DCN FLEP-00019
COMMENTER United States Air Force
SUBJECT DEF
COMMENT 4. Recommend the word "electric" be substituted for the word "mercury-containing" in the first sentence of proposed regulation 40 CFR 261.4(b)(16). This change seems appropriate since any type of waste lamp that may fail the toxicity characteristics for other TC metals besides mercury under Option 1 should be afforded the same conditional exemption as mercury-containing lamps.
RESPONSE
The Agency is not finalizing the conditional exclusion option for the management of mercury-containing lamps. Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from commenters have shown that the majority of hazardous waste lamps fail the TCLP for mercury and sometimes for lead. EPA agrees with those commenters who believed that all hazardous waste lamps should be included in the universal waste rule. The Agency believes that such lamps fit well within the established criteria for including wastes in the universal waste scheme.

In the proposed rule, the Agency proposed definitions for Aelectric lamp@ and Amercury-containing lamp.@ To both clarify and simplify the proposed definitions, and in response to comments, the Agency finalized a single definition of Alamp.@ The final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@

DCN FLEP-00021
COMMENTER Indianapolis Power and Light Co.
SUBJECT DEF
COMMENT EPA should confirm that the term "mercury-containing-lamps" includes, but is not limited to, fluorescent lamps, mercury vapor lamps, high pressure sodium vapor lamps and metal halide lamps.
RESPONSE
Today=s rule adds hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from commenters have shown that the majority of hazardous waste lamps fail the TCLP for mercury and sometimes for lead. Spent lamps that exhibit any of the hazardous waste characteristics are subject to today=s rulemaking.

The final definition of Alamp@ includes all the types of lamps mentioned by the commenter. The final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@

DCN FLEP-00031
COMMENTER Potomac Electric Power Co.
SUBJECT DEF
COMMENT Pepco however, requests that the Agency confirm that the term
"mercury- containing lamps" includes, but is not limited to,
fluorescent lamps, mercury vapor lamps, high pressure sodium
vapor lamps and metal halide lamps.
RESPONSE
Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from commenters have shown that the majority of hazardous waste lamps fail the TCLP for mercury and sometimes for lead. Spent lamps that exhibit any of the hazardous waste characteristics are subject to today=s rulemaking.

The final definition of Alamp@ includes all the types of lamps mentioned by the commenter. The final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@

DCN FLEP-00032
COMMENTER Niagara Mohawk
SUBJECT DEF
COMMENT EPA should confirm that the term "mercury-containing lamps".
includes, but is not limited to, fluorescent lamps, mercury
vapor lamps, high pressure sodium vapor lamps and metal halide
lamps.
RESPONSE
Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from comments have shown that the majority of hazardous waste lamps fail the TCLP for mercury and sometimes for lead. Spent lamps that exhibit any of the hazardous waste characteristics are subject to today=s rulemaking.

The final definition of Alamp@ includes all the types of lamps mentioned by the commenter. The final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@

DCN FLEP- 00041
COMMENTER John A. Williams
SUBJECT DEF
COMMENT Section 273.31 (a)(1) -The date a used spent lamp becomes a waste is the date the generator permanently removes it from its fixture service. "Used does not imply spent. If a lamp can be reused in another fixture why call it a waste?"
RESPONSE
Based upon commenter input to the proposed rule, the Agency decided to include all hazardous waste lamps within the scope of the universal waste rule (40 CFR Part 273). For a waste to be a hazardous waste, it must first be a solid waste. According to 40 CFR 273.5(c), a used lamp becomes a waste on the date that it is discarded. In addition, an unused lamp becomes a waste on the date a handler decides to discard it. If the handler can reuse a lamp Aas is@and decides to do so, the lamp would not be considered a solid or hazardous waste.

DCN FLEP-00042
COMMENTER Energy Services, Inc.
SUBJECT DEF
COMMENT The EPA should also confirm that the term "mercury-containing lamps" includes, but is not limited to fluorescent lamps, mercury vapor lamps, high pressure sodium vapor lamps and metal halide lamps.
RESPONSE
Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from commenters have shown that the majority of hazardous waste lamps fail the TCLP for mercury and sometimes for lead. Spent lamps that exhibit any of the hazardous waste characteristics are subject to today=s rulemaking.

The final definition of Alamp@ includes all the types of lamps mentioned by the commenter. The final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@

DCN FLEP-00043
COMMENTER Ohio Edison Company
SUBJECT DEF
COMMENT The EPA should confirm that the term "mercury-containing lamps" includes, but is not limited to fluorescent lamps, mercury vapor lamps, high pressure sodium vapor lamps, and metal halide lamps or choose an alternate term such as "lighting wastes" which covers these types of lamps.
RESPONSE
Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from commenters have shown that the majority of hazardous waste lamps fail the TCLP for mercury and sometimes for lead. Spent lamps that exhibit any of the hazardous waste characteristics are subject to today=s rulemaking.

The final definition of Alamp@ includes all the types of lamps mentioned by the commenter. The final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@

DCN FLEP-00046
COMMENTER American Public Power Association
SUBJECT DEF
COMMENT In defining the term "mercury-containing lamps," U.S. Environmental Protection Agency (EPA) should confirm that the term includes, but is not limited to, fluorescent lamps, mercury vapor lamps, high-pressure sodium vapor lamps, and metal halide lamps. This definition allows electric utilities to comply with the new rule with some measure of certainty about what is, and what is not, a mercury-containing lamp for EPA's purposes under this rule.

APPA urges EPA to clarify the definition of "mercury-containing lamps" to identify what the term includes, as it is used in this rule.
RESPONSE
Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from commenters have shown that the majority of hazardous waste

lamps fail the TCLP for mercury and sometimes for lead. Spent lamps that exhibit any of the hazardous waste characteristics are subject to today=s rulemaking.

