

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 261a, 266b, 268a AND 270a]

Universal Waste Rule; Mercury-Containing Devices

The Environmental Quality Board (Board) by this order amends Chapters 261a, 266b, 268a and 270a to add mercury-containing devices to the list of hazardous wastes that will be regulated as universal wastes. These amendments are set forth in Annex A.

This order was adopted by the Board at its meeting of October 17, 2000.

A. *Effective Date*

These amendments will go into effect upon publication in the *Pennsylvania Bulletin* as final rulemaking.

B. *Contact Persons*

For further information contact Rick Shipman, Division of Hazardous Waste Management, P. O. Box 8471, Rachel Carson State Office Building, Harrisburg, PA 17105-8471, (717) 787-6239, or Kurt Klapkowski, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This rulemaking is available electronically through the Department of Environmental Protection's (Department) website (<http://www.dep.state.pa.us>).

C. *Statutory Authority*

The final rulemaking is being made under the authority of sections 105, 401—403 and 501 of the Solid Waste Management Act (SWMA) (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). Under sections 105, 401—403 and 501 of the SWMA, the Board has the power and duty to adopt rules and regulations concerning the storage, treatment, disposal and transportation of hazardous waste that are necessary to protect the public's health, safety and welfare, and the environment of this Commonwealth. Sections 105, 402 and 501 of The Clean Streams Law grant the Board the authority to adopt regulations that are necessary to protect the waters of this Commonwealth from pollution. Section 1920-A of The Administrative Code of 1929 grants the Board the authority to promulgate rules and regulations that are necessary for the proper work of the Department.

D. *Background and Summary*

The Universal Waste Rule is a set of environmentally protective, simplified standards for the management of certain hazardous wastes identified as universal wastes. The Universal Waste Rule is intended to encourage the recycling of certain classes of hazardous wastes while ensuring that the environment and the public's health, safety and welfare are adequately protected. Universal wastes share the following common characteristics:

a. They are frequently generated in a variety of settings including those industrial settings usually associated with hazardous wastes.

b. A vast community generates them, and the size of this community poses implementation difficulties for both those who are regulated and the regulatory agencies charged with implementing the hazardous waste program.

c. They may be present in significant volumes in nonhazardous waste management systems.

Currently, this Commonwealth's hazardous waste regulations recognize four classes of hazardous waste that may be managed under the Universal Waste Rule. The recognized classes of hazardous wastes that may be managed as universal wastes are certain batteries, certain pesticides, thermostats and universal waste lamps. Chapter 266b (relating to universal waste management) incorporates 40 CFR Part 273, Subpart G in its entirety. Subpart G includes a petition process that allows any person to petition for other wastes to be managed as universal wastes under Part 273. In addition, the Board's policy for handling rulemaking petitions is found in Chapter 23 (relating to Environmental Quality Board policy for processing petitions—statement of policy). Chapter 23 is referenced in § 260a.20 (relating to rulemaking petitions) and governs petitions for rulemaking under the hazardous waste regulations.

On August 22, 1997, Advanced Environmental Recycling Corporation submitted two petitions to the Board. The petitions sought to add mercury-containing devices where the mercury is contained in an ampule and mercury-containing lamps to the list of hazardous wastes that may be managed in accordance with the universal waste rule standards. The Department published notice of its receipt of the petitions in the *Pennsylvania Bulletin* on October 11, 1997, with a 60-day public comment period. The Board accepted the petitions for study on October 21, 1997. The Solid Waste Advisory Committee (SWAC) reviewed the petitions on November 12, 1997. During the public comment period, there were no comments received with respect to the petition to add mercury-containing lamps. The Board received one comment in support of the petition to include mercury-containing devices.

In response to the petitions, the Department conducted a pilot project to allow mercury-containing lamps to be managed in accordance with the universal waste rule. During this 2-year project, the Department found no evidence of resulting environmental or health problems. In addition to the pilot project, the Department, with the aid of the Northeast Environmental Enforcement Project, surveyed all other states and the District of Columbia to determine which wastes each state manages as universal wastes. Survey results indicate that 22 states include mercury-containing lamps and five states include mercury-containing devices in their lists of universal wastes. There were no reported increases in hazardous waste management problems as a result of including either of these wastes in their lists of hazardous wastes managed as universal wastes.

