases of any universal waste or component of a universal waste to the environment:

cad A large quantity handler of universal waste shall contain any universal waste battery that shows evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions in a container. The container shall be closed, structurally sound, compatible with the contents of the battery and shall lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

cbd A large quantity handler of universal waste may conduct

any of the following activities as long as the casing of each individual battery cell is not breached and remains intact and closed except that cells may be opened to remove electrolyte but shall be immediately closed after removal:

1. Sorting batteries by type.
2. Mixing battery types in one container.
3. Discharging batteries so as to remove the electric charge.
4. Regenerating used batteries.
5. Disassembling batteries or battery packs into individual batteries or cells.
6. Removing batteries from consumer products.
7. Removing electrolyte from batteries.

ccd A large quantity handler of universal waste who removes electrolyte from batteries, or who generates other solid waste ce.g., battery pack materials, discarded consumer products as a result of the activities listed in par. **cbd**, shall determine whether the electrolyte or other solid waste exhibits a characteristic of hazardous waste identified in subch. **C** of ch. NR 661.

1. If the electrolyte or other solid waste exhibits a characteristic of hazardous waste, it shall be managed in compliance with all applicable requirements of chs. NR 660 to 670. The handler is considered the generator of the hazardous electrolyte or other waste and is subject to ch. NR 662.

2. If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with chs. 287 and 289, Stats., chs. NR 500 to 524, and applicable federal or local solid waste regulations.

c2d UNIVERSAL WASTE PESTICIDES. A large quantity handler of universal waste shall manage universal waste pesticides in a way that prevents releases of any universal waste or component of a universal waste to the environment. The universal waste pesticides shall be contained in one or more of the following:

cad A container that remains closed, structurally sound, compatible with the pesticide and that lacks evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

cbd A container that does not meet the requirements of par. **cad**, provided that the unacceptable container is overpacked in a container that does meet the requirements of par. **cad**.

ccd A tank that meets the requirements of subch. **J** of ch. NR 665, except for ss. NR 665.0197 **c3d** and 665.0200.

cdd A transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide and that lacks evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

c3d MERCURY-CONTAINING EQUIPMENT. A large quantity handler of universal waste shall manage universal waste mercury-containing equipment in a way that prevent releases of any universal waste or component of a universal waste to the environment, as follows:

cad A large quantity handler of universal waste shall place in a container any universal waste mercury-containing equipment with non-contained elemental mercury or that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container shall be closed, structurally sound, compatible with the contents of the device, shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions and shall be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.

cbd A large quantity handler of universal waste may remove mercury-containing ampules from universal waste mercury-containing equipment provided the handler does all of the following:

1. Removes the ampules in a manner designed to prevent breakage of the ampules.

2. Removes ampules only over or in a containment device ce.g., tray or pan sufficient to contain any mercury released from an ampule in case of breakage.

3. Ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules, from the containment device to a container that meets the requirements of s. NR 662.016 or 662.017.

4. Immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of ss. NR 662.015 and 662.017.

5. Ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable exposure levels for mercury adopted under 29 USC 651 to 678 or s. 101.055, Stats.

Note: Title 29 USC 651 to 678 is also known as the federal occupational safety and health act (OSHA). Chapter SPS 332 implements s. 101.055, Stats.

6. Ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers.

7. Stores removed ampules in closed, non-leaking containers that are in good condition.

8. Packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling and transportation.

ccd A large quantity handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing holding the mercury from universal waste mercury-containing equipment provided the handler:

1. Immediately seals the original housing holding the mercury with an air-tight seal to prevent the release of any mercury to the environment.

2. Follows all requirements for removing ampules and managing removed ampules under par. **cbd**.

cdd 1. A large quantity handler of universal waste who removes mercury-containing ampules from mercury-containing equipment or seals mercury from mercury-containing equipment in its original housing shall determine whether the following exhibit a characteristic of hazardous waste identified in subch. **C** of ch. NR 661:

a. Mercury or clean-up residues resulting from spills or leaks.

b. Other solid waste generated as a result of the removal of mercury-containing ampules or housings (the remaining mercury-containing device).

2. If the mercury, residues, or other solid waste exhibits a characteristic of hazardous waste, it shall be managed in compliance with all applicable requirements of chs. NR 660 to 670. The handler is considered the generator of the mercury, residues, or other waste and shall manage it subject to ch. NR 662.

