

US EPA ARCHIVE DOCUMENT

DCN FLEP-00159

COMMENTER Motorola, Inc.

SUBJECT DATA5

COMMENT 4. Handling Requirements EPA requests comment on whether the Conditional Exclusion should include minimal handling requirements to minimize bulb breakage during storage and transportation similar to those proposed in Option 2. Option 2 subjects management of hazardous bulbs to a "special collection system," which includes minimal requirements for the generation, transportation and storage of used bulbs. Among other things, the generator would need to place the bulbs in a container that would minimize breakage; and label each container or lamp, or maintain an inventory system to demonstrate that each lamp is stored no longer than 1 year from the date it became a waste. Imposing these handling requirements defeats the purpose of the Conditional Exclusion, which is to relieve the regulatory burden on generators. Under Option 1, EPA should allow the crushing of bulbs as long as the OSHA PEL for mercury is met. These limited requirements would minimize hazards by protecting a generators employees and preventing mercury vapor emissions, while eliminating the more burdensome regulatory requirements such as recordkeeping.

RESPONSE

The Agency appreciates the commenter's submission of comments pertaining to hazardous lamp management. The Agency considered the additional data submitted by commenters in the development of its model on mercury emissions. On July 11, 1997 (62 *FR* 37183) the Agency made available to the public additional data on mercury emissions from the management of spent lamps. The information provided as part of the Notice of Data Availability consisted of an electronic model and a report that provide an assessment of mercury emissions from the management of hazardous waste lamps under different regulatory approaches. The final report, *Mercury Emissions From the Disposal of Fluorescent Lamps*, discusses the methodology, data and assumptions used in developing the Mercury Emissions Model. The report describes inputs used in the model for estimating potential mercury emissions during waste management and disposal activities (e.g., lamp properties, lamp disposal rates, and lamp mercury emissions rates from specific waste management practices).

EPA decided not to adopt a conditional exclusion for hazardous waste lamps. Today's rule adds hazardous waste lamps to the universal waste regulations in 40 CFR Part 273. The current universal waste rule prohibits universal waste handlers from treating universal wastes (40 CFR ' 273.11 and 273.31). The final rule for hazardous waste lamps retains the treatment prohibition for universal waste handlers and applies the prohibition to handlers of hazardous waste lamps.

The definition of treatment under RCRA includes any method, technique, or process...designed to change the physical, chemical, or biological character or composition of any hazardous waste, so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous, or less hazardous; safer to transport, store or dispose of; or amenable for recovery, amenable for storage, or reduced in volume. The crushing of hazardous waste lamps clearly falls within the definition of treatment under RCRA (40 CFR 260.10).

Some commenters to the proposed spent hazardous waste lamps rule requested that the Agency allow generators of such lamps to crush them on-site before sending them off-site for treatment or disposal. However, as explained in the preamble to the final universal waste rule (60 FR 25519), the Agency believes that it is not appropriate to allow universal waste handlers to treat universal wastes because the handlers are not required to comply with the Subtitle C hazardous waste management standards for generators (40 CFR Part 262). These hazardous waste generators must obtain EPA identification numbers, are subject to the 90-day (or 180-day) accumulation limit, and must comply with the technical standards of 40 CFR Part 265 for storage and accumulation units. Because these standards are relatively stringent, EPA's policy is that generators may treat hazardous wastes on-site, provided that they comply with all applicable requirements of 40 CFR Part 262 for storage and accumulation of hazardous wastes.

Universal waste handlers, on the other hand, are allowed a much longer accumulation time limit of one year and need not comply with specific technical standards for accumulation and storage units. Instead, they are subject only to the general performance standard of managing universal wastes in a manner that prevents releases to the environment. In addition, information available to the Agency on drum top crushing systems for lamps indicates that these units may allow significant air emissions of mercury, particularly when the units are not in operation, and emissions often may exceed the OSHA limit of 0.05 mg/m³.

For these reasons, the Agency is not allowing crushing of hazardous waste lamps under federal regulations. However, generators located in a state with an authorized universal waste program may be allowed to crush, universal waste lamps, if within the state authorization process the Agency determines that a state's program allowing generators to treat lamps under controlled or restricted conditions is equivalent (per RCRA ' 3006) to the federal prohibition. EPA believes that this approach both ensures protection of human health and the environment while allowing the development of state regulatory programs that include specific standards for the safe crushing of hazardous waste lamps.