

CHAPTER 266b. UNIVERSAL WASTE MANAGEMENT

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Authority

The provisions of this Chapter 266b issued under sections 105, 401—403 and 501 of the Solid Waste Management Act (35 P. S. §§ 6018.105, 6018.401—6018.403 and 6018.501); sections 105, 402 and 501 of The Clean Streams Law (35 P. S. §§ 691.105, 691.402 and 691.501); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20), unless otherwise noted.

Source

The provisions of this Chapter 266b adopted April 30, 1999, effective May 1, 1999, 29 Pa.B. 2367, unless otherwise noted.

Cross References

This chapter cited in 25 Pa. Code § 252.3 (relating to scope); 25 Pa. Code § 260a.3 (relating to terminology and citations related to Federal regulations); 25 Pa. Code § 261a.8 (relating to requirements for universal waste); 25 Pa. Code § 264a.1 (relating to incorporation by reference, purpose, scope and reference); and 25 Pa. Code § 265a.1 (relating to incorporation by reference, purpose, scope and applicability).

Subchapter A. GENERAL

Sec.	
266b.1.	Incorporation by reference and scope.
266b.2.	[Reserved].
266b.3.	Definitions.
266b.4.	Applicability—oil-based finishes.
266b.5.	Applicability—photographic solutions.

§ 266b.1. Incorporation by reference and scope.

(a) Except as expressly provided in this chapter, 40 CFR Part 273 (relating to standards for universal waste management) is incorporated by reference.

(b) In addition to the requirements incorporated by reference in 40 CFR 273.1 (relating to scope), oil-based finishes as defined in § 266b.3 (relating to definitions) are included as waste listed in the definition of “universal waste.”

(c) In addition to the requirements incorporated by reference in 40 CFR 273.1, photographic solutions as defined in § 266b.3 are included as waste listed in the definition of “universal waste.”

Authority

The provisions of this § 266b.1 amended under sections 105, 402 and 501 of the Solid Waste Management Act (35 P. S. §§ 6018.105, 6018.402 and 6018.501); sections 303 and 305(e)(2) of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.303 and 6020.305(e)(2)); section 5, 402 and 501 of The Clean Streams Law (35 P. S. §§ 691.5, 691.402 and 691.501); and section 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-20).

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Source

The provisions of this § 266b.1 amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6587; amended January 9, 2009, effective January 10, 2009, 39 Pa.B. 201. Immediately preceding text appears at serial pages (317329) to (317330).

Cross References

This section cited in 25 Pa. Code § 270a.1 (relating to incorporation by reference, scope and applicability).

§ 266b.2. [Reserved].**Source**

The provisions of this § 266b.2 adopted December 22, 2000, effective December 23, 2000, 30 Pa.B. 6587; reserved January 9, 2009, effective January 10, 2009, 39 Pa.B. 201. Immediately preceding text appears at serial page (317330).

§ 266b.3. Definitions.

In addition to the definitions incorporated by reference in 40 CFR 273.9 (relating to definitions), the following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Oil-based finishes—

(i) Any paint or other finish that may exhibit, or is known to exhibit, a hazardous waste characteristic as specified in 40 CFR Part 261, Subpart C (relating to characteristics of hazardous waste), or which contains a listed hazardous waste as specified in 40 CFR Part 261 Subpart D (relating to lists of hazardous wastes), and is in original packaging, or otherwise appropriately contained and clearly labeled.

(ii) Examples of oil-based finishes include, but are not limited to, oil-based paints, lacquers, stains and aerosol paint cans.

Photographic solutions—Silver-bearing waste streams resulting from photographic processing solutions or rinse water.

Authority

The provisions of this § 266b.3 amended under sections 105, 402 and 501 of the Solid Waste Management Act (35 P. S. §§ 6018.105, 6018.402 and 6018.501); sections 303 and 305(e)(2) of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.303 and 6020.305(e)(2)); section 5, 402 and 501 of The Clean Streams Law (35 P. S. §§ 691.5, 691.402 and 691.501); and section 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-20).

