

US EPA ARCHIVE DOCUMENT

DCN FLEP-00040

COMMENTS Eli Lilly and Company

SUBJECT EXCL4

COMMENT II. Conditional Exclusion: The exclusion should be limited to Subtitle D landfills, and not be extended to include municipal waste combustors. Lilly agrees that introduction of mercury in an inorganic form into a combustor provides no waste treatment benefit, and results only in volatilization of the mercury.

RESPONSE

As required by the Clean Air Act Amendments of 1990, the Agency issued the *Mercury Study Report to Congress*. The study estimates the quantity of mercury emissions to the air from a number of human activities, estimates the health and environmental impacts associated with these mercury emissions, and describes the technologies available to control mercury emissions from these sources. The report concludes that there is cause to seek further reductions in mercury releases and exposures to mercury.

In today's final rule, the Agency is finalizing management standards for hazardous waste lamps within the universal waste regulations under 40 CFR Part 273. The universal waste rule provides a reduced, or streamlined set of waste management requirements (i.e., the universal waste rule is less stringent than full Subtitle C management standards) for certain widely-generated hazardous wastes, and allows the Agency to set specific management standards.

Under the rule finalized today, generators, collectors and transporters of spent hazardous waste lamps are subject to management standards that are protective, yet less burdensome on handlers of spent lamps, and at the same time ensure that hazardous waste lamps are ultimately destined for fully regulated hazardous waste management facilities.

As required under the universal waste rule, destination facilities (i.e., recycling facilities and treatment and disposal facilities) are subject to all hazardous waste management requirements applicable to permitted or interim status hazardous waste treatment, storage, and disposal facilities. While the Agency is not restricting handlers of hazardous waste lamps from using combustion as a form of treatment, the combustion unit used must be in compliance with all applicable hazardous waste management standards and RCRA permitting requirements. These requirements preclude the management of spent hazardous waste lamps that exhibit one or more characteristics of hazardous waste in municipal combustors.

DCN FLEP-00054

COMMENTS U.S. Department of Interior

SUBJECT EXCL4

COMMENT If the Conditional Exclusion (option A) is selected, written certification should be maintained and generators should not be allowed to send lamps to waste combustors for disposal.

RESPONSE

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Large quantity handlers of universal waste, or those persons that accumulate more than 5,000 kg of universal waste at any time, must notify EPA of their universal waste management activities. A large quantity handler also is required to keep a record of each shipment of universal waste received and each shipment sent off-site. EPA is not specifying the type of records that must be obtained by large quantity handlers. The record may take the form of a log, invoice, manifest, bill of lading or other shipping document. Records must be kept for three years from the date that the waste is received at the handler site or sent off-site. Small quantity handlers are not required to keep records of shipments of universal waste. The tracking requirements promulgating in the final rule are similar to the certification requirement included in the proposed rule, but are more consistent with the universal waste rule.

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DCN FLEP-00068

COMMENTS H.B. Fuller Company

SUBJECT EXCL4

COMMENT We support EPA's decision to eliminate large volume incineration of lamps in solid waste incinerators.

RESPONSE

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DCN FLEP-00079

COMMENTS Voltarc Technologies, Inc.

SUBJECT EXCL4

COMMENT Disposal of Spent Fluorescent Lamps By Controlled Incineration

Due to the enormous cost of recycling and the ever decreasing availability of hazardous landfill space, Voltarc believes it is imperative that EPA continue to permit disposal of fluorescent lamps at environmentally sound, licensed and regulated municipal incinerators. Incineration avoids the need to find additional landfill locations and extra transportation of the spent wastes.

As the Preamble makes clear, technology exists to reduce mercury from municipal waste combustors by 80 to 90%. Properly regulated incineration should be encouraged as a financially feasible and environmentally sound method to dispose of spent lamps. Best management practices can be included as a condition of the exclusion or as part of receiving facility permits.

RESPONSE

As required by the Clean Air Act Amendments of 1990, the Agency issued the *Mercury Study Report to Congress*. The study estimates the quantity of mercury emissions to the air from a number of human activities, estimates the health and environmental impacts associated with these mercury emissions, and describes the technologies available to control mercury emissions from these sources. The report concludes that there is cause to seek further reductions in mercury releases and exposures to mercury.

