

US EPA ARCHIVE DOCUMENT

DCN FLEP-00011

COMMENTER General Motors

SUBJECT UNWAS5

COMMENT Tracking Alternatives (page 38296) GM agrees with the Agency that shipments of lamps are more likely to be made directly from generators to destination facilities than to consolidation points. We therefore support the proposed language (i.e., as in proposed ' 273.12(b)); that manifests only be required for shipments between the last consolidation point and a destination facility.

RESPONSE

Today's final rule adds hazardous waste lamps to the universal waste regulations under 40 CFR Part 273. The final rule for hazardous waste lamps does not contain separate categories for generators and consolidation points. Instead, the hazardous waste lamps rule is consistent with the categories in the final universal waste rule, which categorizes persons who would have been included in the generator and consolidation point categories as small quantity handlers of universal waste (SQHUWs) and large quantity handlers of universal waste (LQHUWs).

Under the universal waste system, manifests are not required for lamp shipments between hazardous waste lamp generators and collection points or disposal or recycling facilities. The Agency has decided to retain the current tracking requirements in Part 273 for hazardous waste lamps. The universal waste rule includes a basic record keeping requirement to track waste shipments arriving at and leaving from large quantity handlers. Large quantity handlers (those who accumulate greater than 5,000 kilograms total of universal waste at one time) are required to keep records of each shipment of hazardous waste lamps received and keep records of each shipment of lamps sent off-site. The record may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The Agency believes that standard business records that would normally be kept by any business will fulfill this requirement. Records must be retained for at least three years from the date of receipt of a shipment of lamps or the date a shipment of lamps left the facility. Small quantity handlers (those who accumulate 5,000 kilograms or less of total universal waste at one time) are not required to keep records of shipments of hazardous waste lamps.

DCN FLEP-00025

COMMENTER Environmental Energy Group/NAEP

SUBJECT UNWAS5

COMMENT As to the question of waste lamp shipment documentation a bill of lading is appropriate as a standard for all generators. New lamps are delivered by common carrier in this fashion and it seems unlikely that shipment of any commodity over the road today would not carry some reference document to origin, contents, and destination. We have some question as to why

manifests and hazardous waste transporters should be required for shipments from consolidation points to destination facilities. This is a cost escalation element of questionable value as such costs must be passed through and borne by the service recipient (original generator). Record keeping (receiving and shipping) requirements can and should be imposed on consolidation points but not in a manner which would automatically increase costs of transport to final destinations.

RESPONSE

Today's final rule adds hazardous waste lamps to the universal waste regulations under 40 CFR Part 273. The final rule for hazardous waste lamps does not contain separate categories for generators and consolidation points. Instead, the hazardous waste lamps rule is consistent with the categories in the final universal waste rule, which categorizes persons who would have been included in the generator and consolidation point categories as small quantity handlers of universal waste (SQHUWs) and large quantity handlers of universal waste (LQHUWs).

The Agency agrees with the commenter and believes that standard business records that would normally be kept by any business will fulfill the tracking requirement for hazardous waste lamps. Under the universal waste regulation, the record may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The Agency has decided to retain the current tracking requirements in Part 273 for hazardous waste lamps which do not require use of a manifest for universal waste tracking. The universal waste rule includes a basic record keeping requirement to track waste shipments arriving at and leaving from large quantity handlers. Large quantity handlers (handlers that accumulate greater than 5,000 kilograms of total universal waste at one time) are required to keep records of each shipment of hazardous waste lamps received and keep records of each shipment of lamps sent off-site. Records must be retained for at least three years from the date of receipt of a shipment of lamps or the date a shipment of lamps left the facility. Small quantity handlers (handlers that accumulate 5,000 kilograms or less of total universal waste at one time) are not required to keep records of shipments of hazardous waste lamps. Transporters are not required to have manifests accompany off-site shipments of universal waste. Transporters of universal waste must decide if the waste falls under any of the other DOT hazard classes to determine if compliance with the DOT requirements for hazardous materials under 49 CFR parts 171 through 180 is required. If the waste material does not meet the definition in the HMR for hazardous waste or any other hazardous material, its shipping description on shipping papers will not include a hazard class or identification number shown in the HMR.

DCN FLEP-00022

COMMENTS Cooper Industries

SUBJECT UNWAS5

COMMENT We are particularly concerned about the lack of regulatory requirements for Consolidation Points and are unlikely to send

our spent lamps to them, due to liability concerns. Currently, Cooper does not allow any hazardous waste to be shipped through a Consolidation Point because of the lack of regulatory requirements. As generators of the waste, we remain ultimately responsible for the disposition of the lamps and would prefer to see sufficient record keeping requirements placed on transporters to ensure proper delivery to designated destination facilities. Such requirements will serve to protect the interests of the generators in responsible downstream management.

RESPONSE

The final rule for hazardous waste lamps does not contain a separate category for consolidation points. EPA is including hazardous waste lamps within the universal waste regulations under 40 Part 273. When the final universal waste rule was published, the Agency established four categories of persons managing universal wastes. The transporter and destination facility categories were retained essentially as proposed. However, the persons who would have been included in the generator and consolidation point categories were merged to create two new categories of participants: small quantity handlers of universal waste (SQHUWs) and large quantity handlers of universal waste (LQHUWs). In the hazardous waste lamps final rule, the Agency has decided to remain consistent with the existing universal waste regulations and retain the four categories of participants that were finalized in the universal waste rule. Consolidators are subject to the universal waste handler standards.

The final rule for hazardous waste lamps does not require a manifest to accompany a shipment but the generator may use a manifest if he so chooses. The Agency has decided to retain the current tracking requirements in Subpart D of Part 273 for hazardous waste lamps. Under the universal waste system, hazardous waste manifests need not accompany off-site shipments of universal waste. Transporters of universal wastes must, however, comply with any applicable Department of Transportation (DOT) requirements. Small quantity handlers are not required to keep records of shipments of universal waste lamps. Large quantity handlers must track waste lamp shipments by maintaining records documenting shipments received by and sent from the facility. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The Agency believes that standard business records that are normally kept by businesses will fulfill this requirement. Also, it should be noted that a handler may ship universal waste directly to a destination facility if he so chooses.