Source

The provisions of this § 266b.3 adopted December 22, 2000, effective December 23, 2000, 30 Pa.B. 6587; amended January 9, 2009, effective January 10, 2009, 39 Pa.B. 201. Immediately preceding text appears at serial pages (317330) and (272745).

Cross References

This section cited in 25 Pa. Code § 261a.8 (relating to requirements for universal waste); 25 Pa. Code § 266b.1 (relating to incorporation by reference and scope); and 25 Pa. Code § 266b.2 (relating to applicability—mercury-containing devices).

§ 266b.4. Applicability—oil-based finishes.

(a) In addition to the requirements incorporated by reference in 40 CFR Part 273 (relating to standards for universal waste management), this chapter applies to persons managing oil-based finishes as defined in § 266b.3 (relating to definitions), except those listed in subsection (b).

(b) This section does not apply to persons managing the following oil-based finishes:

(1) Oil-based finishes that are not yet wastes under Chapter 261a (relating to identification and listing of hazardous waste). Subsections (c) and (d) describe when oil-based finishes become wastes.

(2) Oil-based finishes that are not hazardous waste. An oil-based finish is a hazardous waste if it exhibits one or more of the characteristics identified in 40 CFR Part 261, Subpart C (relating to characteristics of hazardous waste).

(c) Used oil-based finishes become a waste on the date they are discarded or sent for reclamation.

(d) Unused oil-based finishes become a waste on the date the handler discards them.

Authority

The provisions of this § 266b.4 adopted under sections 105, 402 and 501 of the Solid Waste Management Act (35 P. S. §§ 6018.105, 6018.402 and 6018.501); sections 303 and 305(e)(2) of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.303 and 6020.305(e)(2)); section 5, 402 and 501 of The Clean Streams Law (35 P. S. §§ 691.5, 691.402 and 691.501); and section 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-20).

Source

The provisions of this § 266b.4 adopted January 9, 2009, effective January 10, 2009, 39 Pa.B. 201.

§ 266b.5. Applicability—photographic solutions.

(a) In addition to the requirements incorporated by reference in 40 CFR Part 273 (relating to standards for universal waste management), this chapter applies to persons managing photographic solutions as defined in § 266b.3 (relating to definitions), except those listed in subsection (b).

(b) This section does not apply to persons managing the following photographic solutions:

(1) Photographic solutions that are not yet wastes under Chapter 261a (relating to identification and listing of hazardous waste). Subsections (c) and (d) describe when photographic solutions become wastes.

(2) Photographic solutions that are not hazardous waste. A photographic solution is a hazardous waste if it exhibits one or more of the characteristics identified in 40 CFR Part 261, Subpart C (relating to characteristics of hazardous waste).

(c) Used photographic solutions become a waste on the date they are discarded or sent for reclamation.

(d) Unused photographic solutions become a waste on the date the handler discards them.

Authority

The provisions of this § 266b.5 adopted under sections 105, 402 and 501 of the Solid Waste Management Act (35 P. S. §§ 6018.105, 6018.402 and 6018.501); sections 303 and 305(e)(2) of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.303 and 6020.305(e)(2)); section 5, 402 and 501 of The Clean Streams Law (35 P. S. §§ 691.5, 691.402 and 691.501); and section 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-20).

Source

The provisions of this § 266b.5 adopted January 9, 2009, effective January 10, 2009, 39 Pa.B. 201.

**Subchapter B. SMALL QUANTITY HANDLERS OF
UNIVERSAL WASTE**

Sec.

266b.10. Applicability.

266b.11. Waste management for universal waste oil-based finishes.

266b.12. Waste management for universal photographic solutions.

266b.29. Labeling/marketing.

§ 266b.10. Applicability.

In addition to the requirements incorporated by reference, a small quantity handler of universal waste complying with this subchapter is deemed to have a permit for the storage of universal wastes.

§ 266b.11. Waste management for universal waste oil-based finishes.

A small quantity handler of universal waste oil-based finishes shall manage oil-based finishes, in their original or otherwise appropriate and labeled packaging, in a way that prevents releases of universal waste or a component of a universal waste to the environment, as follows:

(1) A small quantity handler of universal waste oil-based finishes shall contain oil-based finishes that show evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the oil-based finish and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

(2) A small quantity handler of universal waste may not process oil-based finishes (including opening, blending, filtering, and the like).

