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Universal Waste Regulations

This guidance document has been produced by the Nebraska Department of Water, Energy, and Environment (DWEE) to provide guidance on universal waste regulations that allow for alternate management practices for certain hazardous wastes. Universal waste regulations can be found in Chapter 25 of Nebraska [Title 128 – Hazardous Waste Regulations](#). Universal waste generated by households is not regulated and may be disposed of in a permitted municipal solid waste landfill, recycled, or taken to a collection site or event.

Universal waste generated by businesses, government agencies, not-for-profit organizations, schools, colleges, charitable organizations, churches, farms, ranches, and hospitals are regulated under Title 128, Chapter 25. Universal waste regulations ease the requirements that apply to hazardous waste and allow generators to transport their universal waste using a common carrier instead of a hazardous waste transporter which eliminates the need for a hazardous waste manifest. Generators are allowed to accumulate universal waste for recycling without having to include these wastes towards their hazardous waste generation rates and storage times.

A small quantity handler is anyone who accumulates less than 5,000 kg (11,000 lbs.) of total universal waste at any time. Small quantity handlers are not required to notify the Environmental Protection Agency (EPA) of universal waste handling activities.

A large quantity handler is anyone who accumulates 5,000 kg (11,000 lbs.) or more universal waste at any time. The designation of large quantity handler is retained through the end of the calendar year in which 5,000 kg or more of total universal waste is accumulated on-site. Large quantity handlers are required to notify using EPA Form 8700-12 on the RCRAInfo website before meeting or exceeding the 5,000 kg limit unless they have already notified of hazardous waste management activities or if they managed recalled waste pesticides and have notified EPA as required by 40 CFR Part 165. See the attachment at the end of this document for more information on the different categories of universal waste handlers and their requirements.

A material cannot be universal waste unless it is first determined to be a hazardous waste. For more information on hazardous waste determinations, see the DWEE Guidance Document titled “Waste Determinations & Hazardous Waste Testing.” The five categories of universal waste are as follows:

Used Batteries

Batteries include nickel-cadmium (Ni-Cad), mercuric oxide, and lithium batteries. It also includes intact, unbroken batteries from which the electrolyte has been removed. Spent lead-acid batteries are best managed under a separate hazardous waste exemption in Title 128, Chapter 7, [§012](#) but may be

managed as a universal waste. A used battery becomes a waste on the day that it is discarded, and an unused battery becomes a waste on the date that the handler decides to discard it.

Any batteries that show evidence of leakage, spillage, or damage that could cause leakage must be placed into a closed, structurally sound container that is compatible with the contents of the battery. Undamaged batteries can be labeled individually or stored in an open container. Each item or container must be clearly labeled with one of the following phrases: "Universal Waste – Batteries," "Waste Battery(ies)," or "Used Battery(ies)."

If a handler removes the electrolyte from the battery or generates other solid waste in the process of disassembling battery components, a hazardous waste determination must be performed on the materials.

Pesticides

Pesticides include recalled pesticides that are stocks of voluntary or mandatory recalls under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Section 19(b) or pesticides that are not in compliance with FIFRA. It also includes stocks of other unused pesticide products that are collected and managed as part of a waste pesticide collection program. Pesticides cannot be managed as universal waste if they are not part of a recall, if they are used, are not a waste or hazardous waste, or if they are being managed under Title 128, Chapter 10, §007.

Pesticides become a waste on the first date when the generator of the recalled pesticide agrees to participate in the recall and the person conducting the recall decides to discard the pesticide. An unused pesticide managed as part of a waste pesticide collection program becomes a waste on the date the generator decides to discard it. Pesticides must be kept in a closed structurally sound container that is compatible with the pesticide, a closed transport vehicle or vessel, a tank, or an overpack container. Containers must be clearly labeled with the label that originally on the pesticide when it was sold or distributed and with the words "Universal Waste – Pesticide(s)" or "Waste – Pesticide(s)."