The final definition of Alamp@ includes all the types of lamps mentioned by the commenter. The final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@

DCN FLEP-00064
COMMENTER Southern Company Services, Inc.
SUBJECT DEF
COMMENT EPA should confirm that the term "mercury-containing lamps " includes, but it not limited to, fluorescent lamps, mercury vapor lamps, high pressure sodium vapor lamps and metal halide lamps.
RESPONSE
Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from commenters have shown that the majority of hazardous waste lamps fail the TCLP for mercury and sometimes for lead. Spent lamps that exhibit any of the hazardous waste characteristics are subject to today=s rulemaking.

The final definition of Alamp@ includes all the types of lamps mentioned by the commenter. The final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@

DCN FLEP-00066
COMMENTER Delmarva Power and Light Company
SUBJECT DEF
COMMENT In addition, Delmarva requests that EPA confirm that "mercury-containing lamps" includes, but is not limited to, fluorescent lamps, mercury vapor lamps, high pressure sodium vapor lamps and metal halide lamps.
RESPONSE
Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from commenters have shown that the majority of hazardous waste

lamps fail the TCLP for mercury and sometimes for lead. Spent lamps that exhibit any of the hazardous waste characteristics are subject to today=s rulemaking.

The final definition of Alamp@ includes all the types of lamps mentioned by the commenter. The final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@

DCN FLEP-00067
COMMENTER Georgia Power Company
SUBJECT DEF
COMMENT EPA should confirm that the term "mercury-containing lamps" includes, but is not limited to, fluorescent lamps, mercury vapor lamps, high pressure sodium vapor lamps and metal halide lamps.
RESPONSE
Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from commenters have shown that the majority of hazardous waste lamps fail the TCLP for mercury and sometimes for lead. Spent lamps that exhibit any of the hazardous waste characteristics are subject to today=s rulemaking.

The final definition of Alamp@ includes all the types of lamps mentioned by the commenter. The final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@

DCN FLEP-00086
COMMENTER Northeast Utilities Service Co.
SUBJECT DEF
COMMENT NUSCO notes that sodium vapor and mercury vapor lamps have mercury purposely introduced by the manufacturer but are not EP toxic for mercury. Accordingly, NUSCO recommends that the agency clarify in the preamble that mercury containing lamps include lighting wastes that contain mercury (even below the TC level).
RESPONSE
Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part

273). EPA studies and data from commenters have shown that the majority of hazardous waste lamps fail the TCLP for mercury and sometimes for lead. Spent lamps that exhibit any of the hazardous waste characteristics are subject to today=s rulemaking. If the types of waste lamps mentioned by the commenter do not exhibit any hazardous waste characteristic, then they are not subject to today=s final rule (40 CFR 273.5(b)(2)). However, a handler could handle nonhazardous waste lamps as a universal waste if he so chooses.

DCN FLEP-00095
COMMENTER Allegheny Power System
SUBJECT DEF
COMMENT This conditional exclusion, as applied to the term mercury-containing lamps, should be inclusive, but not limited to, fluorescent lamps, mercury vapor lamps, high pressure sodium vapor lamps, and metal halide lamps.
RESPONSE
The Agency is not finalizing the conditional exclusion option for the management of mercury-containing lamps. Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from commenters have shown that the majority of hazardous waste lamps fail the TCLP for mercury and sometimes for lead. Spent lamps that exhibit any of the hazardous waste characteristics are subject to today=s rulemaking.

The final definition of Alamp@ includes all the types of lamps mentioned by the commenter. The final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@

DCN FLEP-00100
COMMENTER Arizona Municipal Power Users' Assn.
SUBJECT DEF
COMMENT AMPUA urges EPA to clarify the definition of "mercury- containing lamps" to identify what the term includes, as it is used in this rule.
RESPONSE
Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from commenters have shown that the majority of hazardous waste lamps fail the TCLP for mercury and sometimes for lead. Spent lamps that exhibit any of the hazardous waste characteristics are subject to today=s rulemaking.

In the proposed rule, the Agency proposed definitions for Aelectric lamp@ and Amercury-containing

lamp.@ To both clarify and simplify the proposed definitions, and in response to comments, the Agency finalized a single definition of Alamp.@ The final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@

DCN FLEP-00102
COMMENTER Hopkinsville Electric System
SUBJECT DEF
COMMENT The universal waste option would encompass all spent lighting waste lamps including incandescent and neon, as opposed to just mercury-containing lamps. We would like to see the EPA clarify the definition of "mercury-containing lamps" to identify what the term includes, as it is used in universal wastes rules.
RESPONSE
Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from commenters have shown that the majority of hazardous waste lamps fail the TCLP for mercury and sometimes for lead. Spent lamps that exhibit any of the hazardous waste characteristics are subject to today=s rulemaking.

In the proposed rule, the Agency proposed definitions for Aelectric lamp@ and Amercury-containing lamp.@ To both clarify and simplify the proposed definitions, and in response to comments, the Agency finalized a single definition of Alamp.@ The final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@

DCN FLEP-00105
COMMENTER Waverly Light and Power
SUBJECT DEF
COMMENT WL&P urges EPA to clarify the definition of "'mercury-containing lamps" to identify what the term includes, as it is used in this rule.
RESPONSE
Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from commenters have shown that the majority of hazardous waste

lamps fail the TCLP for mercury and sometimes for lead. Spent lamps that exhibit any of the hazardous waste characteristics are subject to today=s rulemaking.