DCN FLEP-00023

COMMENTS Kmart Corporation

SUBJECT UNWAS5

COMMENT We are particularly concerned about the lack of regulatory requirements for Consolidation Point management standards and are especially sensitive to the associated potential liability issues.

RESPONSE

The final rule for hazardous waste lamps does not contain a separate category for consolidation points. EPA is including hazardous waste lamps within the universal waste regulations under 40 Part 273. When the final universal waste rule was published, the Agency established four categories of persons managing universal wastes. The transporter and destination facility categories were retained essentially as proposed. However, the persons who would have been included in the generator and consolidation point categories were merged to create two new categories of participants: small quantity handlers of universal waste (SQHUWs) and large quantity handlers of universal waste (LQHUWs). In the hazardous waste lamps final rule, the Agency has decided to remain consistent with the existing universal waste regulations and retain the four categories of participants that were finalized in the universal waste rule. Consolidators are subject to the universal waste handler standards. It should be noted that a handler may ship universal waste directly to a destination facility if he so chooses.

DCN FLEP-00025

COMMENTER Environmental Energy Group/NAEP

SUBJECT UNWAS5

COMMENT We believe that consolidation (particularly for SQG's) will play a larger role than anticipated by the agency. Under Option 2 the general triggering level for a non- SQG to manage lamps as Universal waste would be approximately 350 four foot lamps per month. Under the proposed one year storage limit accumulated volume at this level would be 4,200 for waste fluorescent lamps, considerably less than a truck load. For existing SQG's volumes may potentially be far less. It is difficult to assess a regionalized and/or urban need for consolidation points but we are assuming there will be a greater number of SQG scenarios than those representative of LQG's. Consolidation points may serve to consolidate a broad range of multi-generator wastes under the implications of the Universal waste concept and product designation, not just waste electric lamps. Many states already have wastes streams already considered "Universal" within their borders which must be segregated from solid waste and managed by means other than land disposal. This should be considered in the likely value of these staging or collection centers and there overall future importance.

RESPONSE

The final rule for hazardous waste lamps does not contain a separate category for consolidation points. EPA is including hazardous waste lamps within the universal waste regulations under 40 Part 273. When the final universal waste rule was published, the Agency established four categories of persons managing universal wastes. The transporter and destination facility categories were retained essentially as proposed. However, the persons who would have been

included in the generator and consolidation point categories were merged to create two new categories of participants: small quantity handlers of universal waste (SQHUWs) and large quantity handlers of universal waste (LQHUWs). In the hazardous waste lamps final rule, the Agency has decided to remain consistent with the existing universal waste regulations and retain the four categories of participants that were finalized in the universal waste rule. The Agency expects that some handlers will serve as consolidators and then send the lamps on to either other handlers, recyclers, or treatment and disposal facilities. Consolidators must comply with the SQHUW or LQHUW management standards as applicable.

In addition, the definitions of SQHUWs and LQHUWs have changed since the proposed rule. SQHUWs are those handlers who accumulate 5,000 kilograms or less of total universal waste at any one time and LQHUWs are those handlers who accumulate greater than 5000 kilograms of total universal waste at any one time.

DCN FLEP-00026

COMMENTS Thomas Industries, Inc.

SUBJECT UNWAS5

COMMENT We are particularly concerned about the lack of regulatory requirements for Consolidation Points and are unlikely to send our spent lamps to them due to liability concerns.

RESPONSE

The final rule for hazardous waste lamps does not contain a separate category for consolidation points. EPA is including hazardous waste lamps within the universal waste regulations under 40 Part 273. When the final universal waste rule was published, the Agency established four categories of persons managing universal wastes. The transporter and destination facility categories were retained essentially as proposed. However, the persons who would have been included in the generator and consolidation point categories were merged to create two new categories of participants: small quantity handlers of universal waste (SQHUWs) and large quantity handlers of universal waste (LQHUWs). In the hazardous waste lamps final rule, the Agency has decided to remain consistent with the existing universal waste regulations and retain the four categories of participants that were finalized in the universal waste rule. Consolidators will be subject to the standards for universal waste handlers. It should be noted that a handler may ship universal waste directly to a destination facility if he so chooses.

DCN FLEP- 00041

COMMENTS John A. Williams

SUBJECT UNWAS5

COMMENT Section 273.31 (f) - Lamp Management (4) Waste-tracking invoices may be used instead of manifests when shipping lamps within a State or to another State recycling facility. Include the following information on the waste-tracking invoice: (i) Date of shipment; (ii) Location and generator's name from which

they were shipped ; (iii) Destination location and recycling facility name; (iv) Number of lamps in shipment. "This follows Minnesota's guidelines for shipments to lamp recycling facilities."

RESPONSE

The Agency thanks the commenter for his suggestions but has decided that the requirements for lamps should be consistent with the current universal waste tracking system. Today's final rule adds hazardous waste lamps to the universal waste regulations under 40 CFR Part 273. Under the universal waste system, manifests are not required for lamp shipments between hazardous waste lamp generators and disposal or recycling facilities. The universal waste rule includes a basic record keeping requirement to track waste shipments arriving at and leaving from large quantity handlers. Large quantity handlers (those who accumulate greater than 5,000 kilograms of total universal waste at one time) are required to keep records of each shipment of hazardous waste lamps received and keep records of each shipment of lamps sent off-site. The record may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The Agency believes that standard business records that would normally be kept by any business will fulfill this requirement. Records must be retained for at least three years from the date of receipt of a shipment of lamps or the date a shipment of lamps left the facility. Small quantity handlers (those who accumulate 5,000 kilograms or less of total universal waste at one time) are not required to keep records of shipments of hazardous waste lamps. State universal waste programs can be more stringent than the federal standards.