Mercury-Containing Items

These items must contain elemental mercury to qualify as universal waste. Elemental mercury is often found in thermostats, barometers, thermometers, gauges, thermocouples, and electrical switches. A used mercury-containing item becomes a waste on the date it is discarded. An unused mercury-containing item becomes a waste on the date the handler decides to discard it.

Any mercury-containing items that show evidence of leakage, spillage, or damage that could cause leakage must be placed into a closed, structurally sound container that has no evidence of leakage, spillage, or damage that could cause future leakage. Each item or container must be clearly labeled with one of the following phrases: "Universal Waste – Mercury-containing Item(s)," "Waste Mercury-containing Item(s)," or "Used Mercury-containing Item(s)."

A handler may remove mercury-containing ampules and drain elemental mercury from open-ended mercury-containing items provided that the handler follows the requirements detailed in Title 128, Chapter 25, §012.03B - 012.03C for small quantity handlers and §023.03B - 023.03C for large quantity handlers.

Lamps

Common examples include fluorescent, neon, high intensity discharge, mercury vapor, high pressure sodium, and metal halide lamps. A used lamp becomes a waste on the date it is discarded, and an unused lamp becomes a waste on the date the handler decides to discard it. For more information on the disposal of fluorescent lamps, refer to the DWEE Guidance Document titled "Proper Disposal of Fluorescent Light Bulbs."

Nebraska allows for low mercury lamps, often referenced by their "green-tipped" appearance, to be disposed of as universal waste or in the general trash. Green-tipped lamps still contain mercury and DWEE recommends handling these with caution to prevent employee exposure.

Lamps must be kept in closed, structurally sound containers or packages that do not have evidence of leakage, spillage, or damage. Broken and damaged lamps must be immediately cleaned up and placed into a closed container free of damage that could cause leakage or release of hazardous substances. Each lamp or container must be clearly labeled with one of the following phrases: "Universal Waste – Lamps," "Waste Lamps," or "Used Lamps."

Electronic Items

Electronic items are any electronic equipment that contains one or more electronic circuit boards or other complex circuitry. This also includes components, subassemblies, or other parts derived from the disassembly of electronic devices. A used electronic item destined for disposal becomes a waste on the date it is discarded and those destined for recycling become a waste on the date the recycler determines that the item cannot be resold, donated, repaired, refurbished, or that they cannot directly reuse or sell useable parts from the item. An unused electronic item becomes a waste on the date the handler decides to discard it.

Electronic items must be kept in structurally sound containers that are adequate to prevent breakage of items and lack evidence of damage that could cause leakage. Broken and damaged electronics must be placed into a container that is free of damage that could result in the release of hazardous substances. Containers holding broken and damaged electronics are not required to be closed, but it is recommended. Each item or container must be clearly marked with one of the following phrases: "Universal Waste – Electronic Item(s)," "Waste Electronic Item(s)," or "Used Electronic Item(s)." The name of the electronic item may be used in place of the words "Electronic Item(s)."

For more information on electronic waste management, refer to the DWEE Guidance Document titled "Waste Computers, Monitors, and Electronics."

Accumulation Time Limits

Handlers may accumulate universal waste for up to one year on-site. With prior written approval from DWEE, universal waste may be accumulated for more than one year if necessary to facilitate proper recovery, treatment, or disposal. Handlers must demonstrate the length of time that the waste has been accumulated either from the date it became a waste or when it was received from another handler. This may be done by labeling containers or individual items with the accumulation start date, maintaining an inventory system that identifies the accumulation start date, placing the waste in an accumulation area and identifying the start date for that area with posted signage, or any other method that clearly demonstrates the length of time that universal waste has been accumulated.

Shipping and Tracking Universal Waste

Handlers are prohibited from sending universal waste to any place other than another universal waste handler, a destination facility, or a foreign destination. If a handler self-transport universal waste off-site, the handler becomes a universal waste transporter and must comply with the transporter requirements of Title 128, Chapter 25, §031 – 037.

Small quantity handlers are not required to keep records of shipments of universal waste.