3. If the mercury, residues, or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with chs. 287 and 289, Stats., chs. NR 500 to 524, and applicable federal solid waste regulations.

c4d LAMPS. A large quantity handler of universal waste shall manage lamps in all of the following ways that prevent releases of any universal waste or component of a universal waste to the environment:

cad A large quantity handler of universal waste shall contain

any lamp in containers or packages that are structurally sound, adequate to prevent breakage and compatible with the contents of the lamps. The containers and packages shall remain closed and shall lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

cbd A large quantity handler of universal waste shall immediately clean up and place in a container any lamp that is broken and shall place in a container any lamp that shows evidence of breakage, leakage or damage that could cause the release of mercury or other hazardous constituents to the environment. Containers shall be closed, structurally sound, compatible with the contents of the lamps and shall lack evidence of leakage, spillage or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 16-007: am. c1d cdd 2., c3d cintro.d, cad, cbd cintro.d, r. and recr. ccd, cr. cdd Register July 2017 No. 739, eff. 8-1-17; correction in c3d cdd 3. made under s. 13.92 c4d cbd 7., Stats., Register July 2017 No. 739; CR 19-082: am. c3d citled, cbd 4. Register August 2020 No. 776, eff. 9-1-20; correction in c3d cbd 3. made under s. 13.92 c4d cbd 7., Stats., Register April 2021 No. 784.

NR 673.34 Labeling and marking. A large quantity handler of universal waste shall label or mark the universal waste to identify the type of universal waste as specified below:

c1d Universal waste batteries c.i.e., each batteryd, or a container or tank in which the batteries are contained, shall be labeled or marked clearly with the phrase XUniversal Waste — BatteriesY, XWaste BatteriesY or XUsed BatteriesY.

c2d A container cor multiple container package unitd, tank or transport vehicle or vessel in which recalled universal waste pesticides as described in s. NR 673.03 c1d cad are contained shall be labeled or marked clearly with all of the following:

cad The label that was on or accompanied the product as sold or distributed.

cbd The words XUniversal Waste — PesticidesY or XWaste — PesticidesY.

c3d A container, tank or transport vehicle or vessel in which unused pesticide products as described in s. NR 673.03 c1d cbd are contained shall be labeled or marked clearly with all of the following:

cad 1. The label that was on the product when purchased, if still legible.

2. If using the labels described in subd. 1. is not feasible, the appropriate label as required under the U.S. department of transportation regulation 49 CFR part 172.

3. If using the labels described in subds. 1. and 2. is not feasible, another label prescribed or designated by the pesticide collection program.

cbd The words XUniversal Waste — PesticidesY or XWaste—PesticidesY.

c4d cad Universal waste mercury-containing equipment cfor instance, each deviced, or a container in which the equipment is contained, shall be labeled or marked clearly with any of the following phrases: XUniversal Waste — Mercury-Containing Equipment,Y XWaste Mercury-Containing Equipment,Y or XUsed Mercury-Containing Equipment.Y

cbd A universal waste mercury-containing thermostat or container containing only universal waste mercury-containing thermostats may be labeled or marked clearly with any of the following phrases: XUniversal Waste — Mercury Thermostats,Y XWaste Mercury ThermostatsY or, XUsed Mercury Thermostats.Y

c5d Each lamp or a container or package in which the lamps are contained shall be labeled or marked clearly with the phrase

XUniversal Waste — LampsY, XWaste LampsY or XUsed LampsY.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 16-007: r. and recr. c4d Register July 2017 No. 739, eff. 8-1-17.

NR 673.35 Accumulation time limits. c1d A large quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from another handler, unless the requirements of sub. c2d are met.

c2d A large quantity handler of universal waste may accumulate universal waste for longer than one year from the date the universal waste is generated, or received from another handler, if this activity is solely for the purpose of accumulation of quantities of universal waste as necessary to facilitate proper recovery, treatment or disposal. However, the handler bears the burden of proving that this activity was solely for the purpose of accumulation of quantities of universal waste as necessary to facilitate proper recovery, treatment or disposal.

c3d A large quantity handler of universal waste shall be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration by doing any of the following:

cad Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received.

cbd Marking or labeling the individual item of universal waste ce.g., each battery or thermostatd with the date it became a waste or was received.

ccd Maintaining an inventory system on-site that identifies the date the universal waste being accumulated became a waste or was received.

cdd Maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received.

ced Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received.

cfid Any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 673.36 Employee training. A large quantity handler of universal waste shall ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relative to their responsibilities during normal facility operations and emergencies.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 673.37 Response to releases. c1d A large quantity handler of universal waste shall immediately contain all releases of universal wastes and other residues from universal wastes.