Based on the results of the survey and continued dialogue with other states, the Board has concluded that allowing operators to manage mercury-containing devices in accordance with the universal waste standards will encourage recycling of these wastes without the potential for increased environmental or public health and safety

concern. Accordingly, the final rulemaking adds mercury-containing devices to the list of hazardous wastes that may be managed as universal wastes. Mercury-containing lamps are not included because the Environmental Protection Agency (EPA) on January 6, 2000, began allowing universal waste lamps—a category of waste that includes mercury-containing lamps—to be managed as universal waste. The Federal regulations are incorporated in Pennsylvania's regulations by reference.

The Solid Waste Advisory Committee (SWAC) approved this final rulemaking on June 8, 2000. A list of the members of the SWAC may be obtained from the contact persons listed in Section B of this Preamble.

A brief description of the amendments follows:

Section 261a.8. Requirements for universal waste.

This section is new and adds mercury-containing devices to the list of wastes subject to regulation under Chapter 266b (Universal Waste Management).

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

This section is amended to include mercury-containing devices as hazardous wastes that may be managed as universal wastes in this Commonwealth. Presently, only wastes included in the federal program (mercury thermostats, mercury-containing lamps, batteries and certain pesticides) are regulated as universal wastes in this Commonwealth.

Section 266b.2. Applicability—mercury-containing devices.

The Board is adding this section to the regulations to clarify that the scope of the universal waste standards contained in Chapter 266b includes mercury-containing devices and that, with the exception of mercury-containing devices listed in subsection (b), all mercury-containing devices may be managed in accordance with the universal waste standards.

Section 266b.3. Definitions.

A definitions section is added to Chapter 266b to include the term "mercury-containing device."

Section 266b.11. Waste management for universal waste mercury-containing devices.

The Board is adding this section to establish requirements for small quantity handlers of mercury-containing devices. This change broadens the class of hazardous wastes that small quantity handlers of universal waste may manage as universal waste in this Commonwealth.

Section 266b.12. Labeling/markings.

The Board is adding this section to the regulations to include requirements for small quantity handlers to label and mark containers that hold universal waste mercury-containing devices.

Section 266b.31. Waste management for universal waste mercury-containing devices.

This section is added to the regulations to establish requirements for large quantity handlers of mercury-containing devices. This section requires large quantity handlers to store universal waste mercury-containing devices in a manner that minimizes spillage of mercury and helps to ensure immediate containment and clean up of any broken mercury-containing devices. The provision also requires large quantity handlers to place any broken mercury-containing devices in a closed, structurally sound container.

Section 266b.32. Labeling/markings.

The Board is adding this section to the regulations to require large quantity handlers of universal waste to properly mark and label containers that hold mercury-containing devices.

Section 268a.1. Incorporation by reference, purpose, scope and applicability.

Subsection (c) is added to § 268a.1 (relating to incorporation by reference, purpose, scope and applicability) to allow the management of mercury-containing devices as universal waste under the land disposal restrictions.

Section 270a.1. Incorporation by reference, scope and applicability.

Subsection (d) is added to § 270a.1 (relating to incorporation by reference, scope and applicability) to allow mercury-containing devices to be managed as universal waste under Chapter 270a (relating to hazardous waste permit program).

E. Summary of Comments and Responses on the Proposed Rulemaking

This rulemaking was published as proposed at 30 Pa.B. 1136 (February 26, 2000) with a 60-day comment period. The Department received one public comment supporting the proposed rulemaking as written. The Department also received written comments from the Independent Regulatory Review Commission (IRRC). IRRC's comments related to two subsections found in both §§ 266b.11 and 266b.31 (relating to waste management for universal waste mercury-containing devices). These sections cover small and large quantity handlers of universal waste, respectively. Paragraph (2)(v) of each section requires compliance with requirements of the Federal Occupational Health and Safety Administration. Paragraph (5) of each section requires compliance with the Commonwealth's regulations governing municipal and residual waste management, as appropriate. IRRC requested that the Board add to both sections the specific Federal or State citation to the requirements that a handler of universal wastes would have to meet. These sections now contain those specific citations.

F. Benefits, Costs and Compliance

Executive Order 1996-1 requires a cost/benefit analysis of the final regulation.

Benefits

Incorporating mercury-containing devices as universal wastes will prevent pollution by facilitating the recycling or proper disposal of these wastes. Currently, these wastes are frequently illegally disposed. Universal waste management requires the use of environmentally protective streamlined standards for the collection and transportation of these wastes. By making these management standards less complex and less costly to comply with, the recycling or proper disposal of these wastes is facilitated.