DCN FLEP-00059

COMMENTS Connecticut Dept. of Env. Protection

SUBJECT UNWAS5

COMMENT b) The use of manifests or other specific record keeping for lamp shipments should not be required. We believe it would be better to require that sufficient documentation of the generator's choice be kept to show that they qualify and comply with regulations.

RESPONSE

EPA agrees with the commenter's suggestions. Today's final rule adds hazardous waste lamps to the universal waste regulations under 40 CFR Part 273. Under the universal waste system, manifests are not required for lamp shipments between hazardous waste lamp generators and disposal or recycling facilities. The universal waste rule includes a basic record keeping requirement to track waste shipments arriving at and leaving from large quantity handlers. Large quantity handlers (those who accumulate greater than 5,000 kilograms of total universal waste at one time) are required to keep records of each shipment of hazardous waste lamps received and keep records of each shipment of lamps sent off-site. The record may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The Agency believes that standard business records that would normally be kept by any business will fulfill this requirement. Records must be retained for at least three years from the date of receipt of a shipment of lamps

or the date a shipment of lamps left the facility. Small quantity handlers (those who accumulate 5,000 kilograms or less of total universal waste at one time) are not required to keep records of shipments of hazardous waste lamps.

DCN FLEP-00078

COMMENTS Tennessee Valley Authority

SUBJECT UNWAS5

COMMENT Storage, handling, and record keeping - The storage, handling, and record keeping requirements under the conditional exclusion and the universal waste options are unclear. To avoid unnecessary administrative costs, we believe generators should be allowed flexibility in how lighting wastes are stored, consolidated, and accounted for. Our experience indicates that routine lamp replacement is an ongoing activity and not a "batch" activity as EPA suggests. Requiring generators to maintain shipping records for lighting wastes that are not hazardous waste is an unnecessary administrative burden.

RESPONSE

The Agency believes that the provisions in today's final rule making which adds hazardous waste lamps to the universal waste regulations under 40 CFR Part 273 allow for consistency and adequately respond to issues raised by commenters, including those commenters that requested that any record keeping requirements be flexible.

Under the universal waste system, manifests are not required for lamp shipments between hazardous waste lamp generators and disposal or recycling facilities. The universal waste rule includes a basic record keeping requirement to track waste shipments arriving at and leaving from large quantity handlers. Large quantity handlers (those who accumulate greater than 5,000 kilograms of total universal waste at one time) are required to keep records of each shipment of hazardous waste lamps received and keep records of each shipment of lamps sent off-site. The record may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The Agency believes that standard business records that would normally be kept by any business will fulfill this requirement. Records must be retained for at least three years from the date of receipt of a shipment of lamps or the date a shipment of lamps left the facility. Small quantity handlers (those who accumulate 5,000 kilograms or less of total universal waste at one time) are not required to keep records of shipments of hazardous waste lamps.

DCN FLEP-00082

COMMENTS Square D Company

SUBJECT UNWAS5

COMMENT 3 .The hazardous waste listing creates significant paperwork and cost for many facilities that normally would not be hazardous waste generators.

RESPONSE

Today's final rule adds all hazardous waste lamps to the universal waste regulations under 40 CFR 273. The universal waste program is less stringent than the full Subtitle C hazardous waste program. Facilities that manage their hazardous waste lamps as universal waste under 40 CFR Part 273 do not have to include lamps in the facility's determination of hazardous waste generator status (40 CFR 261.5 (c) (6)). If the generator manages such lamps under the universal waste system and does not generate any other hazardous waste, that generator is not subject to other Subtitle C hazardous waste management regulations, such as the regulations in Part 262. Under the universal waste system, conditionally-exempt small quantity generators can choose to manage their universal waste lamps in accordance with either the CESQG regulations under 40 CFR 261.5 or as universal waste under Part 273 (40 CFR 273.8(a)(2)).

DCN FLEP-00126

COMMENTER Texas Natural Resource Cons. Comm.

SUBJECT UNWAS5

COMMENT Manifesting of bulked and commingled wastes seems to accomplish very little and increases transportation cost. Instead of manifesting, a requirement for the receiver of the lamps to notify the sender of the quantity received seems sufficient. Requiring consolidation points to manifest, as in ' 273.33(f) would probably discourage recycling. Manifesting could be invoked by the individual states if they found it necessary to prevent transporter dumping, due to the fact that mercury lamps going to recycling do not have a positive economic value.

RESPONSE

EPA agrees with the commenter that manifesting is not necessary under the universal waste program. The final rule for hazardous waste lamps does not contain a separate category for consolidation points. EPA is including hazardous waste lamps within the universal waste regulations under 40 Part 273. When the final universal waste rule was published, the Agency established four categories of persons managing universal wastes. The transporter and destination facility categories were retained essentially as proposed. However, the persons who would have been included in the generator and consolidation point categories were merged to create two new categories of participants: small quantity handlers of universal waste (SQHUWs) and large quantity handlers of universal waste (LQHUWs). In the hazardous waste lamps final rule, the Agency has decided to remain consistent with the existing universal waste regulations and retain the four categories of participants that were finalized in the universal waste rule.

The Agency has decided to retain the current tracking requirements in Subpart D of Part 273 for hazardous waste lamps. Under the universal waste system, hazardous waste manifests need not accompany off-site shipments of universal waste. Transporters of universal wastes must, however, comply with any applicable Department of Transportation (DOT) requirements. Small quantity handlers are not required to keep records of shipments of universal waste lamps. Large

quantity handlers must track waste lamp shipments by maintaining records documenting shipments received by and sent from the facility. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The Agency believes that standard business records that are normally kept by businesses will fulfill this requirement.