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Agency studies have shown that municipal combustors can be a significant source of mercury emissions. The management of spent hazardous waste lamps at such facilities is not protective of human health and the environment. Adequate management capacity for lamps is available. Generators of hazardous waste lamps may choose to recycle the lamps at a state permitted, licensed, or registered mercury reclamation facility or send their spent lamps to a fully-regulated hazardous waste treatment and/or disposal facility.

DCN FLEP-00163

COMMENTS Massachusetts Dept. of Environ. Prot.

SUBJECT EXCL4

COMMENT 2. Is prohibiting SFLs from incineration appropriate: MA DEP agrees that incineration of SFLs in municipal solid waste combustors by Small and Large Quantity Generators should be prohibited. However, the MA DEP does not agree that CESQGs should be exempt from the incineration ban for up to 350 SFLS. MA DEP currently regulates CESQGs as Very Small Quantity Generators (VSQGS) and would extend an incineration ban to VSQGS. At this time, however, MA DEP is not planning to ban SFLs that fall under the household hazardous waste exemption from either incineration or landfilling.

RESPONSE

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Under the rule finalized today, collectors and transporters of spent hazardous waste lamps are subject to management standards that are protective, while reducing the burden to generators and

collectors, and at the same time ensuring that these waste are ultimately destined for fully regulated hazardous waste management facilities.

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EPA notes that current RCRA exemptions are not affected by today's rule, including the household hazardous waste exemption under 40 CFR' 261.4(b)(1). In addition, generators can qualify for the conditionally exempt small quantity generator (CESQGs) regulations under 40 CFR 261.5, which is based upon the amount of all hazardous wastes generated by an individual generator in a calendar month. Under the CESQG exemption, if the total amount of all hazardous wastes generated in a single month is under 100 kilograms, the generator is not subject to the universal waste requirements of today's final rule for the management of spent lamps. Note, authorized states may be more stringent than the Federal regulations.

DCN FLEP-00176

COMMENTS Coalition of Lamp Recyclers

SUBJECT EXCL4

COMMENT In many locations the municipal solid waste could and often does go to one of several disposal facilities, including MSW incinerators. Municipal solid waste incinerators do not have adequate capture capability for mercury.

RESPONSE

The Agency agrees that hazardous waste lamps should be diversified from the municipal waste stream to the extent possible. In today's final rule, the Agency is finalizing management standards for hazardous waste lamps within the universal waste regulations under 40 CFR Part 273. The universal waste rule provides a reduced, or streamlined set of waste management requirements (i.e., the universal waste rule is less stringent than full Subtitle C management standards) for certain widely-generated hazardous wastes, and allows the Agency to set specific management standards.

Under the rule finalized today, collectors and transporters of spent mercury-bearing lamps are subject to management standards that are protective, while reducing the burden to generators and collectors, and at the same time ensuring that these waste are ultimately destined for fully regulated hazardous waste management facilities.

As required under the universal waste rule, destination facilities (i.e., recycling facilities and treatment and disposal facilities) are subject to all hazardous waste management requirements

applicable to permitted or interim status hazardous waste treatment, storage, and disposal facilities. While the Agency is not restricting handlers of hazardous waste lamps from using combustion as a form of treatment, the combustion unit used must be fully regulated under RCRA full Subtitle C and the Clean Air Act.

DCN FLEP-00177

COMMENTS Philps Lighting Company

SUBJECT EXCL4

COMMENT Clearly, disposal of mercury containing lamps should not be allowed in municipal combustors unless they meet the Clean Air Act standards as soon as they are promulgated.

RESPONSE

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DCN FLEP-00186

COMMENTS Building Owners or Managers Assn. Int.

SUBJECT EXCL4

COMMENT Conditions of Exclusion BOMA members believe it is reasonable to require as the conditions of this exclusion that the generator dispose of lamps in a municipal solid waste landfill that is permitted by a State/Tribe with an EPA-approved municipal solid waste permitting program or sent to a State permitted, licensed, or registered mercury reclamation facility. At the same time, BOMA urges EPA to also allow lamps to be disposed of in non-municipal, solid waste, Subtitle D disposal facilities or municipal waste combustors should scientific

evidence show that these options are sufficiently protective of the environment.

RESPONSE

As required by the Clean Air Act Amendments of 1990, the Agency issued the *Mercury Study Report to Congress*. The study estimates the quantity of mercury emissions to the air from a number of human activities, estimates the health and environmental impacts associated with these mercury emissions, and describes the technologies available to control mercury emissions from these sources. The report concludes that there is cause to seek further reductions in mercury releases and exposures to mercury.