Authority

The provisions of this § 266b.11 amended under sections 105, 402 and 501 of the Solid Waste Management Act (35 P. S. §§ 6018.105, 6018.402 and 6018.501); sections 303 and 305(e)(2) of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.303 and 6020.305(e)(2)); section 5, 402 and 501 of The Clean Streams Law (35 P. S. §§ 691.5, 691.402 and 691.501); and section 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-20).

Source

The provisions of this § 266b.11 adopted December 22, 2000, effective December 23, 2000, 30 Pa.B. 6587; amended January 9, 2009, effective January 10, 2009, 39 Pa.B. 201. Immediately preceding text appears at serial pages (272745) to (272746).

§ 266b.12. Waste management for universal waste photographic solutions.

A small quantity handler of universal waste photographic solutions shall manage waste photographic solutions, in their original or otherwise appropriate and labeled packaging, in a way that prevents releases of universal waste or a component of a universal waste to the environment, as follows:

(1) A small quantity handler of universal waste photographic solutions shall manage the photographic solutions in a lidded container. The container must be closed, structurally sound, compatible with the photographic solutions, and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

(2) A small quantity handler of universal waste may not process photographic solutions (for example, including, but not limited to, opening, blending, filtering, and the like).

Authority

The provisions of this § 266b.12 amended under sections 105, 402 and 501 of the Solid Waste Management Act (35 P. S. §§ 6018.105, 6018.402 and 6018.501); sections 303 and 305(e)(2) of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.303 and 6020.305(e)(2)); section 5, 402 and 501 of The Clean Streams Law (35 P. S. §§ 691.5, 691.402 and 691.501); and section 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-20).

Source

The provisions of this § 266b.12 adopted December 22, 2000, effective December 23, 2000, 30 Pa.B. 6587; amended January 9, 2009, effective January 10, 2009, 39 Pa.B. 501. Immediately preceding text appears at serial pages (272746) to (272747).

§ 266b.29. Labeling/marketing.

In addition to the requirements incorporated by reference in 40 CFR 273.14 (relating to labeling/marketing), a small quantity handler of universal waste shall label:

(1) Each container of universal waste oil-based finish, or the container in which universal waste oil-based finishes are contained, with “universal waste oil-based finish” or “waste oil-based finish.”

(2) Each container of universal waste photographic solutions, or the container in which universal waste photographic solutions are contained, with “universal waste photographic solutions” or “waste photographic solutions.”

Authority

The provisions of this § 266b.29 amended under sections 105, 402 and 501 of the Solid Waste Management Act (35 P. S. §§ 6018.105, 6018.402 and 6018.501); sections 303 and 305(e)(2) of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.303 and 6020.305(e)(2)); section 5, 402 and 501 of The Clean Streams Law (35 P. S. §§ 691.5, 691.402 and 691.501); and section 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-20).

Source

The provisions of this § 266b.29 adopted January 9, 2009, effective January 10, 2009, 39 Pa.B. 201.

**Subchapter C. LARGE QUANTITY HANDLERS OF
UNIVERSAL WASTE**

Sec.

266b.30. Applicability.

266b.31. Waste management for universal waste oil-based finishes.

266b.32. Waste management for universal waste photographic solutions.

266b.39. Labeling/marketing.

§ 266b.30. Applicability.

(a) In addition to the requirements incorporated by reference, a large quantity handler of universal waste complying with this subchapter is deemed to have a permit for the storage of universal wastes.

(b) The substitution of terms in § 260a.3(a)(3) (relating to terminology and citations related to Federal regulations) does not apply to 40 CFR 273.32(a)(3) and 273.40(b) and (c) (relating to notification; and exports).

§ 266b.31. Waste management for universal waste oil-based finishes.