DCN FLEP-00130

COMMENTS U.S. Department of Energy

SUBJECT UNWAS5

COMMENT 5. EPA requests comment on several alternatives for tracking of lamp shipments; (1) the same approach as that included in the original universal waste s proposal for generators, transporters, consolidation points, and destination facilities; (2) to require that persons initiating and receiving shipments of lamps retain shipping papers documenting the shipments; and (3) to require that the person claiming the exclusion keep documentation to show that they qualify, without keeping specific records for lamp shipments (59 FR 38296). As described in DOE's April 12, 1993, comments, the approach included in the 1993 proposal is confusing. Many DOE sites are very large with wastes being generated at several locations on each site. If such a site consolidates its special collection system wastes at one centralized generator location for shipment, it is unclear whether the shipment is being originated by the generator and does not need a manifest, or a consolidation point and does need a manifest. Because DOE understands how to comply with alternatives (2) and (3), DOE prefers either of these alternatives. If option 2 is implemented, the receiving facility should keep records until the facility is closed. Such records would be useful in the event the site requires future clean-up of environmental releases or if it is to be used for other purposes. DOE does not recommend the proposed "special certification" signed by the generator. Any records showing origin, destination, transporter and quantity should be sufficient. Also, some DOE facilities would prefer that EPA require receiving facilities to keep a copy of shipping records and notify generators when shipments have been received. Even if EPA does not require receiving facilities to retain copies of shipping documents, however, some DOE facilities would be more inclined to ship-waste materials to facilities that keep careful records of waste shipments from each generator and who notify generators when expected shipments do not arrive.

RESPONSE

EPA agrees with the commenter's suggestions on tracking. The final rule for hazardous waste lamps does not contain a separate category for consolidation points. EPA is including hazardous waste lamps within the universal waste regulations under 40 Part 273. When the final universal waste rule was published, the Agency established four categories of persons managing universal wastes. The transporter and destination facility categories were retained essentially as proposed. However, the persons who would have been included in the generator and consolidation point categories were merged to create two new categories of participants: small quantity handlers of universal waste (SQHUWs) and large quantity handlers of universal waste (LQHUWs). In the hazardous waste lamps final rule, the Agency has decided to remain consistent with the existing universal waste regulations and retain the four categories of participants that were finalized in the universal waste rule.

The Agency has decided to apply the current tracking requirements in Subpart D of Part 273 for hazardous waste lamps. Under the universal waste system, hazardous waste manifests need not accompany off-site shipments of universal waste. Transporters of universal wastes must, however, comply with any applicable Department of Transportation (DOT) requirements. Small quantity handlers are not required to keep records of shipments of universal waste lamps. Large quantity handlers must track waste lamp shipments by maintaining records documenting shipments received by and sent from the facility. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The Agency believes that standard business records that are normally kept by businesses will fulfill this requirement.

DCN FLEP-00136

COMMENTS Wisconsin Dept. of Natural Resources

SUBJECT UNWAS5

COMMENT 3. P. 38296, 'IV.B.2, column three, paragraph continued from second column: ... The Agency is requesting comment on several alternatives [regarding waste lamp tracking]. The WDNR believes that an approach that does not rely on the hazardous waste manifest should be considered and developed for the management of lighting wastes as well as all Universal waste s. In Wisconsin, we require that the transporter use a bill of lading and comply with all applicable Wisconsin and U.S. Department of Transportation requirements for the transportation of hazardous materials. While we do not have a requirement for the generator to retain documentation that waste lamps were taken to a recycler, we do not believe that this is an unreasonable requirement. The WDNR is considering guidance similar to the proposed Universal waste s Rule with subsequent adoption of the guidance as rules. In our proposed guidance, we are promoting the use of a receipt system between the generator and consolidation point or recycler, to document the transfer of the

waste. The generator and receiving facility would be required to maintain the receipt, so that hazardous waste regulatory inspectors could verify the waste transfer. We encourage the USEPA to consider such an approach.

RESPONSE

EPA agrees with the commenter's suggestions on tracking. Today's final rule adds hazardous waste lamps to the universal waste regulations under 40 CFR Part 273 and the Agency has decided to apply the current tracking requirements in Subpart D of Part 273 for hazardous waste lamps. Under the universal waste system, hazardous waste manifests need not accompany off-site shipments of universal waste. Transporters of universal wastes must, however, comply with any applicable Department of Transportation (DOT) requirements. Small quantity handlers are not required to keep records of shipments of universal waste lamps. Large quantity handlers must track waste lamp shipments by maintaining records documenting shipments received by and sent from the facility.

These records may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The Agency believes that standard business records that are normally kept by businesses will fulfill this requirement.

The Agency notes that individual states may require more stringent tracking standards for universal waste lamps under their programs.

DCN FLEP-00145

COMMENTS ASTSWMO

SUBJECT UNWAS5

COMMENT Additionally, ASTSWMO recommends that the UWR be modified so that final consolidation facilities which are sending waste fluorescent lamps to recycling facilities are exempted from hazardous waste manifest requirements. USEPA, in consultation with the U.S. Department of Transportation (USDOT), should require an alternate tracking system which would reduce the costs of shipping hazardous waste to recycling facilities (e.g., use of a recycled materials manifest as discussed in the Definition of Waste Roundtable, normal shipping papers with a record keeping requirement).

RESPONSE

The final rule for hazardous waste lamps does not contain a separate category for consolidation points. EPA is including hazardous waste lamps within the universal waste regulations under 40 CFR Part 273. When the final universal waste rule was published, the Agency established four categories of persons managing universal wastes. The transporter and destination facility categories were retained essentially as proposed. However, the persons who would have been included in the generator and consolidation point categories were merged to create two new

categories of participants: small quantity handlers of universal waste (SQHUWs) and large quantity handlers of universal waste (LQHUWs). In the hazardous waste lamps final rule, the Agency has decided to remain consistent with the existing universal waste regulations and retain the four categories of participants that were finalized in the universal waste rule. Under the universal waste system, hazardous waste manifests need not accompany off-site shipments of universal waste. Large quantity handlers are required to track waste lamp shipments by maintaining records documenting shipments received by and sent from the facility.

The record may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The Agency believes that standard business records that are normally kept by businesses will fulfill this requirement.