Large quantity handlers must keep records of each shipment of universal waste received or sent off-site in the form of a log, invoice, manifest, bill of lading, or other shipping document. Documentation for received shipments must include the name and address of the originating universal waste handler, the quantity of electronic waste received, and the date the shipment was received. Documents for universal waste shipped off-site must include the name and address of the universal waste handler, destination facility, or foreign destination to whom the waste was sent, the quantity of each type of universal waste sent, and date that the shipment left the facility. Records must be kept for at least three years from the date a shipment was received or left the facility.

RESOURCES:

- DWEE Home Page <https://dwee.nebraska.gov/>
- RCRAInfo Website <https://rcrainfo.epa.gov/>

Contacts:

- DWEE Main Number (402) 471-2186
- DWEE Toll Free Number (877) 253-2603
- DWEE Hazardous Waste Compliance Assistant (402) 471-8308
- Email questions to: DWEE.moreinfo@nebraska.gov

DWEE Publications:

- Environmental Guidance Document – “Waste Determinations & Hazardous Waste Testing”
- Environmental Guidance Document – “Proper Disposal of Fluorescent Light Bulbs”
- Environmental Guidance Document – “Waste Computers, Monitors, and Electronics”
Guidance documents are available on the DWEE website by clicking “Visit Nebraska Department of Environment and Energy (DEE),” selecting “Forms,” and “Publications, Grants & Forms.”
- [Title 128 – Nebraska Hazardous Waste Regulations](#)
Titles are available on the DWEE website by clicking “Visit Nebraska Department of Environment and Energy (DEE),” selecting “Resources and Services,” “Laws & Regulations,” and “Rules & Regulations.”

Produced by: Nebraska Department of Water, Energy, and Environment, 245 Fallbrook Blvd. Ste.100, Lincoln, NE 68521; (402) 471-2186. To view this and other information related to our agency, visit our website at <https://dwee.nebraska.gov/>.

Attachment: Title 128, Chapter 25 Comparison of Universal Waste Requirements

Requirement	Small Quantity Handler	Large Quantity Handler	Universal Waste Transporters	Destination Facilities
Generation Limit	<5,000 kg at any time (<11,000 lbs.)	≥5,000 kg at any time (≥11,000 lbs.)		Comply with RCRA TSD and Recycle Facility Requirements (§038 - §040)
Notification	No requirements	Must obtain EPA ID and notify	Comply with DOT requirements	
Prohibitions	Prohibited from disposing, diluting, or treating universal wastes	Prohibited from disposing, diluting, or treating universal wastes	Prohibited from disposing, diluting, or treating universal wastes	
Waste Management Requirements	Waste specific management to prevent releases to the environment (§012)	Waste specific management to prevent releases to the environment (§023)	Comply with DOT requirements	
Labeling	Must label and mark wastes and containers with specific wording (§013)	Must label and mark wastes and containers with specific wording (§024)	Comply with DOT requirements	
Storage Time Limits	May accumulate for one year with dating required (§014)	May accumulate for one year with dating required (§025)	Ten-day limit at transfer facilities	
Employee Training	Must inform all employees of proper handling and emergency procedures (§015)	Must inform all employees of proper handling and emergency procedures (§026)	Comply with DOT requirements	
Response to Releases	Must immediately contain releases and handle residue properly	Must immediately contain releases and handle residue properly	- Must immediately contain releases and handle residue properly - Must transport waste only to other handlers, destination facilities, or foreign destination	
Off-Site Shipments	Send universal waste <u>only</u> to other universal waste handlers, destination facilities, or foreign destinations	Send universal waste <u>only</u> to other universal waste handlers, destination facilities, or foreign destinations	Comply with DOT requirements	
Tracking	No Requirements	Maintain records documenting shipments received and sent off-site (§029)	Comply with DOT requirements	
Export Requirements	- Comply with primary exporter requirements - Obtain consent from the receiving country and provide a copy of the consent to the transporter	- Comply with primary exporter requirements - Obtain consent from the receiving country and provide a copy of the consent to the transporter	- Shipping must conform to EPA Acknowledgement of Consent - A copy of consent must accompany the shipment - Shipment must be delivered to the facility designated by the person initiating the shipment	