It is difficult to place a dollar value on the amount of savings incurred by generators who recycle mercury-containing devices. The volume of these wastes currently generated in this Commonwealth is unknown. Transportation costs associated with the shipment of these wastes to a permitted recycling facility will be reduced by eliminating the need for a licensed hazardous waste transporter. It is estimated that shipment of hazardous waste by a licensed hazardous waste transporter currently costs about 1.3 times the cost of sending a shipment by a common carrier. Costs associated with paperwork would also be reduced. Manifests and the

mailing costs associated with the proper distribution of the copies would not be required. A bill of lading would suffice.

More important than the cost savings is the potential decrease in unlawful disposal of mercury-containing devices in the nonhazardous waste stream. Reducing the costs associated with the consolidation and transportation of these wastes will promote the proper recycling of these wastes.

Compliance Costs

Compliance costs associated with universal waste standards are less than the compliance costs associated with full hazardous waste regulation. Shipping costs will be reduced through the use of a common carrier instead of a licensed hazardous waste transporter. Paperwork costs will also be reduced through the use of a bill of lading rather than a hazardous waste manifest. The manifest requires that copies of the manifest be mailed to various entities (generator, regulatory agency, and the like) while a bill of lading does not require this distribution.

Compliance Assistance Plan

As with the original Universal Waste Rule, the Department's compliance assistance efforts will take three forms. The Department will prepare fact sheets specifically addressing mercury-containing devices. The Department will also continue to work with the regulated community to explain how individuals, corporations or associations can establish collection systems for mercury-containing devices. Information concerning universal waste and the latest additions to this category will also be available on the Department's Internet site.

Paperwork Requirements

The addition of mercury-containing devices will reduce paperwork requirements. Destination facilities will have to maintain normal shipping documents that are used to track shipments as part of everyday operations. Manifests, which generally consist of more copies than bills of lading, and which require more extensive distribution, will no longer be required.

G. Pollution Prevention

The Federal Pollution Prevention Act of 1990 established a National policy that promotes pollution prevention as the preferred means for achieving State environmental protection goals. Pollution prevention is the reduction or elimination of pollution at its source. The Department encourages pollution prevention through the substitution of environmentally friendly materials, the more efficient use of raw materials, or the incorporation of energy efficient strategies. Although source reduction is preferred, these regulations should encourage pollution prevention because these wastes can be managed under a set of streamlined standards. These streamlined standards should promote the recycling of these wastes.

H. Sunset Review

These final-form regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

I. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 3, 2000, the Department submitted a copy of the proposed amendments to IRRC and the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In addition to submitting the proposed amendments, the Department

has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing these final-form regulations, the Department has considered all comments from IRRC, the Committees and the public.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on November 13, 2000, these final-form regulations were deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 16, 2000, and approved the final-form regulations.

J. Findings of the Board

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and regulations promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law, and all comments were considered.

(3) These regulations do not enlarge the purpose of the proposal published at 30 Pa.B. 1136.

(4) These regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this order.

K. Order of the Board

The Board, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 25 Pa. Code Chapters 261a, 266b, 268a and 270a, are amended by adding §§ 261a.8, 266b.2, 266b.3, 266b.11, 266b.12, 266b.31 and 266b.32 and amending §§ 266b.1, 268a.1 and 270a.1 to read as set forth in Annex A.

(b) The Chairperson of the Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form, as required by law.

(c) The Chairperson shall submit this order and Annex A to the IRRC and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

(d) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau, as required by law.

(e) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

JAMES M. SEIF,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 30 Pa.B. 6295 (December 2, 2000).)

Fiscal Note: Fiscal Note 7-347 remains valid for the final adoption of the subject regulations.

Annex A

**TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL
PROTECTION**

**Subpart D. ENVIRONMENTAL HEALTH AND
SAFETY**

**ARTICLE VII. HAZARDOUS WASTE
MANAGEMENT**

**CHAPTER 261a. IDENTIFICATION AND LISTING
OF HAZARDOUS WASTE**

Subchapter A. GENERAL

§ 261a.8. Requirements for universal waste.