In the proposed rule, the Agency proposed definitions for Aelectric lamp@ and Amercury-containing lamp.@ To both clarify and simplify the proposed definitions, and in response to comments, the Agency finalized a single definition of Alamp.@ The final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@

DCN FLEP-00106
COMMENTER Town of Wickenburg, AZ
SUBJECT DEF
COMMENT The Town of Wickenburg urges EPA to clarify the definition of "mercury-containing lamps" to identify what the term includes, as it is used in this rule.
RESPONSE
Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from commenters have shown that the majority of hazardous waste lamps fail the TCLP for mercury and sometimes for lead. Spent lamps that exhibit any of the hazardous waste characteristics are subject to today=s rulemaking.

In the proposed rule, the Agency proposed definitions for Aelectric lamp@ and Amercury-containing lamp.@ To both clarify and simplify the proposed definitions, and in response to comments, the Agency finalized a single definition of Alamp.@ The final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@

DCN FLEP-00108
COMMENTER Union Electric Company
SUBJECT DEF
COMMENT We also believe that EPA should confirm that the term "mercury-containing lamps" includes, but is not limited to, fluorescent, mercury vapor, high pressure sodium, and metal halide lamps. Identifying examples of lamps covered by the

definition will help to avoid confusion for the regulators and the regulated community.

RESPONSE

Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from commenters have shown that the majority of hazardous waste lamps fail the TCLP for mercury and sometimes for lead. Spent lamps that exhibit any of the hazardous waste characteristics are subject to today=s rulemaking.

The final definition of Alamp@ includes all the types of lamps mentioned by the commenter. The final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@

DCN FLEP-00109
COMMENTER City of Edmond, OK
SUBJECT DEF
COMMENT We urge EPA to clarify the definition of "mercury- containing lamps" to identify what the term includes, as it is used in this rule.

RESPONSE

Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from commenters have shown that the majority of hazardous waste lamps fail the TCLP for mercury and sometimes for lead. Spent lamps that exhibit any of the hazardous waste characteristics are subject to today=s rulemaking.

In the proposed rule, the Agency proposed definitions for Aelectric lamp@ and Amercury-containing lamp.@ To both clarify and simplify the proposed definitions, and in response to comments, the Agency finalized a single definition of Alamp.@ The final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@

DCN FLEP-00112
COMMENTER Wisconsin Electric Power Company
SUBJECT DEF
COMMENT EPA should confirm that the term "mercury-containing lamps"

includes, but is not limited to, fluorescent lamps, mercury vapor lamps, high pressure sodium vapor lamps and metal halide lamps.

RESPONSE

Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from commenters have shown that the majority of hazardous waste lamps fail the TCLP for mercury and sometimes for lead. Spent lamps that exhibit any of the hazardous waste characteristics are subject to today=s rulemaking.

The final definition of Alamp@ includes all the types of lamps mentioned by the commenter. The final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@

DCN FLEP-00113
COMMENTER City of Safford, AZ
SUBJECT DEF
COMMENT The City of Safford urges EPA, to clarify the definition of "mercury-containing lamps" to identify what the term includes, as it is used in this rule.

RESPONSE

Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from commenters have shown that the majority of hazardous waste lamps fail the TCLP for mercury and sometimes for lead. Spent lamps that exhibit any of the hazardous waste characteristics are subject to today=s rulemaking.

In the proposed rule, the Agency proposed definitions for Aelectric lamp@ and Amercury-containing lamp.@ To both clarify and simplify the proposed definitions, and in response to comments, the Agency finalized a single definition of Alamp.@ The final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@

DCN FLEP-00120
COMMENTER Twin Valleys Public Power District
SUBJECT DEF

COMMENT APPA urges EPA to clarify the definition of "mercury-containing lamps" to identify what the term includes, as it is used in this rule.

RESPONSE

Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from commenters have shown that the majority of hazardous waste lamps fail the TCLP for mercury and sometimes for lead. Spent lamps that exhibit any of the hazardous waste characteristics are subject to today=s rulemaking.

In the proposed rule, the Agency proposed definitions for Aelectric lamp@ and Amercury-containing lamp.@ To both clarify and simplify the proposed definitions, and in response to comments, the Agency finalized a single definition of Alamp.@ The final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@

DCN FLEP-00121

COMMENTER Arizona Electric Power Cooperative, Inc.

SUBJECT DEF

COMMENT AEPCO urges EPA to clarify the definition of "mercury-containing lamps" to identify what the term includes, as it is used in this rule.

RESPONSE

Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from commenters have shown that the majority of hazardous waste lamps fail the TCLP for mercury and sometimes for lead. Spent lamps that exhibit any of the hazardous waste characteristics are subject to today=s rulemaking.

In the proposed rule, the Agency proposed definitions for Aelectric lamp@ and Amercury-containing lamp.@ To both clarify and simplify the proposed definitions, and in response to comments, the Agency finalized a single definition of Alamp.@ The final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@

DCN FLEP-00122

COMMENTER American Electric Power Service Corp.
SUBJECT DEF
COMMENT USEPA should confirm that the term "mercury-containing" lamps includes, but is not limited to, fluorescent lamps, mercury vapor lamps, high pressure sodium vapor lamps and metal halide lamps. Incandescent bulbs should also be included in the conditional exclusion from Subtitle C regulation, based on adequate management in municipal solid waste landfills.
RESPONSE
Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from commenters have shown that the majority of hazardous waste lamps fail the TCLP for mercury and sometimes for lead. Spent lamps that exhibit any of the hazardous waste characteristics are subject to today=s rulemaking.

In the proposed rule, the Agency proposed definitions for Aelectric lamp@ and Amercury-containing lamp.@ To both clarify and simplify the proposed definitions, and in response to comments, the Agency finalized a single definition of Alamp.@ The final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@ Although not included in the examples provided in the definition, waste incandescent lamps are covered under today=s rule if they fail TCLP. The preamble to the final rule includes a discussion on incandescent lamps, noting that most incandescent lamps are generated by households or small facilities.

