

§ 273.10

40 CFR Ch. I (7-1-05 Edition)

(as defined in this section) who accumulates 5,000 kilograms or more total of universal waste (batteries, pesticides, thermostats, or lamps, calculated collectively) 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 or more total of universal waste is accumulated.

*On-site* 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 he controls and to which the public does not have access, are also considered on-site property.

*Pesticide* 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:

- (a) Is a new animal drug under FFDC section 201(w), or
- (b) Is an animal drug that has been determined by regulation of the Secretary of Health and Human Services not to be a new animal drug, or
- (c) Is an animal feed under FFDC section 201(x) that bears or contains any substances described by paragraph (a) or (b) of this section.

*Small Quantity Handler of Universal Waste* means a universal waste handler (as defined in this section) who does not accumulate 5,000 kilograms or more total of universal waste (batteries, pesticides, thermostats, or lamps, calculated collectively) at any time.

*Thermostat* means a temperature control device that contains metallic mercury in an ampule attached to a bi-metal sensing element, and mercury-containing ampules that have been removed from these temperature control devices in compliance with the requirements of 40 CFR 273.13(c)(2) or 273.33(c)(2).

*Universal Waste* means any of the following hazardous waste that are sub-

ject to the universal waste requirements of this part 273:

- (1) Batteries as described in § 273.2
- (2) Pesticides as described in § 273.3
- (3) Thermostats as described in § 273.4; and
- (4) Lamps as described in § 273.5.

*Universal Waste Handler:*

(a) Means:

- (1) A generator (as defined in this section) of universal waste; or
- (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, to a destination facility, or to a foreign destination.

(b) Does not mean:

- (1) A person who treats (except under the provisions of 40 CFR 273.13 (a) or (c), or 273.33 (a) or (c)), disposes of, or recycles universal waste; or
- (2) A person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.

*Universal Waste Transfer Facility* 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 ten days or less.

*Universal Waste Transporter* means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.

[60 FR 25542, May 11, 1995, as amended at 63 FR 71230, Dec. 24, 1998. Redesignated and amended at 64 FR 36488, 36489, July 6, 1999]

**Subpart B—Standards for Small Quantity Handlers of Universal Waste**

**§ 273.10 Applicability.**

This subpart applies to small quantity handlers of universal waste (as defined in 40 CFR 273.9).

[64 FR 36489, July 6, 1999]

**§ 273.11 Prohibitions.**

A small quantity handler of universal waste is: