Chapter NR 673

UNIVERSAL WASTE MANAGEMENT STANDARDS

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Subchapter A — General

NR 673.01 Scope. (1) This chapter establishes requirements for managing all of the following:

(a) Batteries as described in s. NR 673.02.

(b) Pesticides as described in s. NR 673.03.

(c) Mercury-containing equipment as described in s. NR 673.04.

(d) Lamps as described in s. NR 673.05.

(e) Aerosol cans as described in s. NR 673.06.

(2) This chapter provides an alternative set of management standards in lieu of regulation under chs. NR 660 to 670.

(3) This chapter is not applicable to universal wastes that are abandoned or illegally or improperly disposed.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 16-007: am. (1) (c) Register July 2017 No. 739, eff. 8-1-17; **CR 24-036: am. (1) (c), cr. (1) (e), (3) Register June 2025 No. 834, eff. 7-1-25.**

NR 673.02 Applicability — batteries. (1) BATTERIES COVERED UNDER THIS CHAPTER. (a) The requirements of this chapter apply to persons managing batteries, as described in s. NR 673.09, except those listed in sub. (2).

(b) Spent lead-acid batteries which are not managed under subch. G of ch. NR 666, are subject to management under this chapter.

(2) BATTERIES NOT COVERED UNDER THIS CHAPTER. The requirements of this chapter do not apply to persons managing any of the following batteries:

(a) Spent lead-acid batteries that are managed under subch. G of ch. NR 666.

(b) Batteries, as described in s. NR 673.09, that are not yet wastes under ch. NR 661, including those that do not meet the criteria for waste generation in sub. (3).

(c) Batteries, as described in s. NR 673.09, that are not hazardous waste. A battery is a hazardous waste if it exhibits one or more of the characteristics identified in subch. C of ch. NR 661.

(3) GENERATION OF WASTE BATTERIES. (a) A used battery becomes a waste on the date it is discarded (e.g., when sent for reclamation).

(b) An unused battery becomes a waste on the date the handler decides to discard it.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 673.03 Applicability — pesticides. (1) PESTICIDES COVERED UNDER THIS CHAPTER. The requirements of this chapter apply to persons managing pesticides, as described in s. NR 673.09, meeting any of the following conditions, except those listed in sub. (2):

(a) Recalled pesticides that are any of the following:

1. Stocks of a suspended and canceled pesticide that are part of a voluntary or mandatory recall under 7 USC 136q(b), including, but not limited to those owned by the registrant responsible for conducting the recall.

2. Stocks of a suspended or canceled pesticide, or a pesticide that is not in compliance with 7 USC 136 to 136y, that are part of a voluntary recall by the registrant.

Note: Section NR 662.070 addresses pesticides disposed of on the farmer's own farm in a manner consistent with the disposal instructions on the pesticide label, provided the container is triple rinsed in accordance with s. NR 661.0007 (2) (c).

(b) Stocks of other unused pesticide products that are collected and managed as part of a waste pesticide collection program.

(2) PESTICIDES NOT COVERED UNDER THIS CHAPTER. The requirements of this chapter do not apply to persons managing any of the following pesticides:

(a) Recalled pesticides described in sub. (1) (a), and unused

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pesticide products described in sub. (1) (b), that are managed by farmers in compliance with s. NR 662.070.

Note: Section NR 662.070 addresses pesticides disposed of on the farmer's own farm in a manner consistent with the disposal instructions on the pesticide label, provided the container is triple rinsed in accordance with s. NR 661.0007 (2) (c).

(b) Pesticides not meeting the conditions set forth in sub. (1). These pesticides shall be managed in compliance with the hazardous waste rules in chs. NR 660 to 670, except that aerosol cans as defined in s. NR 673.09 that contain pesticides may be managed as aerosol can universal waste under s. NR 673.13 (5) or 673.33 (5).

(c) Pesticides that are not wastes under ch. NR 661, including those that do not meet the criteria for waste generation in sub. (3) or those that are not wastes as described in sub. (4).

(d) Pesticides that are not hazardous waste. A pesticide is a hazardous waste if it is listed in subch. D of ch. NR 661 or if it exhibits one or more of the characteristics identified in subch. C of ch. NR 661.

(3) WHEN A PESTICIDE BECOMES A WASTE. (a) A recalled pesticide described in sub. (1) (a) becomes a waste on the first date on which all of the following conditions apply:

1. The generator of the recalled pesticide agrees to participate in the recall.

2. The person conducting the recall decides to discard (e.g., burn the pesticide for energy recovery).

(b) An unused pesticide product described in sub. (1) (b) becomes a waste on the date the generator decides to discard it.

(4) PESTICIDES THAT ARE NOT WASTES. All of the following pesticides are not wastes:

(a) Recalled pesticides described in sub. (1) (a), provided that the person conducting the recall has done any of the following:

1. Has not made a decision to discard (e.g., burn for energy recovery) the pesticide. Until such a decision is made, the pesticide does not meet the definition of "solid waste" under s. NR 661.0002. Thus, the pesticide is not a hazardous waste and is not subject to hazardous waste requirements, including this chapter. This pesticide remains subject to the requirements of 7 USC 136 to 136y.

2. Has made a decision to use a management option that, under s. NR 661.0002, does not cause the pesticide to be a solid waste (i.e., the selected option is use (other than use constituting disposal) or reuse (other than burning for energy recovery), or reclamation). Such a pesticide is not a solid waste and therefore is not a hazardous waste, and is not subject to the hazardous waste requirements including this chapter. This pesticide, including a recalled pesticide that is exported to a foreign destination for use or reuse, remains subject to the requirements of 7 USC 136 to 136y.

(b) Unused pesticide products described in sub. (1) (b), if the generator of the unused pesticide product has not decided to discard (e.g., burn for energy recovery) them. These pesticides remain subject to the requirements of 7 USC 136 to 136y.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 19-082: am. (4) (a) 1., 2. Register August 2020 No. 776, eff. 9-1-20; **CR 24-036: am. (2) (b) Register June 2025 No. 834, eff. 7-1-25.**

NR 673.04 Applicability — mercury-containing equipment. (1) MERCURY-CONTAINING EQUIPMENT COVERED UNDER THIS CHAPTER. The requirements of this chapter apply to persons managing mercury-containing equipment, as described in s. NR 673.09, except those listed in sub. (2).

(2) MERCURY-CONTAINING EQUIPMENT NOT COVERED UNDER THIS CHAPTER. The requirements of this chapter do not apply to persons managing any of the following mercury-containing equipment:

(a) Mercury-containing equipment that is not yet a waste under ch. NR 661. Subsection (3) describes when mercury-containing equipment become a waste.

(b) Mercury-containing equipment that is not hazardous waste. Mercury-containing equipment is a hazardous waste if it exhibits one or more of the characteristics identified in subch. C of ch. NR 661 or is listed in subch. D of ch. NR 661.

(c) Equipment and devices from which the mercury-containing components have been removed.

(3) GENERATION OF WASTE MERCURY-CONTAINING EQUIPMENT. (a) Used mercury-containing equipment becomes a waste on the date it is discarded (for example, sent for reclamation).

(b) Unused mercury-containing equipment becomes a waste on the date the handler decides to discard it.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 16-007: am. (title), (1), (2) (intro.), (a), (b), cr. (2) (c), am. (3) Register July 2017 No. 739, eff. 8-1-17.

NR 673.05 Applicability — lamps. (1) LAMPS COVERED UNDER THIS CHAPTER. The requirements of this chapter apply to persons managing lamps as described in s. NR 673.09, except those listed in sub. (2).

(2) LAMPS NOT COVERED UNDER THIS CHAPTER. The requirements of this chapter do not apply to persons managing any of the following lamps:

(a) Lamps that are not yet wastes under ch. NR 661 as provided in sub. (3).

(b) Lamps that are not hazardous waste. A lamp is a hazardous waste if it exhibits one or more of the characteristics identified in subch. C of ch. NR 661.

(c) Lamps that are intentionally broken or crushed by the generator as defined in s. NR 673.09 (4).

(3) GENERATION OF WASTE LAMPS. (a) A used lamp becomes a waste on the date it is discarded.

(b) An unused lamp becomes a waste on the date the handler decides to discard it.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 19-082: cr. (2) (c) Register August 2020 No. 776, eff. 9-1-20.

NR 673.06 Applicability—Aerosol cans. (1) AEROSOL CANS COVERED UNDER THIS CHAPTER. The requirements of this chapter apply to any person managing aerosol cans as described in s. NR 673.09, except those listed under sub. (2).

(2) AEROSOL CANS NOT COVERED UNDER THIS CHAPTER. The requirements of this chapter do not apply to a person managing any of the following types of aerosol cans:

(a) Aerosol cans that are not yet wastes under ch. NR 661. Subsection (3) describes when an aerosol can becomes a waste.

(b) Aerosol cans that are not hazardous waste. An aerosol can is a hazardous waste if the aerosol can exhibits one or more of the characteristics identified under subch. C of ch. NR 661 or is listed under subch. D of ch. NR 661.

(c) Aerosol cans that meet the standard for empty containers under s. NR 661.0007.

(3) GENERATION OF WASTE AEROSOL CANS. (a) A used aerosol can becomes a waste on the date it is discarded.

(b) An unused aerosol can becomes a waste on the date the handler decides to discard it.

History: CR 24-036: cr. Register June 2025 No. 834, eff. 7-1-25.

NR 673.08 Applicability — household and very small quantity generator waste. (1) Persons managing any of the following wastes may, at their option, manage them under the requirements of this chapter:

(a) Household wastes that are exempt under s. NR 661.0004

(2) (a) and are also of the same type as the universal wastes defined at s. NR 673.09.

(b) Very small quantity generator wastes that are exempt under s. NR 662.014 and are also of the same type as the universal wastes defined at s. NR 673.09.

(2) Persons who commingle the wastes described in sub. (1) (a) and (b) together with universal waste regulated under this chapter shall manage the commingled waste under the requirements of this chapter.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 19-082: am. (1) (a), (b) Register August 2020 No. 776, eff. 9-1-20.

NR 673.09 Definitions. In this chapter:

(1d) "Aerosol can" means a non-refillable receptacle containing a gas compressed, liquefied, or dissolved under pressure, the sole purpose of which is to expel a liquid, paste, or powder and fitted with a self-closing release device allowing the contents to be ejected by the gas.

(1g) "Ampule" means an airtight vial made of glass, plastic, metal, or any combination of these materials.

(1r) "Battery" means a device consisting of one or more electrically connected electrochemical cells which is designed to receive, store and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode and an electrolyte, plus connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

(2) "Destination facility" means a facility that treats, disposes of or recycles a particular category of universal waste, except those management activities described in ss. NR 673.13 (1) and (3) and 673.33 (1) and (3). A facility at which a particular category of universal waste is only accumulated, is not a destination facility for purposes of managing that category of universal waste.

(3) "FIFRA" means the federal insecticide, fungicide and rodenticide act (7 USC 136 to 136y).

(4) "Generator" means any person, by site, whose act or process produces hazardous waste identified or listed in ch. NR 661 or whose act first causes a hazardous waste to become subject to regulation.

(5) "Lamp", also referred to as "universal waste lamp", means the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible and infra-red regions of the electromagnetic spectrum. Examples of common universal waste electric lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high pressure sodium and metal halide lamps.

(6) "Large quantity handler of universal waste" means a universal waste handler, as defined in this section, who accumulates 5,000 kilograms (11,025 pounds) or more total of universal waste batteries, pesticides, mercury-containing equipment, lamps, or aerosol cans, 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 (11,025 pounds) or more total of universal waste is accumulated.

(6m) "Mercury-containing equipment" means a device or part of a device (including thermostats, but excluding batteries and lamps) that contains elemental mercury integral to its function.

(7) "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 that person controls and to which the public does not have access, are also considered on-site property.

(8) "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 is one of the following:

(a) A new animal drug under 21 USC 321(v).

(b) An animal drug that has been determined by regulation of the secretary of the U.S. department of health and human services not to be a new animal drug.

(c) An animal feed under 21 USC 321(w) that bears or contains any substances described by par. (a) or (b).

Note: Title 21 USC 301 to 397 is also known as the federal food, drug and cosmetic act (FFDCA).

(9) "Small quantity handler of universal waste" means a universal waste handler, as defined in this section, who does not accumulate 5,000 kilograms (11,025 pounds) or more total of universal waste batteries, pesticides, mercury-containing equipment, lamps, or aerosol cans, calculated collectively, at any time.

(10) "Thermostat" means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element, and mercury-containing ampules that have been removed from these temperature control devices in compliance with the requirements of s. NR 673.13 (3) (b) or 673.33 (3) (b).

(11) "Universal waste" means any of the following hazardous wastes that are subject to the universal waste requirements of this chapter:

(a) Batteries as described in s. NR 673.02.

(b) Pesticides as described in s. NR 673.03.

(c) Mercury-containing equipment as described in s. NR 673.04.

(d) Lamps as described in s. NR 673.05.

(e) Aerosol cans as described in s. NR 673.06.

(12) "Universal waste handler":

(a) Means any of the following:

1. A generator (as defined in this section) of universal waste.

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, a destination facility or a foreign destination.

(b) Does not mean any of the following:

1. A person who treats universal waste, except under s. NR 673.13 (1) or (3), or 673.33 (1) or (3), or disposes of or recycles universal waste, except under s. NR 673.13 (5) or 673.33 (5).

2. A person engaged in the off-site transportation of universal waste by air, rail, highway or water, including a universal waste transfer facility.

(13) "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 10 days or less.

(14) "Universal waste transporter" means a person engaged in the off-site transportation of universal waste by air, rail, highway or water.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 16-007: renum. (1) to (1r), cr. (1g), am. (6), cr. (6m), am. (9), (11), (c) Register July 2017 No. 739, eff. 8-1-17; **CR 24-036: cr. (1d), am. (6), (9), cr. (11) (e), am. (12) (b) 1. Register June 2025 No. 834, eff. 7-1-25.**

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Subchapter B — Small Quantity Handlers

NR 673.10 Applicability. This subchapter applies to small quantity handlers of universal waste (as defined in s. NR 673.09).

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 673.11 Prohibitions. A small quantity handler of universal waste is prohibited from doing any of the following:

(1) Disposing of universal waste.

(2) Diluting or treating universal waste, except by responding to releases as provided in s. NR 673.17, or by managing specific wastes as provided in s. NR 673.13.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 673.12 Notification. A small quantity handler of universal waste is not required to notify the department of universal waste handling activities.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 673.13 Waste management. (1) UNIVERSAL WASTE BATTERIES. A small quantity handler of universal waste shall manage universal waste batteries in all of the following ways that prevent releases of any universal waste or component of a universal waste to the environment:

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

(b) A small quantity handler of universal waste may conduct any of the following activities as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but shall be immediately closed after removal):

1. Sorting batteries by type.
2. Mixing battery types in one container.
3. Discharging batteries so as to remove the electric charge.
4. Regenerating used batteries.
5. Disassembling batteries or battery packs into individual batteries or cells.
6. Removing batteries from consumer products.
7. Removing electrolyte from batteries.

(c) A small quantity handler of universal waste who removes electrolyte from batteries, or who generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed in par. (b), shall determine whether the electrolyte or other solid waste exhibits a characteristic of hazardous waste identified in subch. C of ch. NR 661.

1. If the electrolyte or other solid waste exhibits a characteristic of hazardous waste, it is subject to all applicable requirements of chs. NR 660 to 670. The handler is considered the generator of the hazardous electrolyte or other waste and is subject to ch. NR 662.

2. If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with chs. 287 and 289, Stats., chs. NR 500 to 524 and applicable federal or local solid waste regulations.

(2) UNIVERSAL WASTE PESTICIDES. A small quantity handler of universal waste shall manage universal waste pesticides in a way that prevents releases of any universal waste or component of a universal waste to the environment. The universal waste pesticides shall be contained in one or more of the following:

(a) A container that remains closed, structurally sound, compatible with the pesticide and that lacks evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

(b) A container that does not meet the requirements of par. (a), provided that the unacceptable container is overpacked in a container that does meet the requirements of par. (a).

(c) A tank that meets the requirements of subch. J of ch. NR 665, except for ss. NR 665.0197 (3) and 665.0200.

(d) A transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide and that lacks evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

(3) UNIVERSAL WASTE MERCURY-CONTAINING EQUIPMENT. A small quantity handler of universal waste shall manage universal waste mercury-containing equipment in a way that prevent releases of any universal waste or component of a universal waste to the environment, as follows:

(a) A small quantity handler of universal waste shall place in a container any universal waste mercury-containing equipment with non-contained elemental mercury or 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 equipment, shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions, and shall be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.

(b) A small quantity handler of universal waste may remove mercury-containing ampules from universal waste mercury-containing equipment provided the handler does all of the following:

1. Removes the ampules in a manner designed to prevent breakage of the ampules.

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

3. Ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules, from the containment device to a container that meets all applicable requirements under chs. NR 660 to 670.

4. Immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets all applicable requirements under chs. NR 660 to 670.

5. Ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable exposure levels for mercury adopted under 29 USC 651 to 678 or s. 101.055, Stats.

Note: Title 29 USC 651 to 678 is also known as the federal occupational safety and health act (OSHA). Chapter SPS 332 implements s. 101.055, Stats.

6. 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.

7. Stores removed ampules in closed, non-leaking containers that are in good condition.

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

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(c) A small quantity handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing holding the mercury from universal waste mercury-containing equipment provided the handler:

1. Immediately seals the original housing holding the mercury with an air-tight seal to prevent the release of any mercury to the environment.

2. Follows all requirements for removing ampules and managing removed ampules under par. (b).

3. If the mercury, residues or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with chs. 287 and 289, Stats., chs. NR 500 to 524 and applicable federal or local solid waste regulations.

(d) 1. A small quantity handler of universal waste who removes mercury-containing ampules from mercury-containing equipment or seals mercury from mercury-containing equipment in its original housing shall determine whether the following exhibit a characteristic of hazardous waste identified in subch. C of ch. NR 661:

a. Mercury or clean-up residues resulting from spills or leaks.

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

2. If the mercury, residues, or other solid waste exhibits a characteristic of hazardous waste, it shall be managed in compliance with all applicable requirements of chs. NR 660 to 670. The handler is considered the generator of the mercury, residues or other waste and shall manage it subject to ch. NR 662.

3. If the mercury, residues, or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with chs. 287 and 289, Stats., chs. NR 500 to 524, and applicable federal solid waste regulations.

(4) LAMPS. A small quantity handler of universal waste shall manage lamps in all of the following ways that prevent releases of any universal waste or component of a universal waste to the environment:

(a) A small quantity handler of universal waste shall contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage and compatible with the contents of the lamps. The containers and packages shall remain closed and shall lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

(b) A small quantity handler of universal waste shall immediately clean up and place in a container any lamp that is broken and shall place in a container any lamp that shows evidence of breakage, leakage or damage that could cause the release of mercury or other hazardous constituents to the environment. Containers shall be closed, structurally sound, compatible with the contents of the lamps and shall lack evidence of leakage, spillage or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions.

(5) AEROSOL CANS. A small quantity handler of universal waste shall manage universal waste aerosol cans in a way that prevents releases, according to all of the following:

(a) Universal waste aerosol cans shall be accumulated in a container that is structurally sound, is compatible with the contents of the aerosol cans, lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions, and is protected from sources of heat.

(b) Universal waste aerosol cans that show evidence of leakage shall be packaged in a separate closed container or overpacked with absorbents, or immediately punctured and drained in accordance with the requirements under par. (d).

(c) A small quantity handler of universal waste may conduct any of the following activities as long as each individual aerosol can is not breached and remains intact:

1. Sorting aerosol cans by type.

2. Mixing intact cans in one container.

3. Removing actuators to reduce the risk of accidental release.

(d) A small quantity handler of universal waste who punctures and drains aerosol cans shall recycle the empty punctured aerosol cans and meet all of the following requirements while puncturing and draining universal waste aerosol cans:

1. Conduct puncturing and draining activities using a device specifically designed to safely puncture aerosol cans and effectively contain the residual contents and any emissions.

2. Establish and follow a written procedure detailing how to safely puncture and drain the universal waste aerosol can, including proper assembly, operation and maintenance of the device described in subd. 1., segregation of incompatible wastes, and proper waste management practices to prevent fires or releases; maintain a copy of the device's specification and instruction on site; and ensure employees operating the device are trained in the proper procedures.

3. Ensure that puncturing of the can is done in a manner designed to prevent fires and to prevent the release of any component of universal waste to the environment including locating the device described in subd. 1. on a solid, flat surface in a well-ventilated area.

4. Immediately transfer the contents from the waste aerosol can or puncturing device, if applicable, to a container or tank that meets the applicable requirements under s. NR 662.014, 662.015, 662.016, or 662.017.

5. Conduct a hazardous waste determination on the contents of the emptied aerosol can under s. NR 662.011. Any hazardous waste generated as a result of puncturing and draining the aerosol can is subject to all applicable requirements under chs. NR 660 to 670. The handler is considered the generator of the hazardous waste and is subject to ch. NR 662.