DCN FLEP-00124
COMMENTER Commonwealth Edison Company
SUBJECT DEF
COMMENT EPA should consider that the term "mercury-containing lamps" includes but is not limited to flourescent lamps, mercury vapor lamps, high pressure sodium vapor lamps and metal halide lamps. These are the types of lamps ComEd's DSM program intends to address with its customers.
RESPONSE
Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from commenters have shown that the majority of hazardous waste lamps fail the TCLP for mercury and sometimes for lead. Spent lamps that exhibit any of the hazardous waste characteristics are subject to today=s rulemaking.

The final definition of Alamp@ includes all the types of lamps mentioned by the commenter. The

final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@

DCN FLEP-00130
COMMENTER U.S. Department of Energy
SUBJECT DEF
COMMENT II. A. The Toxicity Characteristic (59 FR 38288-38289). For the purpose of this proposal, EPA defines "lamp" as the bulb or tube portion of a lighting device specifically designed to produce radiant energy, most often in the ultraviolet, visible and infra-red regions of the electromagnetic spectrum. A mercury-containing lamp it defined as an electric lamp in which mercury is purposely introduced by the manufacturer for the operation of the lamp. EPA requests comment on whether the definitions of 'lamp' and 'mercury-containing lamp' are technically correct and on whether they accurately define the appropriate universe of Items. DOE recommends a minor change to the lamp" definition, to make it consistent with the lighting industry's accepted definition of lamp, which is a 'generic term for a man-made source of light' (from "A Complete Guide to the Language of Lighting," McGraw-Edison, Co., 1983). Specifically, the words "lighting device" should be changed to "man-made source of light".
RESPONSE
The Agency thanks the commenter for the technical input, but we believe that is unnecessary to specify that the source of light is man-made. Lamps by definition are man-made.
However, to both clarify and simplify the proposed definitions, and in response to comments, the Agency has finalized a single definition of Alamp.@ The final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@

DCN FLEP-00131
COMMENTER Sacramento Municipal Utility District
SUBJECT DEF

COMMENT SMUD urges EPA to clarify the definition of "mercury-containing lamps" to identify what the term includes, as it is used in this proposed rule.

RESPONSE

Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from commenters have shown that the majority of hazardous waste lamps fail the TCLP for mercury and sometimes for lead. Spent lamps that exhibit any of the hazardous waste characteristics are subject to today=s rulemaking.

In the proposed rule, the Agency proposed definitions for Aelectric lamp@ and Amercury-containing lamp.@ To both clarify and simplify the proposed definitions, and in response to comments, the Agency finalized a single definition of Alamp.@ The final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@

DCN FLEP-00132

COMMENTER Trico Electric Cooperative, Inc.

SUBJECT DEF

COMMENT Trico urges EPA to clarify the definition of "mercury-containing lamps" to identify what the term includes, as it is used in this rule.

RESPONSE

Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from commenters have shown that the majority of hazardous waste lamps fail the TCLP for mercury and sometimes for lead. Spent lamps that exhibit any of the hazardous waste characteristics are subject to today=s rulemaking.

In the proposed rule, the Agency proposed definitions for Aelectric lamp@ and Amercury-containing lamp.@ To both clarify and simplify the proposed definitions, and in response to comments, the Agency finalized a single definition of Alamp.@ The final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@

DCN FLEP-00144

COMMENTER National Rural Electric Cooperative Assn
SUBJECT DEF
COMMENT EPA should confirm that the term mercury-containing lamps" includes, but is not limited to, fluorescent lamps, mercury vapor lamps, high pressure sodium lamps and halide lamps.
RESPONSE
Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from commenters have shown that the majority of hazardous waste lamps fail the TCLP for mercury and sometimes for lead. Spent lamps that exhibit any of the hazardous waste characteristics are subject to today=s rulemaking.

In the proposed rule, the Agency proposed definitions for Aelectric lamp@ and Amercury-containing lamp.@ To both clarify and simplify the proposed definitions, and in response to comments, the Agency finalized a single definition of Alamp.@ The final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@

DCN FLEP-00156
COMMENTER National Electrical Manufacturers Assn.
SUBJECT DEF
COMMENT C. NEMA PROPOSED LAMP DEFINITION NEMA recommends that EPA adopt the following definition: For the purposes of this proposal 'electric lamp, also referred to as "lamp", is defined, whether intact or broken, as the outer bulb, base(s), electrical connections, and all internal components of a lighting device specifically designed to produce radiant energy in the ultraviolet visible, and infrared regions of the electromagnetic spectrum. This definition is an improvement over the EPA-proposed definition in that it specifically incorporates broken and crushed lamps and also incorporates all of the internal components of the lamp.
RESPONSE
The Agency thanks the commenter for the input, but does not believe the changes they proposed add clarity to the definition. However, to both clarify and simplify the proposed definitions, and in response to comments, the Agency finalized a single definition of Alamp.@ The final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@

In regard to the commenter requesting the definition address broken and crushed lamps, the Agency is not specifying that universal waste lamp be intact lamps only. However, handlers are required to follow specific management standards to prevent releases from the lamps and to immediately clean up and containerize any broken lamps.

The Agency has determined that significant threats of mercury releases result from breakage during storage and transport. The Agency also notes that 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 crushing of hazardous waste lamps clearly falls within the definition of treatment under RCRA (40 CFR 260.10). 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 for the development of state regulatory programs that include specific standards for the safe crushing of hazardous waste lamps.

DCN FLEP-00164
COMMENTER E.I. Du Pont De Nemours and Co., Inc.
SUBJECT DEF
COMMENT The Agency should expand the proposed definition of "electric lamp" to avoid confusion in the regulated community.