In addition to the requirements incorporated by reference, mercury-containing devices as defined in § 266b.3 (relating to definitions) are included as wastes subject to regulation under Chapter 266b (relating to universal waste management).

**CHAPTER 266b. UNIVERSAL WASTE
MANAGEMENT**

§ 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(a) (relating to scope), mercury-containing devices as defined in § 266b.3 (relating to definitions) are included as wastes subject to regulation under this chapter.

(c) In addition to the requirements incorporated by reference in 40 CFR 273.4 (relating to applicability—mercury thermostats), mercury-containing devices as defined in § 266b.3 are included as wastes subject to the standards specified for thermostats in this chapter.

(d) In addition to the requirements incorporated by reference in 40 CFR 273.6 (relating to definitions), mercury-containing devices as defined in § 266b.3 are included as wastes listed in the definition of “universal waste.”

§ 266b.2. Applicability—mercury-containing devices.

(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 mercury-containing devices 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 mercury-containing devices:

(1) Mercury-containing devices that are not yet wastes under Chapter 261a. Subsections (c) and (d) describe when mercury-containing devices become wastes.

(2) Mercury-containing devices that are not hazardous waste. A mercury-containing device 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) A used mercury-containing device becomes a waste on the date it is discarded or sent for reclamation.

(d) An unused mercury-containing device becomes a waste on the date the handler discards it.

§ 266b.3. Definitions.

In addition to the definitions incorporated by reference in 40 CFR 273.6 (relating to definitions), the following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Mercury-containing device—A product or component of a product (excluding batteries) which contains elemental mercury that is necessary for operation of the device.

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

§ 266b.11. Waste management for universal waste mercury-containing devices.

In addition to the requirements incorporated by reference in 40 CFR 273.13 (relating to waste management), the following apply:

(1) A small quantity handler of universal waste shall contain any universal waste mercury-containing device 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 device and lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

(2) A small quantity handler of universal waste may remove mercury-containing ampules from universal waste mercury-containing devices if the handler:

(i) Removes the ampules in a manner designed to prevent breakage of the ampules.

(ii) Removes ampules only over or in a containment device (for example, a tray or pan sufficient to collect and contain mercury released from an ampule in case of breakage).

(iii) Ensures that a mercury clean-up system is readily available to immediately transfer mercury resulting from spills or leaks from broken ampules, from the containment device to a container that meets the requirements of 40 CFR 262.34 (relating to accumulation time).

(iv) Immediately transfers mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of 40 CFR 262.34.

(v) Ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable occupational safety and health administration exposure levels for mercury found in 29 CFR Part 1910, Subpart Z (relating to toxic and hazardous substances).

(vi) 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.

(vii) Stores removed ampules in closed, nonleaking containers that are in good condition.

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

(3) A small quantity handler of universal waste who removes mercury-containing ampules from mercury-containing devices shall determine whether the following

exhibit a characteristic of hazardous waste identified in 40 CFR Part 261, Subpart C (relating to characteristics of hazardous waste):

(i) Mercury or clean-up residues resulting from spills or leaks.

(ii) Other solid waste generated as a result of the removal of mercury-containing ampules (for example, remaining mercury device units).

(4) If the mercury, residue or other solid waste exhibits a characteristic of hazardous waste, it shall be managed in compliance with applicable requirements of Chapters 261a—265a. The handler is considered the generator of the mercury, residues or other waste and is subject to Chapter 262a (relating to standards applicable to generators of hazardous waste).

(5) If the mercury, residue or other solid waste is not hazardous, the handler shall manage the waste in compliance with the applicable municipal or residual waste regulations found in Chapters 271—285 and 287—299 (relating to municipal waste management; and residual waste management).

§ 266b.12. Labeling/markings.

In addition to the requirements incorporated by reference in 40 CFR 273.14 (relating to labeling/markings), a small quantity handler of universal waste shall label each mercury-containing device, or a container in which the device is contained, with one of the following phrases: “universal waste mercury-containing device(s),” or “waste mercury-containing device(s)” or “used mercury-containing device(s).”

Subchapter C. LARGE QUANTITY HANDLERS OF UNIVERSAL WASTE

§ 266b.31. Waste management for universal waste mercury-containing devices.

In addition to the requirements incorporated by reference at 40 CFR 273.33 (relating to waste management), the following apply:

(1) A large quantity handler of universal waste shall contain any universal waste mercury-containing device 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 device and lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

(2) A large quantity handler of universal waste may remove mercury-containing ampules from universal waste mercury-containing devices if the handler:

(i) Removes the ampules in a manner designed to prevent breakage of the ampules.