A large quantity handler of universal waste oil-based finishes shall manage oil-based finishes, in their original or otherwise appropriate and labeled packaging, in a way that prevents releases of universal waste or a component of a universal waste to the environment, as follows:

(1) A large quantity handler of universal waste oil-based finishes shall contain oil-based finishes that show evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the oil-based finish, and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

(2) A large quantity handler of universal waste may not process oil-based finishes (for example including, but not limited to, opening, blending, filtering, and the like).

Authority

The provisions of this § 266b.31 amended under sections 105, 402 and 501 of the Solid Waste Management Act (35 P. S. §§ 6018.105, 6018.402 and 6018.501); sections 303 and 305(e)(2) of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.303 and 6020.305(e)(2)); section 5, 402 and 501 of The Clean Streams Law (35 P. S. §§ 691.5, 691.402 and 691.501); and section 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-20).

Source

The provisions of this § 266b.31 adopted December 22, 2000, effective December 23, 2000, 30 Pa.B. 6587; amended January 9, 2009, effective January 10, 2009, 39 Pa.B. 201. Immediately preceding text appears at serial pages (272747) to (272748).

§ 266b.32. Waste management for universal waste photographic solutions.

A large quantity handler of universal waste photographic solutions shall manage waste photographic solutions, in their original or otherwise appropriate and labeled packaging, in a way that prevents releases of universal waste or a component of a universal waste to the environment, as follows:

(1) A large quantity handler of universal waste photographic solutions shall manage the photographic solutions in a lidded container. The container must be closed, structurally sound, compatible with the photographic solutions, and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

(2) A large quantity handler of universal waste may not process photographic solutions (for example including, but not limited to, opening, blending, filtering, and the like).

Authority

The provisions of this § 266b.32 amended under sections 105, 402 and 501 of the Solid Waste Management Act (35 P. S. §§ 6018.105, 6018.402 and 6018.501); sections 303 and 305(e)(2) of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.303 and 6020.305(e)(2)); section 5, 402 and 501 of The Clean Streams Law (35 P. S. §§ 691.5, 691.402 and 691.501); and section 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-20).

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Source

The provisions of this § 266b.32 adopted December 22, 2000, effective December 23, 2000, 30 Pa.B. 6587; amended January 9, 2009, effective January 10, 2009, 39 Pa.B. 201. Immediately preceding text appears at serial pages (272748) to (272749).

§ 266b.39. Labeling/markings.

In addition to the requirements incorporated by reference in 40 CFR 273.34 (relating to labeling/markings), a large quantity handler of universal waste shall label:

- (1) Each container of universal waste oil-based finish, or the container in which universal waste oil-based finishes are contained, with “universal waste oil-based finish” or “waste oil-based finish.”
- (2) Each container of universal waste photographic solutions, or the container in which universal waste photographic solutions are contained, with “universal waste photographic solutions” or “waste photographic solutions.”

Authority

The provisions of this § 266b.39 adopted under sections 105, 402 and 501 of the Solid Waste Management Act (35 P. S. §§ 6018.105, 6018.402 and 6018.501); sections 303 and 305(e)(2) of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.303 and 6020.305(e)(2)); section 5, 402 and 501 of The Clean Streams Law (35 P. S. §§ 691.5, 691.402 and 691.501); and section 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-20).

Source

The provisions of this § 266b.39 adopted January 9, 2009, effective January 10, 2009, 39 Pa.B. 201.

Subchapter D. UNIVERSAL WASTE TRANSPORTERS

Sec.
266b.50. Applicability.

§ 266b.50. Applicability.

(a) In addition to the requirements incorporated by reference, a universal waste transporter complying with this subchapter is deemed to have a license for the transportation of universal wastes.

(b) The substitution of terms in § 260a.3(a)(3) (relating to terminology and citations related to Federal regulations) does not apply to 40 CFR 273.56 (relating to exports).

Cross References

This section cited in 25 Pa. Code § 263a.13 (relating to licensing); and 25 Pa. Code § 265a.11 (relating to identification number and transporter license).

Subchapter E. DESTINATION FACILITIES

Sec.
266b.60. Applicability.

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§ 266b.60. Applicability.

Relative to the requirements incorporated by reference, 40 CFR 273.60(b) (relating to applicability) is not incorporated by reference.

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