DuPont believes that there is a need to clarify the definition of an electric lamp and to include its major components as part of the definition. Excluding any part of the lamp from the definition can lead to confusion, mishandling and indiscriminate breaking of mercury-containing lamps to separate components not clearly included in the regulation. DuPont suggests the following language be added to the 40 CFR 260.1 0 or 40 CFR 273.3 proposed definition of "electric lamp": "An electric lamp is a lighting device that is composed of a glass tube or bulb, electrode(s) and/or arc tube, and a base.." If the Agency feels strongly that the proposed definition remain unchanged for any final rule, then DuPont requests that the Agency address this issue in the preamble to any final rule or in their response to

comments as part of the docket for this rulemaking,

RESPONSE

The Agency thanks the commenter for its input and has revised the definition to the extent we believe the comments add clarity. To both clarify and simplify the proposed definitions, and in response to comments, the Agency has finalized a single definition of Alamp.@ The final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@ Further discussion on the scope of the hazardous waste lamps subject to the universal waste regulations is found in the preamble to today=s final rulemaking.

DCN FLEP-00166

COMMENTER American Electric Power Service Corp.

SUBJECT DEF

COMMENT IX. EPA'S PROPOSED DEFINITION OF "LAMP" AND "MERCURY-CONTAINING

LAMP" IS APPROPRIATE. AEP supports EPA's proposed definitions for the terms "lamp" (either whole bulbs or the bulb portion of a lighting device) and "mercury-containing lamp" (lamps into which mercury has been purposely introduced, including, but not limited to fluorescent lamps, mercury vapor lamps, high pressure sodium vapor lamps, metal halide lamps, etc.). The proposed definitions adequately cover the variety of lighting devices (heat lamps, neon signs, lamps, etc.).

RESPONSE

Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from commenters have shown that the majority of hazardous waste lamps fail the TCLP for mercury and sometimes for lead. Spent lamps that exhibit any of the hazardous waste characteristics are subject to today=s rulemaking.

In the proposed rule, the Agency proposed definitions for Aelectric lamp@ and Amercury-containing lamp.@ To both clarify and simplify the proposed definitions, and in response to comments, the Agency finalized a single definition of Alamp.@ The final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@

DCN FLEP-00171
COMMENTER Monsanto Company
SUBJECT DEF
COMMENT B. Monsanto Supports the Broad Definition Proposed for "Mercury-Containing Lamps." EPA proposes to define "mercury containing lamps" broadly to include any "lamp in which mercury is purposely introduced by the manufacturer for the operation of the lamp." Monsanto supports this definition. It reaches beyond the conventional fluorescent light bulbs that have been previously discussed in the context of this rule, and incorporates other lamps (high intensity, etc) that carry exactly the same issues as the fluorescent tubes.
RESPONSE
Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from commenters have shown that the majority of hazardous waste lamps fail the TCLP for mercury and sometimes for lead. Spent lamps that exhibit any of the hazardous waste characteristics are subject to today=s rulemaking.

In the proposed rule, the Agency proposed definitions for Aelectric lamp@ and Amercury-containing lamp.@ To both clarify and simplify the proposed definitions, and in response to comments, the Agency finalized a single definition of Alamp.@ The final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@

DCN FLEP- 00175
COMMENTER AT&T
SUBJECT DEF
COMMENT The Agency requests comment on the use of the terms "lamp" and "mercury- containing lamp" as used in the Proposal. AT&T agrees with the manner in which these terms are used and referenced in the Proposal.
RESPONSE
Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from commenters have shown that the majority of hazardous waste lamps fail the TCLP for mercury and sometimes for lead. Spent lamps that exhibit any of the hazardous waste characteristics are subject to today=s rulemaking.

In the proposed rule, the Agency proposed definitions for Aelectric lamp@ and Amercury-containing

lamp.@ To both clarify and simplify the proposed definitions, and in response to comments, the Agency finalized a single definition of Alamp.@ The final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@

DCN FLEP-00182
COMMENTER Eastman Kodak Company
SUBJECT DEF
COMMENT The Agency's definition of "spent material" [7] [Footnote 7: '261.1(c)(1)] suggests that the lamp would need to be contaminated during its use to be considered "spent". It is unclear to Kodak whether or not a sealed lamp ever actually becomes contaminated during its use, and therefore becomes "spent". We suggest the Agency eliminate all potential for disagreement over the definition of "spent" by eliminating that modifier from the exclusion language. This also makes sense since the hazardous component content of the sealed lamp (mercury) is unlikely to be any different whether the lamp has been used or not. Eliminating the word "spent" would also remove the potentially illogical construct of having used mercury-containing lamps not be hazardous waste, because they fall within the exclusion, and unused mercury-containing lamps be considered hazardous waste because they are not excluded. While it is not a normal occurrence, there may be situations where unused lamps are disposed. It would be burdensome to have to set up a separate disposal mechanism for those lamps as hazardous waste.
RESPONSE
As explained in the Response to Comments Section AEXCL1", the Agency is not finalizing the conditional exclusion option for the management of mercury-containing lamps. Based upon commenter input to the proposed rule, the Agency decided to include all hazardous waste lamps within the scope of the universal waste rule. For a waste to be a hazardous waste, it must first be a solid waste. EPA agrees with the commenter that the regulatory language should be clarified to avoid confusion. Accordingly, EPA has clarified in section 273.5 (c) of today=s rule that a used lamp becomes a waste on the date that it is discarded, and that an unused lamp becomes a waste on the date a handler decides to discard it.

