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RCRA

1. Contractors as Cogenerators of Universal Waste Lamps

An elementary school is in the process of remodeling and is replacing its light fixtures with more energy-efficient lamps. This process will generate more than 5,000 kg of spent hazardous waste lamps that will be subject to the universal waste management standards in 40 CFR Part 273. If the school hires a contractor to remove the spent hazardous lamps, who is required to comply with the universal waste standards in Part 273?

Both the school and the contractor will be subject to the universal waste handler standards in Part 273 because they would both be considered universal waste handlers. A universal waste handler is defined as a generator of universal waste or the owner or operator of a facility that receives universal waste from other universal waste handlers (§273.9). A generator is any person, by site, whose act or process produces hazardous waste or whose act first causes a hazardous waste to become subject to regulation (§273.9). In this case, the school used the lamps and made the determination to discard them and is thus a generator. The contractor that actually removes the universal waste lamps from service is considered a handler and generator of the waste making the school and the contractor cogenerators (64 FR 36466, 36474; July 6, 1999). As cogenerators, both the school and the contractor will be jointly and severally liable as universal waste handlers. EPA recommends that when two or more parties meet the definition of generator they should mutually agree to have one party perform the generator duties (45 FR 72024, 72026;

October 30, 1980). The generator duties in this case are those required of a large quantity handler of universal waste in Part 273, Subpart C, which apply to universal waste handlers accumulating 5,000 kilograms or more universal waste at any time (§273.9).