

US EPA ARCHIVE DOCUMENT

DCN FLEP-00283

COMMENTER Michigan Chamber of Commerce

SUBJECT REGFLEX

COMMENT Since many of the Michigan Chamber's 6,200 members, two-thirds represented by "small business", could be subjected to the stringent and costly requirements of full hazardous waste regulation, we urge you to quickly resolve this regulatory issue.

RESPONSE

As a result of today's rulemaking, small business generators of hazardous waste lamps will not be subjected to the stringent and costly requirements of the full Subtitle C management standards. The universal waste rule subjects large quantity handlers (i.e., generators, collectors and transporters who handle more than 5,000 kg of universal waste at any time) to a reduced set of management standards. Small quantity handlers are subject to still fewer standards. Universal waste handlers do not have to comply with full Subtitle C storage standards can store universal wastes on-site for up to one year, and do not have to comply with the hazardous waste manifesting requirements. In addition, generators who generate less than 100 kg of hazardous waste in any given month qualify as a conditionally exempt small quantity generator (CESQG). CESQGs are excluded from most RCRA hazardous waste requirements, including the universal waste standards, per 40 CFR ' 261.5.

DCN FLEP-00287

COMMENTER E.F. Friesenhahn

SUBJECT REGFLEX

COMMENT Business and economic enhancements. The recycling industry is comprised of small entrepreneurs companies providing jobs and high-technology opportunities for the nation at large. This effort is clearly consistent with bipartisan agendas for business and economic development. The industry has exhibited its ability to respond to both specific states, and national capacity and technology requirements. Therefore, the EPA should encourage recycling not only for environmental but also the economic advantages.

RESPONSE

EPA believes that today's final rule will promote the recycling of hazardous waste lamps. Today's rulemaking provides a streamlined set of management standards for generators, collectors, and transporters of hazardous waste lamps. These streamlined standards represent significant reductions in waste management costs compared to the full Subtitle C standards, yet ensure that lamps are recycled or treated in an environmentally protective manner at full Subtitle C hazardous waste facilities.

Today's final rule will facilitate the environmentally-sound collection and the proper recycling or

treatment of spent hazardous waste lamps. This premise is based on the belief that less complex regulations will increase the collection of universal wastes, resulting in greater quantities of lamps being available for recycling. The ability to access large quantities of universal waste from central collection centers may encourage the development of safe and effective methods to recycle universal waste.

DCN FLEP-00288

COMMENTER City of New Braunfels/Co. of Comal

SUBJECT REGFLEX

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DCN FLEP-00307

COMMENTER Associated Industries of Massachusetts

SUBJECT REGFLEX

COMMENT Too often, regulations such as this one produce a situation where a relatively few, larger, more financially secure companies comply with complex regulatory details while many smaller firms, without the financial means to hire compliance managers, unintentionally fail to comply, often due to a lack of knowledge of these minute regulations. The net effect is that in

many cases mercury-containing lamps are disposed of in regular municipal solid waste landfills. The costly burden of sorting, testing and separately disposing of mercury-containing lamps as hazardous waste, in addition to meeting the various RCRA Subtitle C requirements, pays little in environmental dividends.

**RESPONSE**

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As a result of today's rule, fewer hazardous waste lamps will be managed in the municipal solid waste stream, therefore reducing the number of lamps going to municipal combustors and decreasing the potential for lamps to be crushed and/or broken in uncontrolled environments during storage and transport (e.g., dumpsters and garbage trucks).

DCN FLEP-00233

COMMENTER Uniroyal Chemical Company, Inc.

SUBJECT REGFLEX

COMMENT Small facilities often find the waste identification process and costs of having a TCLP performed burdensome. Option 1 is thus more favorable to small quantity or conditionally exempt generators. It also will protect the generator status of this category of facilities since option 1 would make these lamps not a solid waste thus encouraging small generators to participate in the Green Lights Program.

**RESPONSE**

Today's final rule adds hazardous waste lamps to the universal waste regulations under 40 CFR Part 273. The Agency has determined that hazardous waste lamps meet the criteria established for designating a material as universal waste. The universal waste rule provides a reduced, or streamlined set of requirements (i.e., universal waste rule is less stringent than full Subtitle C management standards). In today's rule, the Agency is not finalizing the conditional exclusion option for the management of hazardous waste lamps.

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subjected to the stringent and costly requirements of the full Subtitle C management standards. The universal waste rule subjects large quantity handlers (i.e., generators, collectors and transporters who handle more than 5,000 kg of universal waste at any time) to a reduced set of management standards. Small quantity handlers are subject to still fewer standards. Universal waste handlers do not have to comply with full Subtitle C storage standards can store universal wastes on-site for up to one year, and do not have to comply with the hazardous waste manifesting requirements. In addition, generators who generate less than 100 kg of hazardous waste in any given month qualify as a conditionally exempt small quantity generator (CESQG). CESQGs are excluded from most RCRA hazardous waste requirements, including the universal waste standards, per 40 CFR ' 261.5.

The current universal waste rule prohibits universal waste handlers from crushing universal wastes (40 CFR ' 273.11 and 273.31). The final rule for hazardous waste lamps retains the treatment prohibition for universal waste handlers and applies the prohibition to handlers of hazardous waste lamps. The definition of treatment under RCRA includes ~~A~~any method, technique, or process...designed to change the physical, chemical, or biological character or composition of any hazardous waste, so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous, or less hazardous; safer to transport, store or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.® The crushing of hazardous waste lamps clearly falls within the definition of treatment under RCRA (40 CFR 260.10).

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

Universal waste handlers, on the other hand, are allowed a much longer accumulation time limit of one year and need not comply with specific technical standards for accumulation and storage units. Instead, they are subject only to the general performance standard of managing universal wastes in a manner ~~A~~that prevents releases®to the environment. In addition, information available to the Agency on drum top crushing systems for lamps indicates that these units may allow significant air emissions of mercury, particularly when the units are not in operation, and emissions often may exceed the OSHA limit of 0.05 mg/m<sup>3</sup>.

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-00235

COMMENTS Innovated Concept Systems

SUBJECT REGFLEX

COMMENT At NCS, we would support the proffered Conditional Exclusion generally. However, if the proposed changes take effect as currently presented, all parties concerned will still be negatively affected. Small businesses will suffer the most, having neither the ability to handle the increased paperwork, nor the wherewithal to finance what we expect will be hugely increased costs for transportation, storage and disposal or recycling of the generated waste materials-- materials that have little impact on the environment (fluorescent lamps are responsible for less than 1/3 ton of mercury annually) compared to emissions from power-generation (up to 286 tons of mercury in the same period). We feel that such a minor effect makes Subtitle C landfilling unnecessary for fluorescent and H.I.D. lamps.

RESPONSE

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