c2d A large quantity handler of universal waste shall determine whether any material resulting from the release is hazardous waste, and if so, shall manage the hazardous waste in compliance with all applicable requirements of chs. NR 660 to 670. The handler is considered the generator of the material resulting from the release, and is subject to ch. NR 662.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 673.38 Off-site shipments. c1d A large quantity handler of universal waste is prohibited from sending or taking

universal waste to a place other than another universal waste handler, a destination facility or a foreign destination.

c2d If a large quantity handler of universal waste self-transport universal waste off-site, the handler becomes a universal waste transporter for those self-transportation activities and shall comply with the transporter requirements of subch. **D** while transporting the universal waste.

c3d If a universal waste being offered for off-site transportation meets the definition of hazardous materials under **49 CFR parts 171 to 180**, a large quantity handler of universal waste shall package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with the applicable U.S. department of transportation regulations under **49 CFR parts 172 to 180**.

c4d Prior to sending a shipment of universal waste to another universal waste handler, the originating handler shall ensure that the receiving handler agrees to receive the shipment.

c5d If a large quantity handler of universal waste sends a shipment of universal waste to another handler or to a destination facility and the shipment is rejected by the receiving handler or destination facility, the originating handler shall do one of the following:

cad Receive the waste back when notified that the shipment has been rejected.

cbd Agree with the receiving handler on a destination facility to which the shipment will be sent.

c6d A large quantity handler of universal waste may reject a shipment containing universal waste, or a portion of a shipment containing universal waste, that the handler has received from another handler. If a handler rejects a shipment or a portion of a shipment, the handler shall contact the originating handler to notify the originating handler of the rejection and to discuss reshipping of the load. The handler shall do one of the following:

cad Send the shipment back to the originating handler.

cbd If agreed to by both the originating and receiving handler, send the shipment to a destination facility.

c7d If a large quantity handler of universal waste receives a shipment containing hazardous waste that is not a universal waste, the handler shall immediately notify the department of the illegal shipment, and provide the name, address and phone number of the originating shipper. The department will provide instructions for managing the hazardous waste.

c8d If a large quantity handler of universal waste receives a shipment of non-hazardous, non-universal waste, the handler may manage the waste in any way that is in compliance with chs. **287** and **289**, Stats., chs. **NR 500** to **524** and applicable federal or local solid waste regulations.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 16-007: am. c8d Register July 2017 No. 739, eff. 8-1-17.

NR 673.39 Tracking shipments. c1d RECEIPT OF SHIPMENTS. A large quantity handler of universal waste shall keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, movement document or other shipping document. The record for each shipment of universal waste received shall include all of the following information:

cad The name and address of the originating universal waste handler or foreign shipper from whom the universal waste was sent.

cbd The quantity of each type of universal waste received ce.g., batteries, pesticides, thermostats, lampsd.

ccd The date of receipt of the shipment of universal waste.

c2d SHIPMENTS OFF-SITE. A large quantity handler of universal waste shall keep a record of each shipment of universal waste sent from the handler to other facilities. The record may take the form of a log, invoice, manifest, bill of lading, movement document or other shipping document. The record for each shipment of universal waste sent shall include all of the following information:

cad The name and address of the universal waste handler, destination facility or foreign destination to whom the universal waste was sent.

cbd The quantity of each type of universal waste sent ce.g., batteries, pesticides, thermostats, lampsd.

ccd The date the shipment of universal waste left the facility.

c3d RECORD RETENTION. cad A large quantity handler of universal waste shall retain the records described in sub. **c1d** for at least 3 years from the date of receipt of a shipment of universal waste.

cbd A large quantity handler of universal waste shall retain the records described in sub. **c2d** for at least 3 years from the date a shipment of universal waste left the facility.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 19-082: am. c1d cintro.d, c2d cintro.d Register August 2020 No. 776, eff. 9-1-20.

NR 673.40 Exports. A large quantity handler of universal waste who sends universal waste to a foreign destination is subject to the requirements of subch. **H** of ch. **NR 662**.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 19-082: renum. cintro.d to NR 673.40 and am., r. c1d to c3d Register August 2020 No. 776, eff. 9-1-20.