DCN FLEP-00195

COMMENTER South Carolina Electric and Gas Company
SUBJECT DEF
COMMENT Finally, we believe that EPA should clarify that the term, mercury-containing lamps, includes but is not limited to flourescent lamps, mercury vapor lamps, high pressure sodium vapor lamps and metal halide lamps.
RESPONSE
Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from commenters have shown that the majority of hazardous waste lamps fail the TCLP for mercury and sometimes for lead. Therefore, EPA is expanding today=s rule to include waste lamps that exhibit any of the hazardous waste characteristics.

In the proposed rule, the Agency proposed definitions for Aelectric lamp@ and Amercury-containing lamp.@ To both clarify and simplify the proposed definitions, and in response to comments, the Agency finalized a single definition of Alamp.@ The final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@

DCN FLEP-00197
COMMENTER Cincinnati Gas and Electric Company
SUBJECT DEF
COMMENT EPA should confirm that the term "mercury-containing lamps" includes, but is not limited to, fluorescent lamps, mercury vapor lamps, high pressure sodium vapor lamps and metal halide lamps.
RESPONSE
Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from commenters have shown that the majority of hazardous waste lamps fail the TCLP for mercury and sometimes for lead. Therefore, EPA is expanding today=s rule to include waste lamps that exhibit any of the hazardous waste characteristics.

The final definition of Alamp@ includes all the types of lamps mentioned by the commenter. The final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@

DCN FLEP-00213
COMMENTER Consolidated Edison Company (Con Edison)
SUBJECT DEF
COMMENT However, EPA should confirm that the term "mercury-containing lamps" includes, but is not limited to, fluorescent lamps, mercury vapor lamps, high pressure sodium vapor lamps, and metal halide lamps.
RESPONSE
Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from commenters have shown that the majority of hazardous waste lamps fail the TCLP for mercury and sometimes for lead. Spent lamps that exhibit any of the hazardous waste characteristics are subject to today=s rulemaking.

The final definition of Alamp@ includes all the types of lamps mentioned by the commenter. The final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@
DCN FLEP-00222
COMMENTER Columbus Southern Power & OH Power Co.
SUBJECT DEF
COMMENT For purposes of this discussion, it has been assumed that "mercury-containing lamps" includes, but is not limited to, fluorescent lamps, mercury vapor lamps, high pressure sodium vapor lamps, and metal halide lamps. CSP/OPCo would like clarification that this is the case.
RESPONSE
Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from commenters have shown that the majority of hazardous waste lamps fail the TCLP for mercury and sometimes for lead. Spent lamps that exhibit any of the hazardous waste characteristics are subject to today=s rulemaking.

The final definition of Alamp@ includes all the types of lamps mentioned by the commenter. The final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@

DCN FLEP-00227
COMMENTER Page Electric Utility
SUBJECT DEF
COMMENT Page Electric Utility urges EPA to clarify the definition of mercury-containing lamps to identify what the term includes, as it is used in this rule.
RESPONSE
Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from commenters have shown that the majority of hazardous waste lamps fail the TCLP for mercury and sometimes for lead. Spent lamps that exhibit any of the hazardous waste characteristics are subject to today=s rulemaking.

In the proposed rule, the Agency proposed definitions for Aelectric lamp@ and Amercury-containing lamp.@ To both clarify and simplify the proposed definitions, and in response to comments, the Agency finalized a single definition of Alamp.@ The final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@

DCN FLEP-00230
COMMENTER BellSouth Corporation
SUBJECT DEF
COMMENT 2.The EPA also requested comments on its proposed definition of "mercury-containing lamp." Florida is one of the states which has a statutory prohibition on spent mercury-containing lamps (FS 403.7186). Their definition of mercury-containing lamp is "...any type of high or low pressure lighting device which contains mercury and generates light through the discharge of either directly or indirectly through a fluorescent coating. The term ... includes, but is not limited to, fluorescent lamps, mercury lamps, metal halide lamps and high pressure sodium lamps. The term excludes mercury containing lamps used in residential applications disposed of as part of ordinary household waste... It is assumed that 4 lamps are equal to 1 kilogram in weight." This description, though lengthy, is more definitive that offered in the July 27 proposal. It also gives a numerical equivalent for one kg of weight and gives examples of mercury-containing lamps.

RESPONSE
The Agency appreciates the input provided by the commenter on the definition of lamps. Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from commenters have shown that the majority of hazardous waste lamps fail the TCLP for mercury and sometimes for lead. Spent lamps that exhibit any of the hazardous waste characteristics are subject to today=s rulemaking.

In the proposed rule, the Agency proposed definitions for Aelectric lamp@ and Amercury-containing lamp.@ To both clarify and simplify the proposed definitions, and in response to comments, the Agency finalized a single definition of Alamp.@ The final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@ EPA is not adding a weight estimate to the definition because the definition is intended to include all lamps regardless of size.

The Agency=s final action of adding hazardous waste lamps to the scope of the universal waste system, however, is not expected to completely determine how hazardous waste lamps will be managed in individual states. States already have the option of including lamps within their universal waste programs. Furthermore, states that have not chosen to adopt universal waste programs, or have not included lamps within their universal waste programs, are not obligated to do so in response to EPA=s decision.

DCN FLEP-00256
COMMENTER Ford Motor Company
SUBJECT DEF
COMMENT Definition of Used/Unused Lamps 11 273.3l(a)] The Agency does not define "used" or "unused" lamps, but would require that any used lamp removed from its fixture immediately be considered a hazardous waste. The agency should clarify that "used" lamps that are not yet spent or 'burned-out' which the generator intends; to use in another fixture not be considered a waste until the generator decides to throw it away. This would allow for the situation where a fixture is defective or being removed for some other reason, but the lamp is still good and intended to be used.
RESPONSE
Based upon commenter input to the proposed rule, the Agency decided to include all hazardous waste lamps within the scope of the universal waste rule and has clarified when a lamp is considered. For a waste to be a hazardous waste, it must first be a solid waste. Accordingly,

EPA has clarified in section 273.5 (c) of today=s rule that, a used lamp becomes a waste on the date that it is discarded, and that an unused lamp becomes a waste on the date a handler decides to discard it.