6. If the contents are determined to be nonhazardous, manage the waste in any way that is in compliance with applicable federal, state, or local solid waste regulations.

7. Establish or adopt a written procedure to be followed in the event of a spill or leak and provide a spill clean-up kit, and promptly clean up all spills or leaks of the contents of the aerosol cans.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 16-007: am. (1) (c) 2., (3) (intro.), (a), (b) (intro.), r. and recr. (3) (c) and am. (3) (c) 3., cr. (3) (d) Register July 2017 No. 739, eff. 8-1-17; correction in (3) (d) 3. made under s. 13.92 (4) (b) 7., Stats., Register July 2017 No. 739; CR 19-082: am. (3) (b) 3., 4. Register August 2020 No. 776, eff. 9-1-20; **CR 24-036: am. (3) (b) 3., 4., cr. (5) Register June 2025 No. 834, eff. 7-1-25; corrections in (5) (a), (d) 4. made under s. 35.17, Stats., Register June 2025 No. 834.**

NR 673.14 Labeling and marking. A small quantity handler of universal waste shall label or mark the universal waste to identify the type of universal waste as specified below:

(1) Universal waste batteries (i.e., each battery), or a container in which the batteries are contained, shall be labeled or marked clearly with the phrase "Universal Waste — Batteries," "Waste Batteries," or "Used Batteries."

(2) A container (or multiple container package unit), tank or transport vehicle or vessel in which recalled universal waste pesticides as described in s. NR 673.03 (1) (a) are contained shall be labeled or marked clearly with all of the following:

(a) The label that was on or accompanied the product as sold or distributed.

(b) The words "Universal Waste — Pesticides" or "Waste-Pesticides."

(3) A container, tank or transport vehicle or vessel in which unused pesticide products as described in s. NR 673.03 (1) (b) are contained shall be labeled or marked clearly with all of the following:

(a) 1. The label that was on the product when purchased, if still legible.

2. If using the labels described in subd. 1. is not feasible, the appropriate label as required under the U.S. department of transportation regulation 49 CFR part 172.

3. If using the labels described in subds. 1. and 2. is not feasible, another label prescribed or designated by the waste pesticide collection program administered or recognized by the state of Wisconsin.

(b) The words "Universal Waste-Pesticides" or "Waste-Pesticides."

(4) (a) Universal waste mercury-containing equipment (for instance, each device), or a container in which the equipment is contained, shall be labeled or marked clearly with any of the following phrases: "Universal Waste — Mercury-Containing Equipment," "Waste Mercury-Containing Equipment," or "Used Mercury-Containing Equipment."

(b) A universal waste mercury-containing thermostat or container containing only universal waste mercury-containing thermostats may be labeled or marked clearly with any of the following phrases: "Universal Waste — Mercury Thermostats," "Waste Mercury Thermostats," or "Used Mercury Thermostats."

(5) Each lamp or a container or package in which the lamps are contained shall be labeled or marked clearly with the phrase "Universal Waste — Lamps," "Waste Lamps," or "Used Lamps."

(6) Each universal waste aerosol can, or a container in which the aerosol cans are contained, shall be labeled or marked clearly with any of the following phrases: "Universal Waste—Aerosol Cans," "Waste Aerosol Cans," or "Used Aerosol Cans."

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 16-007: r. and recr. (4) Register July 2017 No. 739, eff. 8-1-17; **CR 24-036: am. (4) (b), cr. (6) Register June 2025 No. 834, eff. 7-1-25; correction in (1), (2) (b), (3) (b), (4) (b), (5) made under s. 35.17, Stats., Register June 2025 No. 834.**

NR 673.15 Accumulation time limits. (1) A small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from another handler, unless the requirements of sub. (2) are met.

(2) A small quantity handler of universal waste may accumulate universal waste for longer than one year from the date the universal waste is generated, or received from another handler, if this activity is solely for the purpose of accumulation of quantities of universal waste as necessary to facilitate proper recovery, treatment or disposal. However, the handler bears the burden of proving that this activity is solely for the purpose of accumulation of quantities of universal waste as necessary to facilitate proper recovery, treatment or disposal.

(3) A small quantity handler of universal waste who accumulates universal waste shall be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration by doing any of the following:

(a) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received.

(b) Marking or labeling each individual item of universal waste (e.g., each battery or thermostat) with the date it became a waste or was received.

(c) Maintaining an inventory system on-site that identifies the date each universal waste became a waste or was received.

(d) Maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received.

(e) Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received.

(f) Any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 673.16 Employee training. A small quantity handler of universal waste shall inform all employees who handle or have responsibility for managing universal waste. The information shall describe proper handling and emergency procedures appropriate to the types of universal waste handled at the facility.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 673.17 Response to releases. (1) A small quantity handler of universal waste shall immediately contain all releases of universal wastes and other residues from universal wastes.

(2) A small quantity handler of universal waste shall determine whether any material resulting from the release is hazardous waste, and if so, shall manage the hazardous waste in compliance with all applicable requirements of chs. NR 660 to 670. The handler is considered the generator of the material resulting from the release, and shall manage it in compliance with ch. NR 662.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 673.18 Off-site shipments. (1) A small quantity handler of universal waste is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility or a foreign destination.

(2) If a small quantity handler of universal waste self-transports universal waste off-site, the handler becomes a universal waste transporter for those self-transportation activities and shall comply with the transporter requirements of subch. D while transporting the universal waste.

(3) If a universal waste being offered for off-site transportation meets the definition of hazardous materials under 49 CFR parts 171 to 180, a small quantity handler of universal waste shall package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with the applicable U.S. department of transportation regulations under 49 CFR parts 172 to 180.

(4) Prior to sending a shipment of universal waste to another universal waste handler, the originating handler shall ensure that the receiving handler agrees to receive the shipment.

(5) If a small quantity handler of universal waste sends a shipment of universal waste to another handler or to a destination facility and the shipment is rejected by the receiving handler or destination facility, the originating handler shall do one of the following:

(a) Receive the waste back when notified that the shipment has been rejected.

(b) Agree with the receiving handler on a destination facility to which the shipment will be sent.

(6) A small quantity handler of universal waste may reject a shipment containing universal waste, or a portion of a shipment containing universal waste, that the handler has received from another handler. If a handler rejects a shipment or a portion of a shipment, the handler shall contact the originating handler to notify the originating handler of the rejection and to discuss reshipment of the load. The handler shall do one of the following:

(a) Send the shipment back to the originating handler.

(b) If agreed to by both the originating and receiving handler, send the shipment to a destination facility.

(7) If a small quantity handler of universal waste receives a shipment containing hazardous waste that is not a universal waste, the handler shall immediately notify the department of the illegal shipment, and provide the name, address and phone number of the originating shipper. The department will provide instructions for managing the hazardous waste.

(8) If a small quantity handler of universal waste receives a shipment of non-hazardous, non-universal waste, the handler may manage the waste in any way that is in compliance with chs. 287 and 289, Stats., chs. NR 500 to 524 and applicable federal or local solid waste regulations.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 16-007: am. (8) Register July 2017 No. 739, eff. 8-1-17.