Subchapter D — Transporters

NR 673.50 Applicability. This subchapter applies to universal waste transporters.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 673.51 Prohibitions. A universal waste transporter is prohibited from doing any of the following:

c1d Disposing of universal waste.

c2d Diluting or treating universal waste, except by responding to releases as provided in s. **NR 673.54**.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 673.52 Waste management. c1d A universal waste transporter shall comply with all applicable U.S. department of transportation regulations in **49 CFR parts 171 to 180** for transport of any universal waste that meets the definition of hazardous material in **49 CFR 171.8**. For purposes of the U.S. department of transportation regulations, a material is considered a hazardous waste if it is subject to the EPA hazardous waste manifest requirements in **40 CFR part 262**. Because universal waste does not require a hazardous waste manifest, it is not considered hazardous waste under the U.S. department of transportation regulations.

c2d Some universal waste materials are regulated by the U.S. department of transportation as hazardous materials because they meet the criteria for one or more hazard classes specified in **49 CFR 173.2**. As universal waste shipments do not require a manifest under **40 CFR part 262**, they may not be described by the U.S. department of transportation proper shipping name Xhazardous waste, cld or csd, n.o.s.Y, nor may the hazardous material[s] proper shipping name be modified by adding the word XwasteY.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 673.53 Storage time limits. c1d A universal waste

transporter may only store the universal waste at a universal waste transfer facility for 10 days or less.

c2d If a universal waste transporter stores universal waste for more than 10 days, the transporter becomes a universal waste handler and shall comply with the applicable requirements of subch. **B** or **C** while storing the universal waste.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 673.54 Response to releases. c1d A universal waste transporter shall immediately contain all releases of universal wastes and other residues from universal wastes.

c2d A universal waste transporter shall determine whether any material resulting from the release is hazardous waste, and if so, it is subject to all applicable requirements of chs. **NR 660** to **670**. If the waste is determined to be a hazardous waste, the transporter is subject to ch. **NR 662**.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 673.55 Off-site shipments. c1d A universal waste transporter is prohibited from transporting the universal waste to a place other than a universal waste handler, a destination facility or a foreign destination.

c2d If the universal waste being shipped off-site meets the U.S. department of transportation[s definition of hazardous material under **49 CFR 171.8**, the shipment shall be properly described on a shipping paper in accordance with the applicable U.S. department of transportation regulations under **49 CFR part 172**.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 673.56 Exports. A universal waste transporter transporting a shipment of universal waste to a foreign destination is subject to the requirements of subch. **H** of ch. **NR 662**.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 19-082: renum. cintro.d to NR 673.56 and am., r. c1d, c2d Register August 2020 No. 776, eff. 9-1-20.

Subchapter E — Destination Facilities

NR 673.60 Applicability. c1d The owner or operator of a destination facility is subject to all applicable requirements of chs. **NR 664** to **670**.

c2d The owner or operator of a destination facility that recycles a particular universal waste without storing that universal waste before it is recycled shall comply with s. **NR 661.0006 c3d cbd**.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 19-082: am. c2d Register August 2020 No. 776, eff. 9-1-20.

NR 673.61 Off-site shipments. c1d The owner or operator of a destination facility is prohibited from sending or taking universal waste to a place other than a universal waste handler, another destination facility or foreign destination.

c2d The owner or operator of a destination facility may reject a shipment containing universal waste, or a portion of a shipment containing universal waste. If the owner or operator of the destination facility rejects a shipment or a portion of a shipment, the owner or operator shall contact the shipper to notify the shipper of the rejection and to discuss reshipment of the load. The owner or operator of the destination facility shall do one of the following:

cad Send the shipment back to the original shipper.

cbd If agreed to by both the shipper and the owner or operator of the destination facility, send the shipment to another destination facility.

c3d If the owner or operator of a destination facility receives a shipment containing hazardous waste that is not a universal

waste, the owner or operator of the destination facility shall immediately notify the department of the illegal shipment, and provide the name, address and phone number of the shipper. The department will provide instructions for managing the hazardous waste.

c4d If the owner or operator of a destination facility receives a shipment of non-hazardous, non-universal waste, the owner or operator may manage the waste in any way that is in compliance with chs. **287** and **289**, Stats., chs. **NR 500** to **524** and applicable federal or local solid waste regulations.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 16-007: am. c4d Register July 2017 No. 739, eff. 8-1-17.