(ii) Removes ampules only over or in a containment device (for example, a tray or pan sufficient to collect and contain mercury released from an ampule in case of breakage).

(iii) Ensures that a mercury clean-up system is readily available to immediately transfer mercury resulting from spills or leaks from broken ampules, from the containment device to a container that meets the requirements of 40 CFR 262.34 (relating to accumulation time).

(iv) Immediately transfers mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of 40 CFR 262.34.

(v) Ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable occupational safety and health administration exposure levels for mercury found in 29 CFR Part 1910, Subpart Z (relating to toxic and hazardous substances).

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

(vii) Stores removed ampules in closed, nonleaking containers that are in good condition.

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

(3) A large quantity handler of universal waste who removes mercury-containing ampules from mercury-containing devices shall determine whether the following exhibit a characteristic of hazardous waste identified in 40 CFR Part 261, Subpart C (relating to characteristics of hazardous waste):

(i) Mercury or clean-up residues resulting from spills or leaks.

(ii) Other solid waste generated as a result of the removal of mercury-containing ampules (for example, remaining mercury device units).

(4) If the mercury, residue or other solid waste, exhibits a characteristic of hazardous waste, it shall be managed in compliance with applicable requirements of Chapters 261a—265a and Chapter 266a, Subchapters C—I. the handler is considered the generator of the mercury, residue or other waste and is subject to Chapter 262a (relating to standards applicable to generators of hazardous waste).

(5) If the mercury, residues or other solid waste is not hazardous, the handler shall manage the waste in compliance with the applicable municipal or residual waste regulations found in Chapters 271—285 and 287—299 (relating to municipal waste management; and residual waste management).

§ 266b.32. 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 each mercury-containing device, or a container in which the device is contained, with one of the following phrases: “universal waste mercury-containing device(s),” or “waste mercury-containing device(s)” or “used mercury-containing device(s).”

CHAPTER 268a. LAND DISPOSAL RESTRICTIONS

Subchapter A. GENERAL

§ 268a.1. Incorporation by reference, purpose, scope and applicability.

(a) Except as expressly provided in this chapter, 40 CFR Part 268 (relating to land disposal restrictions), except for 40 CFR 268.5, 268.6, 268.13, 268.42(b) and 268.44, and its appendices are incorporated by reference.

(b) Relative to the requirements incorporated by reference, the substitution of the term “EPA” in § 260a.3 (relating to terminology and citations related to Federal regulations) does not apply to 40 CFR 268.1(e)(3) (relating to purpose, scope and applicability), and the term “Administrator” in § 260a.3(a)(1) (relating to terminology

and citations related to Federal regulations) does not apply to 40 CFR 268.40(b) (relating to applicability of treatment standards).

(c) In addition to the requirements incorporated by reference in 40 CFR 268.1 (relating to purpose, scope and applicability), universal waste mercury-containing devices as described in § 266b.2 (relating to applicability—mercury-containing devices) shall also be managed in accordance with 40 CFR 268.1(f).

CHAPTER 270a. HAZARDOUS WASTE PERMIT PROGRAM

§ 270a.1. Incorporation by reference, scope and applicability.

(a) Except as expressly provided in this chapter, 40 CFR Part 270 (relating to EPA administered permit programs: the hazardous waste permit program) and its appendices (relating to hazardous waste permit program) are incorporated by reference.

(b) Regarding the requirements incorporated by reference, the requirements of this chapter do not apply to an owner or operator of a facility specifically exempted under 40 CFR 270.1(c)(2) (relating to purpose and scope of these regulations) unless the facility is regulated under § 270a.60(b) (relating to permits by rule).

(c) The owner or operator of a facility eligible to operate under § 270a.60(b) is deemed to have a hazardous waste management permit if the applicable requirements of § 270a.60(b) are satisfied.

(d) In addition to the requirements incorporated by reference in 40 CFR 270.1 (relating to purpose and scope of these regulations), waste mercury-containing devices as described in § 266b.1 (relating to incorporation by reference and scope) shall be managed in accordance with 40 CFR 270.1(c)(2)(viii).

[Pa.B. Doc. No. 00-2212. Filed for public inspection December 22, 2000, 9:00 a.m.]