NR 673.19 Tracking shipments. A small quantity handler of universal waste is not required to keep records of shipments of universal waste.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 673.20 Exports. A small quantity handler of universal waste who sends universal waste to a foreign destination is subject to the requirements of subch. H of ch. NR 662.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 19-082: renum. (intro.) to NR 673.20, r. (1) to (3) Register August 2020 No. 776, eff. 9-1-20.

Subchapter C — Large Quantity Handlers

NR 673.30 Applicability. This subchapter applies to large quantity handlers of universal waste.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 673.31 Prohibitions. A large quantity handler of universal waste is prohibited from doing any of the following:

(1) Disposing of universal waste.

(2) Diluting or treating universal waste, except by responding to releases as provided in s. NR 673.37, or by managing specific wastes as provided in s. NR 673.33.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 673.32 Notification. (1) (a) Except as provided in pars. (b) and (c), a large quantity handler of universal waste shall have sent written notification of universal waste management to the department, and received an EPA identification number, before meeting or exceeding the 5,000 kilogram (11,025 pounds) storage limit.

(b) A large quantity handler of universal waste who has already notified the department of its hazardous waste management activities and has received an EPA identification number is not required to renotify under this section.

(c) A large quantity handler of universal waste who manages recalled universal waste pesticides as described in s. NR 673.03 (1) (a) and who has sent notification to EPA as required by 40 CFR part 165 is not required to notify for those recalled universal waste pesticides under this section.

(2) This notification shall include all of the following:

(a) The universal waste handler's name and mailing address.

(b) The name and business telephone number of the person at the universal waste handler's site who should be contacted regarding universal waste management activities.

(c) The address or physical location of the universal waste management activities.

(d) A list of all the types of universal waste managed by the handler, for example, batteries, pesticides, mercury-containing equipment, lamps, and aerosol cans.

(e) A statement indicating that the handler is accumulating more than 5,000 kg (11,025 pounds) of universal waste at one time.

Note: See s. NR 660.07 for information on obtaining EPA form 8700-12.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 16-007: am. (2) (d), (e) Register July 2017 No. 739, eff. 8-1-17; **CR 24-036: am. (2) (d) Register June 2025 No. 834, eff. 7-1-25.**

NR 673.33 Waste management. (1) UNIVERSAL WASTE BATTERIES. A large quantity handler of universal waste shall manage universal waste batteries in all of the following ways that prevent releases of any universal waste or component of a universal waste to the environment:

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

(b) A large quantity handler of universal waste may conduct any of the following activities as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but shall be immediately closed after removal):

1. Sorting batteries by type.

2. Mixing battery types in one container.

3. Discharging batteries so as to remove the electric charge.

4. Regenerating used batteries.

5. Disassembling batteries or battery packs into individual batteries or cells.

6. Removing batteries from consumer products.

7. Removing electrolyte from batteries.

(c) A large quantity handler of universal waste who removes electrolyte from batteries, or who generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed in par. (b), shall determine whether the electrolyte or other solid waste exhibits a characteristic of hazardous waste identified in subch. C of ch. NR 661.

1. If the electrolyte or other solid waste exhibits a characteristic of hazardous waste, it shall be managed in compliance with all applicable requirements of chs. NR 660 to 670. The handler is considered the generator of the hazardous electrolyte or other waste and is subject to ch. NR 662.

2. If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with chs. 287 and 289, Stats., chs. NR 500 to 524, and applicable federal or local solid waste regulations.

(2) UNIVERSAL WASTE PESTICIDES. A large quantity handler of universal waste shall manage universal waste pesticides in a way that prevents releases of any universal waste or component of a universal waste to the environment. The universal waste pesticides shall be contained in one or more of the following:

(a) A container that remains closed, structurally sound, compatible with the pesticide and that lacks evidence of leakage,

spillage or damage that could cause leakage under reasonably foreseeable conditions.

(b) A container that does not meet the requirements of par. (a), provided that the unacceptable container is overpacked in a container that does meet the requirements of par. (a).

(c) A tank that meets the requirements of subch. J of ch. NR 665, except for ss. NR 665.0197 (3) and 665.0200.

(d) A transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide and that lacks evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

(3) MERCURY-CONTAINING EQUIPMENT. A large quantity handler of universal waste shall manage universal waste mercury-containing equipment in a way that prevent releases of any universal waste or component of a universal waste to the environment, as follows:

(a) A large quantity handler of universal waste shall place in a container any universal waste mercury-containing equipment with non-contained elemental mercury or that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container shall be closed, structurally sound, compatible with the contents of the device, shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions and shall be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.

(b) A large quantity handler of universal waste may remove mercury-containing ampules from universal waste mercury-containing equipment provided the handler does all of the following:

1. Removes the ampules in a manner designed to prevent breakage of the ampules.

2. Removes ampules only over or in a containment device (e.g., tray or pan sufficient to contain any mercury released from an ampule in case of breakage).

3. Ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules, from the containment device to a container that meets all applicable requirements under chs. NR 660 to 670.

4. Immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets all applicable requirements under chs. NR 660 to 670.

5. Ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable exposure levels for mercury adopted under 29 USC 651 to 678 or s. 101.055, Stats.

Note: Title 29 USC 651 to 678 is also known as the federal occupational safety and health act (OSHA). Chapter SPS 332 implements s. 101.055, Stats.

6. 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.

7. Stores removed ampules in closed, non-leaking containers that are in good condition.

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

(c) A large quantity handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing holding the mercury from universal waste mercury-containing equipment provided the handler:

1. Immediately seals the original housing holding the mercury with an air-tight seal to prevent the release of any mercury to the environment.

2. Follows all requirements for removing ampules and managing removed ampules under par. (b).

(d) 1. A large quantity handler of universal waste who removes mercury-containing ampules from mercury-containing equipment or seals mercury from mercury-containing equipment in its original housing shall determine whether the following exhibit a characteristic of hazardous waste identified in subch. C of ch. NR 661:

a. Mercury or clean-up residues resulting from spills or leaks.

b. Other solid waste generated as a result of the removal of mercury-containing ampules or housings (the remaining mercury-containing device).

2. If the mercury, residues, or other solid waste exhibits a characteristic of hazardous waste, it shall be managed in compliance with all applicable requirements of chs. NR 660 to 670. The handler is considered the generator of the mercury, residues, or other waste and shall manage it subject to ch. NR 662.

3. If the mercury, residues, or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with chs. 287 and 289, Stats., chs. NR 500 to 524, and applicable federal solid waste regulations.

(4) LAMPS. A large quantity handler of universal waste shall manage lamps in all of the following ways that prevent releases of any universal waste or component of a universal waste to the environment:

(a) A large quantity handler of universal waste shall contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage and compatible with the contents of the lamps. The containers and packages shall remain closed and shall lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

(b) A large quantity handler of universal waste shall immediately clean up and place in a container any lamp that is broken and shall place in a container any lamp that shows evidence of breakage, leakage or damage that could cause the release of mercury or other hazardous constituents to the environment. Containers shall be closed, structurally sound, compatible with the contents of the lamps and shall lack evidence of leakage, spillage or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions.

