

PROPOSED RULEMAKING

DEPARTMENT OF ENVIRONMENTAL PROTECTION

[25 PA. CODE CHS. 260—270]

Universal Waste Rule—Enforcement Strategy

On April 16, 1996, the Environmental Quality Board (EQB) approved amendments to the hazardous waste regulations known as the Universal Waste Rule as a proposed rulemaking. The rulemaking provides a State counterpart to EPA's Universal Waste Rule, which can be found in 40 CFR Part 273 (relating to standards for universal waste management).

The Department has established an enforcement strategy for the management of waste nickel cadmium and other batteries, certain pesticides and mercury thermostats as outlined in the proposed rulemaking and as allowed in the Federal Universal Waste Rule.

The enforcement strategy encourages recycling while ensuring adequate protection of human health and the environment and provides incentives for industries and organizations to collect the universal wastes for recycling.

The Department will allow the collection, transportation and management of universal wastes as provided in the proposed rulemaking approved by the EQB on April 16, 1996. These proposed regulations will be utilized in

lieu of the Commonwealth's present hazardous waste regulations.

The Department will exercise its discretion not to enforce those provisions of the Commonwealth's hazardous waste regulations in Chapters 260—270 applicable to those wastes classified as universal waste in light of the Department's intention to submit to the Environmental Quality Board the Universal Waste Rule as final rulemaking. Waste covered by the Universal Waste Rule must be shipped to a destination facility which recycles the waste.

Until the Universal Waste regulations are promulgated as final rulemaking, the Department will exercise enforcement discretion only when a regulated party is in compliance with the proposed Universal Waste regulations, referenced in this enforcement strategy. If a regulated party fails to comply with the proposed regulations, the Department reserves the right to take enforcement action for violations of its own existing regulations.

Questions concerning this strategy may be directed to Leon Kuchinski, Chief, Division of Hazardous Waste Management, Bureau of Land Recycling and Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471, at (717) 787-6239 (Internet e-mail: Kuchinski.Leon@a1.dep.state.pa.us).

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