

Management of out of service mercury added thermostats

Out-of-service mercury-added thermostats are classified as universal waste in California. Universal wastes are certain commonly-generated hazardous wastes that are managed under special rules that are easy to understand and follow. Any person who is required under this law to handle or transport mercury added thermostat is regulated under California's Universal Waste Regulations (Cal. Code Regs., tit. 22, ch. 23) as a universal waste handler. A contractor who installs heating, ventilation, and air conditioning components or a building demolition professional that removes out-of-service mercury-added thermostats from a building is required to handle and transport mercury thermostats in accordance with these regulations.

The following is a brief summary of the requirements for management of out of service mercury added thermostats.

Prohibitions

As a universal waste handler, a person may not dispose of or "treat"[†] out-of-service mercury-added thermostats.

Notification

A person who anticipates accumulating 5,000 kilograms (11,000 lbs.) of universal waste (including mercury thermostats) at any location at any time is required to notify the Department of Toxic Substances Control or the U.S. Environmental Protection Agency and obtain an identification number.

Management of Universal Waste Thermostats

A person who handles out-of-service mercury-added thermostats (and ampoules removed from thermostats) must handle them in accordance with subsection (c)(6)(A) of section 66273.33 by:

- Managing the thermostats in a way that prevents releases (e.g., of mercury) to the environment;
- Placing any mercury-added thermostats that show evidence of leakage, spillage, or damage that could cause leakage in a closed, structurally sound container that is in good condition and is compatible with mercury. The container should be closed (except when mercury-containing equipment is added or removed).

* All subsequent references are to chapter 23 of title 22 of the California Code of Regulations, unless otherwise noted.

[†] In the hazardous waste regulations (Cal. Code Regs., tit. 22, § 66260.10), "treatment" is defined as "any method, technique, or process which changes or is designed to change the physical, chemical, or biological character or composition of any hazardous waste or any material contained therein, or removes or reduces its harmful properties or characteristics for any purpose...."

- Respond to Releases – immediately clean-up, mercury spill kit must be readily available, segregate and contain separately.
 - Broken (damaged) thermostat can be managed as U.W.; all other contaminants if determined to be hazardous waste must be managed as H.W. under Chapter 12 of title 22 of the California Code of Regulations.

Labeling:

A person who handles out-of-service mercury-added thermostats must accumulate them in a container labeled or marked clearly with the phrase "**Universal Waste–Mercury-Containing Equipment**"

Accumulation time

A person may accumulate universal waste thermostats for no longer than one year from the date they are received at a site. Also, universal waste handler must meet applicable zoning requirements, comply with applicable location standards (e.g., not locate in an area that is vulnerable to flooding and/or seismic activity) and disclose that mercury is being handled in any local permit applications.

Training

A person who handles universal waste thermostats is required to provide (and document) annual training to all personnel who consolidate, sort, treat, recycle, package for transport, offer for transport, or physically relocate containers of universal waste thermostats from an offsite source. These personnel need to be thoroughly familiar with proper universal waste management and emergency response procedures relative to their job responsibilities.

Off Site Shipments

A person who handles universal waste thermostats is required ensure that any other handler or destination facility to whom they intend to ship thermostats agrees (e.g., verbal or written communication) to receive the shipment.

Tracking records

A person who handles universal waste thermostats must keep a record of each shipment of universal waste thermostats received at or sent from the contractor's facility. The record must include:

- The name and address of the universal waste handler or destination facility from which the universal waste was received or to which the universal waste was sent;
- The quantity (count or weight) of thermostats sent or received; and
- The date of receipt or departure of the shipment.

The record may take the form of a log, invoice, manifest, bill of lading or other shipping document and must be retained for at least three years from the date of receipt or shipment.