(5) AEROSOL CANS. A large quantity handler of universal waste shall manage universal waste aerosol cans in a way that prevents releases of any universal waste or component of a universal waste to the environment, according to all of the following:

(a) Universal waste aerosol cans shall be accumulated in a container that is structurally sound, is compatible with the contents of the aerosol cans, lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions, and is protected from sources of heat.

(b) Universal waste aerosol cans that show evidence of leakage shall be packaged in a separate closed container or overpacked with absorbents, or immediately punctured and drained in accordance with the requirements under par. (d).

(c) A large quantity handler of universal waste may conduct any of the following activities as long as each individual aerosol can is not breached and remains intact:

1. Sorting aerosol cans by type.

2. Mixing intact cans in one container.

3. Removing actuators to reduce the risk of accidental release.

(d) A large quantity handler of universal waste who punctures and drains aerosol cans shall recycle the empty punctured aerosol cans and meet all of the following requirements while puncturing and draining universal waste aerosol cans:

1. Conduct puncturing and draining activities using a device specifically designed to safely puncture aerosol cans and effectively contain the residual contents and any emissions.

2. Establish and follow a written procedure detailing how to safely puncture and drain the universal waste aerosol can. The written procedure shall include proper assembly, operation and maintenance of the unit, segregation of incompatible wastes, and proper waste management practices to prevent fires or releases; maintain a copy of the manufacturer's specification and instruction on site; and ensure employees operating the device are trained in the proper procedures.

3. Ensure that puncturing of the can is done in a manner designed to prevent fires and to prevent the release of any component of universal waste to the environment. This manner includes locating the equipment on a solid, flat surface in a well-ventilated area.

4. Immediately transfer the contents from the waste aerosol can or puncturing device, if applicable, to a container or tank that meets the applicable requirements under s. NR 662.014, 662.015, 662.016, or 662.017.

5. Conduct a hazardous waste determination on the contents of the emptied aerosol can under s. NR 662.011. Any hazardous waste generated as a result of puncturing and draining the aerosol can is subject to all applicable requirements under chs. NR 660 to 670. The handler is considered the generator of the hazardous waste and is subject to ch. NR 662.

6. If the contents are determined to be nonhazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state, or local solid waste regulations.

7. A written procedure shall be in place in the event of a spill or release and a spill clean-up kit shall be provided. All spills or leaks of the contents of the aerosol cans shall be cleaned up promptly.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 16-007: am. (1) (c) 2., (3) (intro.), (a), (b) (intro.), r. and recr. (c), cr. (d) Register July 2017 No. 739, eff. 8-1-17; correction in (3) (d) 3. made under s. 13.92 (4) (b) 7., Stats., Register July 2017 No. 739; CR 19-082: am. (3) (title), (b) 4. Register August 2020 No. 776, eff. 9-1-20; correction in (3) (b) 3. made under s. 13.92 (4) (b) 7., Stats., Register April 2021 No. 784; **CR 24-036: am. (3) (b) 3., 4., cr. (5) Register June 2025 No. 834, eff. 7-1-25; correction in (5) (a), (d) 4. made under s. 35.17, Stats., Register June 2025 No. 834.**

NR 673.34 Labeling and marking. A large quantity handler of universal waste shall label or mark the universal waste to identify the type of universal waste as specified below:

(1) Universal waste batteries (i.e., each battery), or a container or tank in which the batteries are contained, shall be labeled or marked clearly with the phrase "Universal Waste — Batteries," "Waste Batteries," or "Used Batteries."

(2) A container (or multiple container package unit), tank or transport vehicle or vessel in which recalled universal waste pesticides as described in s. NR 673.03 (1) (a) are contained shall be labeled or marked clearly with all of the following:

(a) The label that was on or accompanied the product as sold or distributed.

(b) The words "Universal Waste — Pesticides" or "Waste — Pesticides."

(3) A container, tank or transport vehicle or vessel in which unused pesticide products as described in s. NR 673.03 (1) (b) are contained shall be labeled or marked clearly with all of the following:

(a) 1. The label that was on the product when purchased, if still legible.

2. If using the labels described in subd. 1. is not feasible, the appropriate label as required under the U.S. department of transportation regulation 49 CFR part 172.

3. If using the labels described in subds. 1. and 2. is not feasible, another label prescribed or designated by the pesticide collection program.

(b) The words "Universal Waste — Pesticides" or "Waste—Pesticides."

(4) (a) Universal waste mercury-containing equipment (for instance, each device), or a container in which the equipment is contained, shall be labeled or marked clearly with any of the following phrases: "Universal Waste — Mercury-Containing Equipment," "Waste Mercury-Containing Equipment," or "Used Mercury-Containing Equipment."

(b) A universal waste mercury-containing thermostat or container containing only universal waste mercury-containing thermostats may be labeled or marked clearly with any of the following phrases: "Universal Waste — Mercury Thermostats," "Waste Mercury Thermostats," or "Used Mercury Thermostats."

(5) Each lamp or a container or package in which the lamps are contained shall be labeled or marked clearly with the phrase "Universal Waste — Lamps," "Waste Lamps," or "Used Lamps."

(6) Each universal waste aerosol can, or a container in which the aerosol cans are contained, shall be labeled or marked clearly with any of the following phrases: "Universal Waste—Aerosol Cans," "Waste Aerosol Cans," or "Used Aerosol Cans."

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 16-007: r. and recr. (4) Register July 2017 No. 739, eff. 8-1-17; **CR 24-036: am. (4) (b), cr. (6) Register June 2025 No. 834, eff. 7-1-25; correction in (1), (2) (b), (3) (b), (5) made under s. 35.17, Stats., Register June 2025 No. 834.**

NR 673.35 Accumulation time limits. (1) A large quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from another handler, unless the requirements of sub. (2) are met.

(2) A large quantity handler of universal waste may accumulate universal waste for longer than one year from the date the universal waste is generated, or received from another handler, if this activity is solely for the purpose of accumulation of quantities of universal waste as necessary to facilitate proper recovery, treatment or disposal. However, the handler bears the burden of proving that this activity was solely for the purpose of accumulation of quantities of universal waste as necessary to facilitate proper recovery, treatment or disposal.

(3) A large quantity handler of universal waste shall be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration by doing any of the following:

(a) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received.

(b) Marking or labeling the individual item of universal waste (e.g., each battery or thermostat) with the date it became a waste or was received.

(c) Maintaining an inventory system on-site that identifies the date the universal waste being accumulated became a waste or was received.

(d) Maintaining an inventory system on-site that identifies the

earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received.

(e) Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received.

(f) Any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 673.36 Employee training. A large quantity handler of universal waste shall ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relative to their responsibilities during normal facility operations and emergencies.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 673.37 Response to releases. (1) A large quantity handler of universal waste shall immediately contain all releases of universal wastes and other residues from universal wastes.

(2) A large quantity handler of universal waste shall determine whether any material resulting from the release is hazardous waste, and if so, shall manage the hazardous waste in compliance with all applicable requirements of chs. NR 660 to 670. The handler is considered the generator of the material resulting from the release, and is subject to ch. NR 662.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 673.38 Off-site shipments. (1) A large quantity handler of universal waste is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility or a foreign destination.