DCN SCSP-00150

COMMENTS Browning-Ferris, Inc.

SUBJECT UNWAS5

COMMENT Two, a tracking system that starts with the generator and follows throughout the system, does make accounting systems for storage times and quantities more reliable for enforcement purposes and help ensure that contracts between generators, transporters, and consolidators are honored. Again BFI does not believe that the requirements of the hazardous waste manifesting system are appropriate for most UWR wastes, but basic information as to the identity of the waste and the original generator, its volume or weight, date of shipment and a description of the number of units shipped are necessary. For example, a generator of fluorescent light bulbs may issue a way bill that describes a shipment of "one 20 yard roll-off box of 36 inch fluorescent light bulbs shipped April 12, 1993."

RESPONSE

The Agency has decided to retain the current tracking requirements in Subpart D of Part 273 for hazardous waste lamps. Under the universal waste system, hazardous waste manifests need not accompany off-site shipments of universal waste. Transporters of universal wastes must, however, comply with any applicable Department of Transportation (DOT) requirements. Small quantity handlers are not required to keep records of shipments of universal waste lamps. Large quantity handlers must track waste lamp shipments by maintaining records documenting shipments received by and sent from the facility.

The record may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The Agency believes that standard business records that are normally kept by businesses will fulfill this requirement.

DCN FLEP-00156

COMMENTS National Electrical Manufacturers Assn.

SUBJECT UNWAS5

COMMENT 3. NEMA is particularly concerned about the limited regulation of Consolidation Points proposed by EPA. Simple notification of storage of 35,000 lamps would not be helpful to an enforcing agency if the standards to enforce against are insufficient. For example, it appears there is no limitation on where Consolidation Points may locate, so they could be established at a recycling facility, thus removing the requirement for a Subtitle C storage permit for storage longer than 24 hours. There are no buffer zone requirements, so they could be located next to schools and playgrounds. They could also locate on already-contaminated property, thus subjecting generators and others to future clean-up liability. The requirement to contain all releases of residues from hazardous waste lamps stored at Consolidation Points is difficult when the primary concern is air emissions from lamp breakage. And finally, the absence of any licensing or certification requirements and the absence of any financial responsibility for clean-up and closure of the facility is troubling in light of historic experience at mercury handling operations, e.g., Quicksilver Products, Brisbane, CA, and Mercury Refining, Inc., Albany, NY, both of which have been the subject of significant governmental enforcement actions. Mercury Refining, Inc. is a Federal Superfund site.

RESPONSE

The Agency notes the commenter's concern pertaining to facilities that accumulate and manage hazardous waste lamps. The final rule for hazardous waste lamps does not contain a separate category for consolidation points. EPA is including hazardous waste lamps within the universal waste regulations under 40 Part 273. When the final universal waste rule was published, the Agency established four categories of persons managing universal wastes. The transporter and destination facility categories were retained essentially as proposed. However, the persons who would have been included in the generator and consolidation point categories were merged to create two new categories of participants: small quantity handlers of universal waste (SQHUWs) and large quantity handlers of universal waste (LQHUWs). In the hazardous waste lamps final rule, the Agency has decided to remain consistent with the existing universal waste regulations and retain the four categories of participants that were finalized in the universal waste rule. Consolidators are subject to the standards for universal waste handlers. Recycling facilities are subject to all applicable Subtitle C hazardous waste requirements, including a permit if they store hazardous waste lamps onsite prior to recycling.

The Agency notes that any person managing a hazardous waste remains subject to liability in the event of a release of a hazardous substance from the waste regardless of the regulatory status of

the waste under Subtitle C. Also, state agencies can be more stringent than the federal universal waste program.

DCN FLEP-00162

COMMENTS Delaware Department of Natural Resources

SUBJECT UNWAS5

COMMENT Concerning the UWR, the Delaware HWMB would like to make the following comments: Tracking the Lamp Shipments - Manifests should be required for shipments from a generator to a destination facility and from the last consolidation point to a destination facility. Specific shipping records (but not manifests) should be required for shipments from a generator to a consolidation point and between consolidation points. Recycling - Shipments of mercury lamps to recycling/reclamation facilities should be fully manifested at least until the category D (commercial off-site recycling facility) requirements, which have been proposed in the U.S. EPA's Definition of Solid Waste Roundtable discussions, are implemented.

RESPONSE

The final rule for hazardous waste lamps does not contain a separate category for consolidation points. EPA is including hazardous waste lamps within the universal waste regulations under 40 Part 273. When the final universal waste rule was published, the Agency established four categories of persons managing universal wastes. The transporter and destination facility categories were retained essentially as proposed. However, the persons who would have been included in the generator and consolidation point categories were merged to create two new categories of participants: small quantity handlers of universal waste (SQHUWs) and large quantity handlers of universal waste (LQHUWs). In the hazardous waste lamps final rule, the Agency has decided to remain consistent with the existing universal waste regulations and retain the four categories of participants that were finalized in the universal waste rule.

The Agency has decided to retain the current tracking requirements in Subpart D of Part 273 for hazardous waste lamps. Under the universal waste system, hazardous waste manifests need not accompany off-site shipments of universal waste. Transporters of universal wastes must, however, comply with any applicable Department of Transportation (DOT) requirements. Small quantity handlers are not required to keep records of shipments of universal waste lamps. Large quantity handlers must track waste lamp shipments by maintaining records documenting shipments received by and sent from the facility.

These records may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The Agency believes that standard business records that are normally kept by businesses will fulfill this requirement. The Agency believes that these requirements provide an adequate level of recordkeeping and tracking. Also, state agencies can be more stringent than the

federal universal waste program.

DCN FLEP-00164

COMMENTS E.I. Du Pont De Nemours and Co., Inc.