NR 673.62 Tracking shipments. c1d RECEIPT OF SHIPMENTS. The owner or operator of a destination facility shall keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, movement document or other shipping document. The record for each shipment of universal waste received shall include all of the following information:

cad The name and address of the universal waste handler, destination facility or foreign shipper from whom the universal waste was sent.

cbd The quantity of each type of universal waste received e.g., batteries, pesticides, thermostats, lampsd.

ccd The date of receipt of the shipment of universal waste.

c2d RECORD RETENTION. The owner or operator of a destination facility shall retain the records described in sub. **c1d** for at least 3 years from the date of receipt of a shipment of universal waste.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 19-082: am. c1d cintro.d Register August 2020 No. 776, eff. 9-1-20.

Subchapter F — Imports

NR 673.70 Imports. Persons managing universal waste that is imported from a foreign country into the state of Wisconsin are subject to the applicable requirements of this chapter, immediately after the waste enters Wisconsin, as indicated in subs. **c1d** to **c3d**.

c1d A universal waste transporter is subject to the universal waste transporter requirements of subch. **D**.

c2d A universal waste handler is subject to the small or large quantity handler of universal waste requirements of subch. **B** or **C**, as applicable.

c3d An owner or operator of a destination facility is subject to the destination facility requirements of subch. **E**.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 19-082: am. c1d, c2d, r. c4d Register August 2020 No. 776, eff. 9-1-20.

Subchapter G — Petitions to Include Other Wastes under this Chapter

NR 673.80 General. c1d Except as provided in sub. **c4d**, any person seeking to add a hazardous waste or a category of hazardous waste to this chapter may petition for a rule amendment under this subchapter and ss. **NR 660.20** and **660.23**.

c2d To be successful, the petitioner shall demonstrate to the satisfaction of the department that regulation under the universal waste rules of this chapter is appropriate for the waste or category of waste, will improve management practices for the waste or category of waste and will improve implementation of the hazardous waste program. The petition shall include the information required by s. **NR 660.20**. The petition shall also address as many of the factors listed in s. **NR 673.81** as are appropriate for the waste or waste category addressed in the petition.

c3d The department will evaluate petitions using the factors listed in s. NR 673.81. The department will grant or deny a petition using the factors listed in s. NR 673.81. The decision will be based on the weight of evidence showing that regulation under this chapter is appropriate for the waste or category of waste, will improve management practices for the waste or category of waste and will improve implementation of the hazardous waste program.

c4d Hazardous waste pharmaceuticals are regulated under subch. P of ch. NR 666, and may not be added as a category of hazardous waste for management under this chapter.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 19-082: am. c1d, cr. c4d Register August 2020 No. 776, eff. 9-1-20.

NR 673.81 Factors for petitions to include other wastes under this chapter. **c1d** The waste or category of waste, as generated by a wide variety of generators, is listed in subch. D of ch. NR 661 or, if not listed, a proportion of the waste stream exhibits one or more characteristics of hazardous waste identified in subch. C of ch. NR 661. **c**When a characteristic waste is added to the universal waste rules of this chapter by using a generic name to identify the waste category ce.g., batteriesd, the department will amend the definition of universal waste in ss. NR 660.10 and 673.09 to include only the hazardous waste portion of the waste category ce.g., hazardous waste batteriesd.d Thus, only the portion of the waste stream that does exhibit one or more characteristics ci.e., is hazardous wasted is subject to the universal waste rules of this chapter.

c2d The waste or category of waste is not exclusive to a specific industry or group of industries, is commonly generated by a wide variety of types of establishments cincluding, for example,

households, retail and commercial businesses, office complexes, very small quantity generators, small businesses, government organizations, as well as large industrial facilitiesd.

c3d The waste or category of waste is generated by a large number of generators ce.g., more than 1,000 nationallyd and is frequently generated in relatively small quantities by each generator.

c4d Systems to be used for collecting the waste or category of waste cincluding packaging, marking and labeling practicesd would ensure close stewardship of the waste.

c5d The risk posed by the waste or category of waste during accumulation and transport is relatively low compared to other hazardous wastes, and specific management standards proposed or referenced by the petitioner ce.g., waste management requirements appropriate to be added to ss. NR 673.13, 673.33 and 673.52 or applicable U.S. department of transportation requirementsd would be protective of human health and the environment during accumulation and transport.

c6d Regulation of the waste or category of waste under this chapter will increase the likelihood that the waste will be diverted from non-hazardous waste management systems ce.g., the municipal waste stream, non-hazardous industrial or commercial waste stream, municipal sewer or stormwater systemsd to recycling, treatment or disposal in compliance with ch. 291, Stats., and chs. NR 660 to 670.

c7d Regulation of the waste or category of waste under this chapter will improve implementation of and compliance with the hazardous waste regulatory program.

c8d Other factors as may be appropriate.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.