(2) If a large quantity handler of universal waste self-transports universal waste off-site, the handler becomes a universal waste transporter for those self-transportation activities and shall comply with the transporter requirements of subch. D while transporting the universal waste.

(3) If a universal waste being offered for off-site transportation meets the definition of hazardous materials under 49 CFR parts 171 to 180, a large quantity handler of universal waste shall package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with the applicable U.S. department of transportation regulations under 49 CFR parts 172 to 180.

(4) Prior to sending a shipment of universal waste to another universal waste handler, the originating handler shall ensure that the receiving handler agrees to receive the shipment.

(5) If a large quantity handler of universal waste sends a shipment of universal waste to another handler or to a destination facility and the shipment is rejected by the receiving handler or destination facility, the originating handler shall do one of the following:

(a) Receive the waste back when notified that the shipment has been rejected.

(b) Agree with the receiving handler on a destination facility to which the shipment will be sent.

(6) A large quantity handler of universal waste may reject a shipment containing universal waste, or a portion of a shipment containing universal waste, that the handler has received from another handler. If a handler rejects a shipment or a portion of a shipment, the handler shall contact the originating handler to notify the originating handler of the rejection and to discuss reshipment of the load. The handler shall do one of the following:

(a) Send the shipment back to the originating handler.

(b) If agreed to by both the originating and receiving handler, send the shipment to a destination facility.

(7) If a large quantity handler of universal waste receives a shipment containing hazardous waste that is not a universal waste, the handler shall immediately notify the department of the illegal shipment, and provide the name, address and phone number of the originating shipper. The department will provide instructions for managing the hazardous waste.

(8) If a large quantity handler of universal waste receives a shipment of non-hazardous, non-universal waste, the handler may manage the waste in any way that is in compliance with chs. 287 and 289, Stats., chs. NR 500 to 524 and applicable federal or local solid waste regulations.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 16-007: am. (8) Register July 2017 No. 739, eff. 8-1-17.

NR 673.39 Tracking shipments. (1) RECEIPT OF SHIPMENTS. A large quantity handler of universal waste shall keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, movement document or other shipping document. The record for each shipment of universal waste received shall include all of the following information:

(a) The name and address of the originating universal waste handler or foreign shipper from whom the universal waste was sent.

(b) The quantity of each type of universal waste received (e.g., batteries, pesticides, thermostats, lamps).

(c) The date of receipt of the shipment of universal waste.

(2) SHIPMENTS OFF-SITE. A large quantity handler of universal waste shall keep a record of each shipment of universal waste sent from the handler to other facilities. The record may take the form of a log, invoice, manifest, bill of lading, movement document or other shipping document. The record for each shipment of universal waste sent shall include all of the following information:

(a) The name and address of the universal waste handler, destination facility or foreign destination to whom the universal waste was sent.

(b) The quantity of each type of universal waste sent (e.g., batteries, pesticides, thermostats, lamps).

(c) The date the shipment of universal waste left the facility.

(3) RECORD RETENTION. (a) A large quantity handler of universal waste shall retain the records described in sub. (1) for at least 3 years from the date of receipt of a shipment of universal waste.

(b) A large quantity handler of universal waste shall retain the records described in sub. (2) for at least 3 years from the date a shipment of universal waste left the facility.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 19-082: am. (1) (intro.), (2) (intro.) Register August 2020 No. 776, eff. 9-1-20.

NR 673.40 Exports. A large quantity handler of universal waste who sends universal waste to a foreign destination is subject to the requirements of subch. H of ch. NR 662.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 19-082: renum. (intro.) to NR 673.40 and am., r. (1) to (3) Register August 2020 No. 776, eff. 9-1-20.

Subchapter D — Transporters

NR 673.50 Applicability. This subchapter applies to universal waste transporters.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

Published under s. 35.93, Wis. Stats., by the Legislative Reference Bureau.

NR 673.51 Prohibitions. A universal waste transporter is prohibited from doing any of the following:

(1) Disposing of universal waste.

(2) Diluting or treating universal waste, except by responding to releases as provided in s. NR 673.54.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 673.52 Waste management. (1) A universal waste transporter shall comply with all applicable U.S. department of transportation regulations in 49 CFR parts 171 to 180 for transport of any universal waste that meets the definition of hazardous material in 49 CFR 171.8. For purposes of the U.S. department of transportation regulations, a material is considered a hazardous waste if it is subject to the EPA hazardous waste manifest requirements in 40 CFR part 262. Because universal waste does not require a hazardous waste manifest, it is not considered hazardous waste under the U.S. department of transportation regulations.

(2) Some universal waste materials are regulated by the U.S. department of transportation as hazardous materials because they meet the criteria for one or more hazard classes specified in 49 CFR 173.2. As universal waste shipments do not require a manifest under 40 CFR part 262, they may not be described by the U.S. department of transportation proper shipping name "hazardous waste, (l) or (s), n.o.s.", nor may the hazardous material's proper shipping name be modified by adding the word "waste".

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 673.53 Storage time limits. (1) A universal waste transporter may only store the universal waste at a universal waste transfer facility for 10 days or less.

(2) If a universal waste transporter stores universal waste for more than 10 days, the transporter becomes a universal waste handler and shall comply with the applicable requirements of subch. B or C while storing the universal waste.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 673.54 Response to releases. (1) A universal waste transporter shall immediately contain all releases of universal wastes and other residues from universal wastes.

(2) A universal waste transporter shall determine whether any material resulting from the release is hazardous waste, and if so, it is subject to all applicable requirements of chs. NR 660 to 670. If the waste is determined to be a hazardous waste, the transporter is subject to ch. NR 662.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 673.55 Off-site shipments. (1) A universal waste transporter is prohibited from transporting the universal waste to a place other than a universal waste handler, a destination facility or a foreign destination.

(2) If the universal waste being shipped off-site meets the U.S. department of transportation's definition of hazardous material under 49 CFR 171.8, the shipment shall be properly described on a shipping paper in accordance with the applicable U.S. department of transportation regulations under 49 CFR part 172.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 673.56 Exports. A universal waste transporter transporting a shipment of universal waste to a foreign destination is subject to the requirements of subch. H of ch. NR 662.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 19-082: renum. (intro.) to NR 673.56 and am., r. (1), (2) Register August 2020 No. 776, eff. 9-1-20.

Subchapter E — Destination Facilities

NR 673.60 Applicability. (1) The owner or operator of a destination facility is subject to all applicable requirements under chs. NR 664 to 670. For the purposes of this section, the department may consider whether legitimate recycling of the universal waste has begun within 24 hours of its arrival at the destination facility as part of the department's site-specific determination as to whether storage has occurred prior to recycling. If the owner or operator claims that they are not storing universal waste prior to recycling, documentation is required to justify this claim. The destination facility is subject to all of the following:

(a) The owner or operator of a destination facility that is engaged in legitimate recycling under s. NR 660.43, and does not store or dispose of universal waste, shall comply with the applicable requirements under chs. NR 666 and 668.