DCN FLEP-00260
COMMENTER Salt River Project
SUBJECT DEF
COMMENT To be of value, the exclusion must include all mercury-containing lamps, including discarded fluorescent lamps, metal halide lamps, mercury vapor lamps, and high pressure sodium lamps.
RESPONSE
The Agency is not finalizing the conditional exclusion option for the management of mercury-containing lamps. Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from commenters have shown that the majority of hazardous waste lamps fail the TCLP for mercury and sometimes for lead. Spent lamps that exhibit any of the hazardous waste characteristics are subject to today=s rulemaking.

The final definition of Alamp@ includes all the types of lamps mentioned by the commenter. The final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@

DCN FLEP-00265
COMMENTER Indiana Manufacturers Association
SUBJECT DEF
COMMENT Further, the IMA requests US EPA to clarify that the definition of "mercury-containing lamps" to include at a minimum fluorescent lamps, mercury vapor lamps, high pressure sodium vapor lamps, and met halide lamps.
RESPONSE
Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from commenters have shown that the majority of hazardous waste lamps fail the TCLP for mercury and sometimes for lead. Spent lamps that exhibit any of the hazardous waste characteristics are subject to today=s rulemaking.

The final definition of Alamp@ includes all the types of lamps mentioned by the commenter. The final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@

DCN FLEP-00279
COMMENTER Consumers Power Company
SUBJECT DEF
COMMENT 7. The definition of mercury-containing lamps should include, at a minimum, fluorescent tubes, mercury vapor bulbs and metal halide bulbs.
RESPONSE
Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from commenters have shown that the majority of hazardous waste lamps fail the TCLP for mercury and sometimes for lead. Spent lamps that exhibit any of the hazardous waste characteristics are subject to today=s rulemaking.

The final definition of Alamp@ includes all the types of lamps mentioned by the commenter. The final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@

DCN FLEP-00283
COMMENTER Michigan Chamber of Commerce
SUBJECT DEF
COMMENT We urge the U.S. EPA to confirm that the term "mercury-containing lamps" includes, but is not limited to: fluorescent lamps, mercury vapor lamps, high pressure sodium vapor lamps and metal halide lamps.
RESPONSE
Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from commenters have shown that the majority of hazardous waste lamps fail the TCLP for mercury and sometimes for lead. Spent lamps that exhibit any of the hazardous waste characteristics are subject to today=s rulemaking.

The final definition of Alamp@ includes all the types of lamps mentioned by the commenter. The final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@

DCN FLEP-00284
COMMENTER Virginia Power
SUBJECT DEF
COMMENT In order to completely address lamp waste, EPA should ensure that the exemption includes, but is not limited to, fluorescent, mercury vapor, sodium and metal halide lamps.
RESPONSE
Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from commenters have shown that the majority of hazardous waste lamps fail the TCLP for mercury and sometimes for lead. Spent lamps that exhibit any of the hazardous waste characteristics are subject to today=s rulemaking.

The final definition of Alamp@ includes all the types of lamps mentioned by the commenter. The final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@

DCN FLEP-00296
COMMENTER State of Ohio EPA
SUBJECT DEF
COMMENT Specific Comments Definition of electric lamp and mercury-containing lamps - The proposed definition does not cover components of the lamp such end-caps, metal connecting pins, etc. Since these parts are integral to the operation of the unit, they should be incorporated in the definition. Narrowing the scope of the definition to the bulb or tube also could complicate or hinder electric and mercury-containing lamp management.
RESPONSE
Today=s rule adds hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). In the proposed rule, the Agency proposed definitions for Aelectric lamp@ and Amercury-containing lamp.@ To both clarify and simplify the proposed definitions, and in response to comments, the Agency finalized a single definition of Alamp.@ The final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@ The Agency intends the terms Athe bulb or tube portion@ to be inclusive of all the components of the lamp, including the end-caps and metal connecting pins.

DCN FLEP-00304
COMMENTER A&K Service Corporation
SUBJECT DEF
COMMENT One example is the term "spent lamps". Many times when we remove a lamp during a relamp service it is still useable. In our estimation this lamp is not spent, however, it is generally still disposed of in the same manner as a lamp which is totally inoperative or "spent". This and many other parts of the legislation are vague and could be interpreted differently by different people. We feel it is imperative that the EPA act quickly to eliminate this confusion, reduce building maintenance costs, and gain the full benefits of energy efficient relamping by promulgating the conditional exclusion.
RESPONSE
Based upon commenter input to the proposed rule, the Agency decided to include all hazardous waste lamps within the scope of the universal waste rule and to clarify when a lamp is considered a waste. For a waste to be a hazardous waste, it must first be a solid waste. Accordingly, EPA has clarified in section 273.5 (c) of today=s rule that a used lamp becomes a waste on the date that it is discarded, and that an unused lamp becomes a waste on the date a handler decides to discard it.

DCN FLEP-00309
COMMENTER Bethlehem Apparatus Company
SUBJECT DEF
COMMENT 1. Definitions Request, p.38,289, col. 2. Bethlehem agrees that the definitions of electric lamp and mercury lamp are broad enough to encompass all of the Lamps with which Bethlehem is familiar.
RESPONSE
Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from commenters have shown that the majority of hazardous waste lamps fail the TCLP for mercury and sometimes for lead. Spent lamps that exhibit any of the hazardous waste characteristics are subject to today=s rulemaking.