SUBJECT UNWAS5

COMMENT DU PONT REQUESTS THE AGENCY CLARIFY THAT LAND DISPOSAL RESTRICTION NOTIFICATION/CERTIFICATION FORMS ARE NOT REQUIRED UNDER EITHER OF THE PROPOSED ALTERNATIVES

In the February 11,

1993 "Universal wastes" proposed rule [58 FR 8102], the Agency did not impose the administrative requirements of the land disposal restrictions program on generators, transporters, or consolidation points managing special collection system hazardous wastes. The Agency stated that land disposal restriction notifications are not necessary because the requirements described in 58 FR 8123-8124 ensure that the substantive land disposal restriction requirements are met, without each party specifically notifying subsequent waste managers of the restrictions. Under the proposed universal waste management (UWM) approach, there is no requirement to use the hazardous wastes manifest for lamp shipments from generators to consolidation points, between consolidation points, or from generators to destination facilities. DuPont requests that the Agency clarify in the preamble to any final rule that under the UWM option, when a manifest is not required to ship mercury-containing lamps, land disposal restriction (LDR) paperwork is also not required. This will ensure consistency with the proposed Universal waste rule [58 FR 8102]. DuPont requests the Agency also clarify that LDR paperwork would not be required under the conditional exclusion. Requiring the use of LDR paperwork in the absence of a hazardous waste manifest would cause unnecessary confusion in the regulated community. Failure to fully explain in any final rule that LDR paperwork is not required under either option would likely result in a number of requests for regulatory directives clarifying Agency and state positions on this issue.

RESPONSE

Today's final rule adds hazardous waste lamps to the universal waste regulations under Part 273. The applicability of the land disposal restriction (LDR) requirements to hazardous waste lamps remains the same as the existing LDR requirements for universal waste. Universal waste handlers and transporters must comply with the substantive requirements of the LDR program but are not required to comply with the administrative requirements (e.g., notification to all handlers of

applicable treatment standards). The Agency believes that due to the unique nature of universal wastes (i.e., wastes are easily identifiable and the treatment standards are easily identifiable) the substantive requirements would be sufficient to ensure that the goals of the land disposal restrictions program are met for universal waste managed under Part 273.

Destination facilities are required to comply with all of the Part 268 LDR requirements for universal waste, including both the substantive and administrative requirements. Therefore, all universal waste will be treated or disposed of in compliance with LDR treatment standards, and the appropriate documentation regarding such compliance will be maintained by the destination facilities.

DCN FLEP- 00175

COMMENTS AT&T

SUBJECT UNWAS5

COMMENT The UWR also mandates management regulations for generators, transporters, consolidation points, and destination facilities that, in our opinion, are unnecessarily burdensome. These proposed regulations, namely inventory control, labeling, storage conditions, breakage prevention and remediation, and notifications, do not result in the prevention of significant mercury emissions as illustrated in the Research Triangle Institute Report. Instead, they impose unnecessarily burdensome and costly management practices and are more favorably addressed under the CE approach.

RESPONSE

The Agency does not believe that its proposed conditional exclusion approach would sufficiently protect human health and the environment. EPA gave considerable weight to actions that would minimize mercury emissions to the environment while encouraging the collection and environmentally-sound management of spent lamps. Based upon commenter input and additional information collected and reviewed by the Agency since the publication of the proposed rule, EPA decided to adopt the universal waste approach for controlling potential risks from the management of spent hazardous waste lamps. Today's final rule adds hazardous waste lamps to the universal waste regulations under 40 CFR Part 273. The universal waste rule provides a reduced, or streamlined set of requirements (i.e., universal waste rule is less stringent than Subtitle C management standards).

The universal waste rule represents a significant cost reduction over Subtitle C management requirements for handlers and transporters, yet ensures that lamps are recycled or treated in an environmentally protective manner at Subtitle C facilities. The Agency does not believe the management standards under the universal waste approach are unnecessarily burdensome.

DCN FLEP-00186

COMMENTER Building Owners or Managers Assn. Int.

SUBJECT UNWAS5

COMMENT Record keeping Requirements Again, the record keeping requirements are overly burdensome. It is more reasonable for the disposal facility or transporter to maintain these records -- they are already equipped to do this, and in most cases, already do. Contractual arrangements with haulers/disposal facilities should be considered sufficient to meet this requirement. Record keeping and tracking requirements do not alleviate the mercury problem -- they only impede effective, voluntary compliance.

RESPONSE

Today's final rule adds hazardous waste lamps to the universal waste regulations under Part 273. The Agency has decided to apply the existing tracking requirements in Subpart D of Part 273 for hazardous waste lamps. Under the universal waste system, hazardous waste manifests need not accompany off-site shipments of universal waste. Transporters of universal wastes must, however, comply with any applicable Department of Transportation (DOT) requirements. Small quantity handlers are not required to keep records of shipments of universal waste lamps. Large quantity handlers must track waste lamp shipments by maintaining records documenting shipments received by and sent from the facility. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The Agency believes that standard business records that are normally kept by businesses will fulfill this requirement.

DCN FLEP-00189

COMMENTER National Aeronautics and Space Admin.

SUBJECT UNWAS5

COMMENT The manifest system is already in place for record keeping purposes. Utilizing 40 CFR 261.2 would also be acceptable. Inventing a new type of record keeping would be more burdensome than using what is already in place.

RESPONSE

Today's final rule adds hazardous waste lamps to the universal waste regulations under Part 273. The Agency has decided to apply the existing tracking requirements in Subpart D of Part 273 for hazardous waste lamps. Under the universal waste system, hazardous waste manifests need not accompany off-site shipments of universal waste. Transporters of universal wastes must, however, comply with any applicable Department of Transportation (DOT) requirements. Small quantity handlers are not required to keep records of shipments of universal waste lamps. Large quantity handlers must track waste lamp shipments by maintaining records documenting shipments received by and sent from the facility. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The Agency believes that standard business records that are normally kept by businesses will fulfill this requirement.