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DCN FLEP-00204

COMMENTER American Lamp Recycling, Ltd.

SUBJECT EXCL4

COMMENT We also applaud the Agency's recognition that the incineration of mercury-containing lamps is an inappropriate means of management for these devices.

RESPONSE

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DCN FLEP-00228

COMMENTS STAPPA/ALAPCO

SUBJECT EXCL4

COMMENT Under the other scenario, the amount of mercury currently estimated to be released by municipal waste incinerators would increase significantly. It is clear that the current emission levels are a problem that should be immediately addressed. Any increase in mercury emissions is not protective of human health and the environment.

RESPONSE

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DCN FLEP-00285

COMMENTS Legislative Commission on Waste Mgmt.

SUBJECT EXCL4

COMMENT It is agreed, even by the lamp industry, that incineration of lamps is not an appropriate management method because the mercury in the lamps would be emitted into the atmosphere.

RESPONSE

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DCN FLEP-00295

COMMENTS Texas Instruments, Inc.

SUBJECT EXCL4

COMMENT TI agrees that this exclusion should not be extended to lamps disposed in municipal waste combustors due to concerns over mercury in air emissions.

RESPONSE

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DCN FLEP-00296

COMMENTS State of Ohio EPA

SUBJECT EXCL4

COMMENT Mercury from incinerator flue gas - Given that research shows that over 98 percent of mercury is released during high temperature combustion processes, and that the fate of mercury in incinerator flue gas and fly ash are uncertain depending on local conditions, it is clear that the U.S. EPA is correct to limit an exclusion of electric lamps to MSW landfills.

RESPONSE

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DCN FLEP-L0006

COMMENTS National Food Processors Association

SUBJECT EXCL4

COMMENT NFPA agrees with the provision of the conditional exclusion option that would prohibit regulated generators from sending lamps to municipal waste combustors. The option provides other alternatives that are more appropriate for sound management of used lamps.

RESPONSE

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DCN SCSP-L0009

COMMENTER National Electric Manufacturers Assn.

SUBJECT EXCL4

COMMENT NEMA is less certain about whether lamps containing mercury pose a risk when managed in municipal incinerators. The EPA RTI report and NEMA's October 1992 report entitled "The Management of Spent Electric Lamps Containing Mercury" (NEMA Report), both cite studies that demonstrate that mercury emissions can be controlled at various levels of efficiency depending on the type of air pollution control device and the combustion conditions. RTI concludes, however, that even given the variability in the efficiency of mercury controls, "there appears to be little likelihood of hazard to human health from direct inhalation exposure to mercury emissions from municipal waste combustion facilities" (RTI report, p. 167). In spite of these findings and because very few municipal waste incinerators have mercury controls, NEMA believes it prudent either to avoid incineration of lamps until EPA obtains more complete information about the risks from incineration of lamps, or to allow incineration of lamps only case-by-case on an assessment of risks from mercury emissions from specific incinerators.

RESPONSE

As required by the Clean Air Act Amendments of 1990, the Agency issued the *Mercury Study Report to Congress*. The study estimates the quantity of mercury emissions to the air from a

number of human activities, estimates the health and environmental impacts associated with these mercury emissions, and describes the technologies available to control mercury emissions from these sources. The report concludes that there is cause to seek further reductions in mercury releases and exposures to mercury.

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EPA notes for the commenter that the Agency published a Notice of Data Availability on July 11, 1997 (62 FR 37183). This notice presented data collected by the Agency and an assessment of potential mercury emissions from the management of spent hazardous waste lamps under several regulatory approaches.

DCN FLEP-L0013
COMMENTS Osram Sylvania
SUBJECT EXCL4

COMMENT Irrespective of the regulatory status of lamps, it is highly undesirable for the environment that a "nonhazardous" designation be dependent solely on the TCLP results. Lamps containing mercury should not be disposed of by incineration. Incineration is the only significant source of airborne releases of mercury resulting from the disposal of this waste stream.

RESPONSE

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DCN FLEP-00297

COMMENTER Florida Dept. of Environ. Protection

SUBJECT EXCL4

COMMENT While the Department prefers the second option of including mercury-containing lamps under the Universal waste System approach above, it believes that EPA's proposals in this regard need to be modified as follows. However, the Department does support the prohibition on shipping mercury-containing lamps, whether or not they are characteristically hazardous for mercury, to MWCs and thinks that this should be added to the universal waste system approach.

RESPONSE

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