In the proposed rule, the Agency proposed definitions for Aelectric lamp@ and Amercury-containing lamp.@ To both clarify and simplify the proposed definitions, and in response to comments, the

Agency finalized a single definition of Alamp.@ The final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@

DCN FLEP-L0002
COMMENTER Memphis Light, Gas and Waste Division
SUBJECT DEF
COMMENT MLGW urges EPA to clarify the definition of "mercury-containing lamps" to identify exactly what the term encompasses as it is used in this rule.
RESPONSE
Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from commenters have shown that the majority of hazardous waste lamps fail the TCLP for mercury and sometimes for lead. Spent lamps that exhibit any of the hazardous waste characteristics are subject to today=s rulemaking.

In the proposed rule, the Agency proposed definitions for Aelectric lamp@ and Amercury-containing lamp.@ To both clarify and simplify the proposed definitions, and in response to comments, the Agency finalized a single definition of Alamp.@ The final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@

DCN FLEP-L0003
COMMENTER Greater Fort Wayne Chamber of Commerce
SUBJECT DEF
COMMENT We urge the U.S. EPA to confirm that the term "mercury-containing lamps" includes, but is not limited to: fluorescent lamps, mercury vapor lamps, high pressure sodium vapor lamps and metal halide lamps.
RESPONSE
Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from commenters have shown that the majority of hazardous waste lamps fail the TCLP for mercury and sometimes for lead. Spent lamps that exhibit any of the hazardous waste characteristics are subject to today=s rulemaking.

The final definition of Alamp@ includes all the types of lamps mentioned by the commenter. The final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@

DCN FLEP-L0012
COMMENTER Navajo Tribal Utility Authority
SUBJECT DEF
COMMENT Further, as we understand the situation, the universal waste option would encompass all spent lighting waste lamps, including incandescent and neon, as opposed to only mercury-containing lamps. The Authority urges EPA to clarify the definition of "mercury-containing lamps" to identify with particularly items included in that term, as used in the rule.
RESPONSE
Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from commenters have shown that the majority of hazardous waste lamps fail the TCLP for mercury and sometimes for lead. Spent lamps that exhibit any of the hazardous waste characteristics are subject to today=s rulemaking.

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DCN FLEP-00138
COMMENTER Indiana Michigan Power Company
SUBJECT DEF
COMMENT The conditional exclusion should also apply to incandescent bulbs as well. Supporting comments are as follows: >I&M strongly

supports the conditional exclusion for mercury-containing lamps, which will ensure that such lamps are managed in an environmentally sound manner without the undue constraints and burdens of RCRA Subtitle C regulation.

RESPONSE

As explained in the Response to Comments Section AEXCL1", the Agency is not finalizing a conditional exclusion for mercury-containing lamps. Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from commenters have shown that the majority of hazardous waste lamps fail the TCLP for mercury and sometimes for lead. Spent lamps that exhibit any of the hazardous waste characteristics are subject to today=s rulemaking.

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DCN FLEP-00138

COMMENTER Indiana Michigan Power Company

SUBJECT DEF

COMMENT USEPA should also confirm that the term "mercury-containing lamps" includes, but is not limited to, fluorescent lamps, mercury vapor lamps, high pressure sodium vapor lamps, and metal halide lamps.

RESPONSE

As explained in the Response to Comments Section AEXCL1", the Agency is not finalizing a conditional exclusion for mercury-containing lamps. Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from commenters have shown that the majority of hazardous waste lamps fail the TCLP for mercury and sometimes for lead. Spent lamps that exhibit any of the hazardous waste characteristics are subject to today=s rulemaking.

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Auniversal waste lamp@ is defined as 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.@

DCN FLEP-00200
COMMENTER Duquesne Light Company
SUBJECT DEF
COMMENT We believe the definition of "mercury containing lamps" should include, but not be limited to, fluorescent lamps, mercury vapor lamps, high pressure sodium lamps, and metal halide lamps since they all contain varying degrees of mercury.
RESPONSE
Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from commenters have shown that the majority of hazardous waste lamps fail the TCLP for mercury and sometimes for lead. Spent lamps that exhibit any of the hazardous waste characteristics are subject to today=s rulemaking.

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DCN FLEP-00222
COMMENTER Columbus Southern Power & OH Power Co.
SUBJECT DEF
COMMENT CSP/OPCo also feels that incandescent bulbs should be included in the exemption due to the same reasons presented for mercury-containing lamps. CSP/OPCo appreciates the opportunity to comment on this very important issue and hopes that its comments have illustrated the consequences of failing to exclude mercury containing lamps and incandescent bulbs from Subtitle C regulation.
RESPONSE
Today=s rule does not include a conditional exclusion for mercury-containing lamps. Today=s rule adds all hazardous waste lamps to the scope of the universal waste rule (40 CFR Part 273). EPA studies and data from commenters have shown that the majority of hazardous waste lamps fail the TCLP for mercury and sometimes for lead. Spent lamps that exhibit any of the hazardous waste

characteristics are subject to today=s rulemaking.

In the proposed rule, the Agency proposed definitions for Aelectric lamp@ and Amercury-containing lamp.@ To both clarify and simplify the proposed definitions, and in response to comments, the Agency finalized a single definition of Alamp.@ The final definition (40 CFR 260.10 and 40 CFR 273.9), specifies that a A*Lamp*, also referred to as Auniversal waste lamp@ is defined as 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.@ Although not included in the examples provided in the definition, waste incandescent lamps are covered under today=s rule if they fail TCLP. The preamble to the final rule includes a discussion on incandescent lamps, noting that most incandescent lamps are generated by households or small facilities.