DCN FLEP-00190

COMMENTS Browning-Ferris Industries

SUBJECT UNWAS5

COMMENT The Green Lights program may inadvertently create a more serious environmental problem by loosening the requirements on manifesting, transportation and storage. Depending on the exact outcome of the rule it could encourage the stockpiling of large quantities of mercury lamps that could then be abandoned. Abandonment, has been a chronic problem under the hazardous waste program where generators have been deceived by low prices offered by unscrupulous parties who never intended to comply with the full set of hazardous waste regulations in the first place. Unfortunately, the universal waste rule may make it easier for unscrupulous operators to deceive generators since the rules requiring manifesting would be done away with or relaxed.

RESPONSE

Replacing energy inefficient lighting systems under one of the energy-efficient lighting programs, such as the Green Lights program could require the use and eventual disposal of hazardous waste lamps. Today's rule adds hazardous waste lamps to the universal waste regulations under Part 273. Before today's rulemaking, hazardous waste lamps that exhibited a hazardous waste characteristic had to be managed under full Subtitle C management standards. Under the universal waste regulations, storage, transportation, and recordkeeping requirements are less stringent than the Subtitle C regulations for generators and transporters of universal waste. In addition, small quantity handlers of universal waste (those facilities that accumulate 5,000 kilograms or less of total universal waste at one time) are not subject to the universal waste notification and recordkeeping requirements. A significant number of commenters indicated that savings from reduced energy usage more than cover the cost of managing lamps as part of the universal waste regulations. Other commenters indicated the costs for managing lamps may now increase.

Management costs under the universal waste system approach would be lower than full Subtitle C management because hazardous waste transporters and manifests would not be required for lamp shipments between hazardous waste lamp generators and disposal or recycling facilities. In addition, permits would not be required for storage at interim collection facilities. Such an approach could help in assuring that the substantial environmental benefits offered by energy-efficient lighting programs are realized through increased participation. In addition, corporations that make the commitment to these programs profit by lowering electricity bills and improving lighting quality. Participation in energy-efficient lighting programs also reduces emissions of carbon dioxide, sulfur dioxide, and nitrogen oxides, in addition to metals such as mercury caused by power plants generating electricity.

In the hazardous waste lamps final rule, EPA has determined that regulations applicable to accumulation of hazardous waste lamps should be consistent with the accumulation regulations

applicable to all universal wastes (' ' 273.15 and 273.35). These provisions for accumulation implement a statutory prohibition that is part of the Hazardous and Solid Waste Amendments of 1984 that prohibit all listed or identified hazardous wastes from land disposal unless the hazardous waste is specifically excluded from regulation in 40 CFR Parts 261 or 268. Further, under 40 CFR 268.50, the storage of hazardous wastes restricted from land disposal is prohibited unless the restricted wastes are being accumulated for the purpose of accumulating quantities necessary for proper recovery, treatment, or disposal. In the universal waste final rule (60 FR 25526, May 11, 1995), the Agency determined that accumulation of universal wastes for more than one year can be allowed under certain conditions. Therefore, in today's final rule, small and large handlers of hazardous waste lamps may accumulate hazardous waste lamps for up to one year as proposed, and an additional provision has been added to allow for accumulation for more than one year if such accumulation is solely for the purpose of accumulating such quantities of universal waste as are necessary to facilitate proper recovery, treatment, or disposal. For any accumulation longer than one year, the handler must be able to prove that such accumulation is solely for accumulating quantities necessary to facilitate proper recovery, treatment, or disposal (it is assumed that any accumulation up to one year is for this purpose). EPA expects these requirements will prevent the abandoned lamps stockpile scenario envisioned by the commenter.

DCN SCSP-00200

COMMENTS Wisconsin Dept. of Natural Resources

SUBJECT UNWAS5

COMMENT Other generator requirements under consideration - The Department believes that if a universal waste generator chooses to use a manifest, then they may use a manifest, but a manifest is not necessary. With Wisconsin's lamp guidance, the Department has found that some lamp generators are choosing to use manifests as a defensive measure. Also, many of the lamp recyclers issue "certificates of recycling" that have a similar purpose.

RESPONSE

The Agency agrees with the flexible approach adopted by the Wisconsin Dept. of Natural Resources. Today's rule adds hazardous waste lamps to the universal waste regulations under Part 273. The Agency has decided to retain the current tracking requirements in Subpart D of Part 273 for hazardous waste lamps. Under the universal waste system, hazardous waste manifests need not accompany off-site shipments of universal waste. Transporters of universal wastes must, however, comply with any applicable Department of Transportation (DOT) requirements. Small quantity handlers are not required to keep records of shipments of universal waste lamps. Large quantity handlers must track waste lamp shipments by maintaining records documenting shipments received by and sent from the facility. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The Agency believes that standard business records that are normally kept by businesses will fulfill this requirement.

DCN FLEP-00230

COMMENTS BellSouth Corporation

SUBJECT UNWAS5

COMMENT 4. With regards to the tracking of lamp shipments, the EPA has offered three approaches: (a). "...Requiring that the manifest system be used for shipments from the last consolidation point to a destination facility, but that no manifests or other records (or hazardous waste transporters) be required for shipments from generators to consolidation points, between consolidation points, or from generators to destination facilities." (b). "...Requiring that persons initiating and receiving shipments of lamps retain shipping papers documenting the shipments." (c). "...Not to specifically require any specific record keeping for shipments of lamps, but as with all exemptions, the person claiming the exemption would have to keep documentation to show they qualify. BellSouth favors the last alternative wherein the person claiming the exemption would have to keep qualifying documentation. This would represent the least paperwork for the Agency and for industry. One of the most attractive elements of the Universal waste rule is the elimination of manifesting for transport of the lamps. And, as the July 27 proposal points out, transport to destination/disposal facilities would still be subject to the Subtitle C regulations for record keeping.