(b) The owner or operator of a destination facility that is engaged in legitimate recycling under s. NR 660.43, and stores or disposes of universal waste, shall comply with the applicable requirements under chs. NR 664 to 670, and the requirement to have a hazardous waste license under s. 291.25, Stats.

(c) The owner or operator of a destination facility that is not engaged in legitimate recycling of universal waste shall comply with the applicable requirements under chs. NR 664 to 670, and the requirement to have a hazardous waste license under s. 291.25, Stats.

(2) The owner or operator of a destination facility that is engaged in legitimate recycling under s. NR 660.43 and does not store or dispose of universal waste shall comply with the requirements under s. NR 661.0006 (3) (b).

(3) Residues generated from the treatment of universal waste are subject to the hazardous waste determination requirements under s. NR 662.011. If these residues are a hazardous waste, then these residues are subject to the requirements under ch. NR 662 and any other applicable regulations.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 19-082: am. (2) Register August 2020 No. 776, eff. 9-1-20; **CR 24-036: renum. (1) to (1) (intro.) and am., cr. (1) (a) to (c), am. (2), cr. (3) Register June 2025 No. 834, eff. 7-1-25.**

NR 673.61 Off-site shipments. (1) The owner or operator of a destination facility is prohibited from sending or taking universal waste to a place other than a universal waste handler, another destination facility or foreign destination.

(2) The owner or operator of a destination facility may reject a shipment containing universal waste, or a portion of a shipment containing universal waste. If the owner or operator of the destination facility rejects a shipment or a portion of a shipment, the owner or operator shall contact the shipper to notify the shipper of the rejection and to discuss reshipment of the load. The owner or operator of the destination facility shall do one of the following:

(a) Send the shipment back to the original shipper.

(b) If agreed to by both the shipper and the owner or operator of the destination facility, send the shipment to another destination facility.

(3) If the owner or operator of a destination facility receives a shipment containing hazardous waste that is not a universal waste, the owner or operator of the destination facility shall immediately notify the department of the illegal shipment, and provide the name, address and phone number of the shipper. The department will provide instructions for managing the hazardous waste.

(4) If the owner or operator of a destination facility receives a shipment of non-hazardous, non-universal waste, the owner or

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operator may manage the waste in any way that is in compliance with chs. 287 and 289, Stats., chs. NR 500 to 524 and applicable federal or local solid waste regulations.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 16-007: am. (4) Register July 2017 No. 739, eff. 8-1-17.

NR 673.62 Tracking shipments. (1) RECEIPT OF SHIPMENTS. The owner or operator of a destination facility shall keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, movement document or other shipping document. The record for each shipment of universal waste received shall include all of the following information:

(a) The name and address of the universal waste handler, destination facility or foreign shipper from whom the universal waste was sent.

(b) The quantity of each type of universal waste received (e.g., batteries, pesticides, thermostats, lamps).

(c) The date of receipt of the shipment of universal waste.

(2) RECORD RETENTION. The owner or operator of a destination facility shall retain the records described in sub. (1) for at least 3 years from the date of receipt of a shipment of universal waste.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 19-082: am. (1) (intro.) Register August 2020 No. 776, eff. 9-1-20.

Subchapter F — Imports

NR 673.70 Imports. Persons managing universal waste that is imported from a foreign country into the state of Wisconsin are subject to the applicable requirements of this chapter, immediately after the waste enters Wisconsin, as indicated in subs. (1) to (3).

(1) A universal waste transporter is subject to the universal waste transporter requirements of subch. D.

(2) A universal waste handler is subject to the small or large quantity handler of universal waste requirements of subch. B or C, as applicable.

(3) An owner or operator of a destination facility is subject to the destination facility requirements of subch. E.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 19-082: am. (1), (2), r. (4) Register August 2020 No. 776, eff. 9-1-20.

Subchapter G — Petitions to Include Other Wastes under this Chapter

NR 673.80 General. (1) Except as provided in sub. (4), any person seeking to add a hazardous waste or a category of hazardous waste to this chapter may petition for a rule amendment under this subchapter and ss. NR 660.20 and 660.23.

(2) To be successful, the petitioner shall demonstrate to the satisfaction of the department that regulation under the universal waste rules of this chapter is appropriate for the waste or category of waste, will improve management practices for the waste or category of waste and will improve implementation of the hazardous waste program. The petition shall include the information required by s. NR 660.20. The petition shall also address as many of the factors listed in s. NR 673.81 as are appropriate for the waste or waste category addressed in the petition.

(3) The department will evaluate petitions using the factors listed in s. NR 673.81. The department will grant or deny a petition using the factors listed in s. NR 673.81. The decision will be based on the weight of evidence showing that regulation under this chapter is appropriate for the waste or category of waste, will improve management practices for the waste or category of waste and will improve implementation of the hazardous waste program.

(4) Hazardous waste pharmaceuticals are regulated under subch. P of ch. NR 666, and may not be added as a category of hazardous waste for management under this chapter.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 19-082: am. (1), cr. (4) Register August 2020 No. 776, eff. 9-1-20.

NR 673.81 Factors for petitions to include other wastes under this chapter. (1) The waste or category of waste, as generated by a wide variety of generators, is listed in subch. D of ch. NR 661 or, if not listed, a proportion of the waste stream exhibits one or more characteristics of hazardous waste identified in subch. C of ch. NR 661. (When a characteristic waste is added to the universal waste rules of this chapter by using a generic name to identify the waste category (e.g., batteries), the department will amend the definition of universal waste in ss. NR 660.10 and 673.09 to include only the hazardous waste portion of the waste category (e.g., hazardous waste batteries).) Thus, only the portion of the waste stream that does exhibit one or more characteristics (i.e., is hazardous waste) is subject to the universal waste rules of this chapter.

(2) The waste or category of waste is not exclusive to a specific industry or group of industries, is commonly generated by a wide variety of types of establishments (including, for example, households, retail and commercial businesses, office complexes, very small quantity generators, small businesses, government organizations, as well as large industrial facilities).

(3) The waste or category of waste is generated by a large number of generators (e.g., more than 1,000 nationally) and is frequently generated in relatively small quantities by each generator.

(4) Systems to be used for collecting the waste or category of waste (including packaging, marking and labeling practices) would ensure close stewardship of the waste.

(5) The risk posed by the waste or category of waste during accumulation and transport is relatively low compared to other hazardous wastes, and specific management standards proposed or referenced by the petitioner (e.g., waste management requirements appropriate to be added to ss. NR 673.13, 673.33 and 673.52 or applicable U.S. department of transportation requirements) would be protective of human health and the environment during accumulation and transport.

(6) Regulation of the waste or category of waste under this chapter will increase the likelihood that the waste will be diverted from non-hazardous waste management systems (e.g., the municipal waste stream, non-hazardous industrial or commercial waste stream, municipal sewer or stormwater systems) to recycling, treatment or disposal in compliance with ch. 291, Stats., and chs. NR 660 to 670.

(7) Regulation of the waste or category of waste under this chapter will improve implementation of and compliance with the hazardous waste regulatory program.

(8) Other factors as may be appropriate.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.