RESPONSE

Today's final rule adds hazardous waste lamps to the universal waste regulations under 40 CFR Part 273. Under the universal waste system, hazardous waste transporters and manifests are not required for lamp shipments between hazardous waste lamp generators and disposal or recycling facilities. The Agency has decided to retain the current tracking requirements in Part 273 for hazardous waste lamps. The universal waste rule includes a basic record keeping requirement to track waste shipments arriving at and leaving from large quantity handlers. Large quantity handlers (those who accumulate greater than 5,000 kilograms of total universal waste at one time) are required to keep records of each shipment of hazardous waste lamps received and keep records of each shipment of lamps sent off-site. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The Agency believes that standard business records that would normally be kept by any business will fulfill this requirement. Records must be retained for at least three years from the date of receipt of a shipment of lamps or the date a shipment of lamps left the facility. Small quantity handlers (those who accumulate 5,000 kilograms or less of total universal waste at one time) are not required to keep records of shipments of hazardous waste lamps..

DCN FLEP-00234

COMMENTS Minnesota Mining and Manufacturing (3M)

SUBJECT UNWAS5

COMMENT Transportation: Hazardous waste must be shipped using a uniform hazardous waste manifest. If fluorescent lamps become non-regulated, then they should be non-regulated from the generator, to the consolidation point (if used,) and to the destination facility. This would not impose any additional burden on either the generator or the consolidation point. A certification by the generator and a total lamp quantity listed on the bill of lading, or other shipping paper, should be adequate to document the final destination of the lamps.

RESPONSE

EPA agrees with the commenter's suggestions for tracking. Today's final rule adds hazardous waste lamps to the universal waste regulations under 40 CFR Part 273. Under the universal waste system, hazardous waste transporters and manifests are not required for lamp shipments between hazardous waste lamp generators and disposal or recycling facilities. The Agency has decided to retain the current tracking requirements in Part 273 for hazardous waste lamps. The universal waste rule includes a basic record keeping requirement to track waste shipments arriving at and leaving from large quantity handlers. Large quantity handlers (those who accumulate greater than 5,000 kilograms of total universal waste at one time) are required to keep records of each shipment of hazardous waste lamps received and keep records of each shipment of lamps sent off-site. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The Agency believes that standard business records that would normally be kept by any business will fulfill this requirement. Records must be retained for at least three years from the date of receipt of a shipment of lamps or the date a shipment of lamps left the facility. Small quantity handlers (those who accumulate 5,000 kilograms or less of total universal waste at one time) are not required to keep records of shipments of hazardous waste lamps.

DCN FLEP-00235

COMMENTS Innovated Concept Systems

SUBJECT UNWAS5

COMMENT In addition, the Universal waste rule and the newly required documentation and record-keeping that current proposed changes would demand, if implemented, make us believe that the entire package would have a "chilling effect" on the ENTIRE lighting management industry, as well as YOUR OWN Green Lights program!

RESPONSE

Replacing energy inefficient lighting systems under one of the energy-efficient lighting programs, such as the Green Lights program could require the use and eventual disposal of hazardous waste lamps. Today's rule adds hazardous waste lamps to the universal waste regulations under Part 273. Before today's rulemaking, hazardous waste lamps that exhibited a hazardous waste characteristic had to be managed under full Subtitle C management standards. Under the universal

waste regulations, storage, transportation, and recordkeeping requirements are less stringent than the Subtitle C regulations for generators and transporters of universal waste. In addition, small quantity handlers of universal waste (those facilities that accumulate 5,000 kilograms or less of total universal waste at one time) are not subject to the universal waste notification and recordkeeping requirements. A significant number of commenters indicated that savings from reduced energy usage more than cover the cost of managing lamps as part of the universal waste regulations. Other commenters indicated the costs for managing lamps may now increase.

The Agency performed calculations on the impact of disposal costs on a lighting upgrade's internal rate of return (IRR). At a \$0.50/lamp transportation and recycling cost, the IRR for a typical project over ten years is 51 percent. At a \$1.00/lamp transportation and recycling cost the IRR was 50 percent, which is only a slight decrease in IRR, despite a 100 percent increase in waste management costs. This result suggests that the cost associated with the participation in energy-efficient lighting programs is largely independent of the regulatory options chosen by EPA.

By removing some of the barriers to Subtitle C management for lamps, a universal waste collection system approach could minimize concerns about decreased participation in energy-efficient lighting programs by simplifying and clarifying the requirements for hazardous waste lamps lamp collection while maintaining Subtitle C control over final treatment and disposal (or recycling) for these lamps. Management costs under the universal waste system approach would be lower than full Subtitle C management because hazardous waste transporters and manifests would not be required for lamp shipments between hazardous waste lamp generators and disposal or recycling facilities. In addition, permits would not be required for storage at interim collection facilities. Such an approach could help in assuring that the substantial environmental benefits offered by energy-efficient lighting programs are realized through increased participation.

The Agency has decided to retain the current tracking requirements in Part 273 for hazardous waste lamps. The universal waste rule includes a basic record keeping requirement to track waste shipments arriving at and leaving from large quantity handlers. Large quantity handlers (those who accumulate greater than 5,000 kilograms of total universal waste at one time) are required to keep records of each shipment of hazardous waste lamps received and keep records of each shipment of lamps sent off-site. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The Agency believes that standard business records that would normally be kept by any business will fulfill this requirement. Records must be retained for at least three years from the date of receipt of a shipment of lamps or the date a shipment of lamps left the facility. Small quantity handlers (those who accumulate 5,000 kilograms or less of total universal waste at one time) are not required to keep records of shipments of hazardous waste lamps.

DCN FLEP-00294
COMMENTER El Paso Natural Gas Company
SUBJECT UNWAS5

COMMENT Universal waste Management System/Special Collection System Regulations If EPA selects the universal management system, El Paso supports the implementation of the special collection system regulations proposed February 11, 1993 to manage spent mercury-containing lamps. In particular, El Paso Supports not requiring use of manifests and hazardous waste transporters as proposed in the February 11, 1993 special collection system regulations as a means of reducing the regulatory burden and encouraging the use of mercury-containing lamps. El Paso recommends that the use of manifests and hazardous waste transporters not be required as part of any universal waste management system for spent mercury-containing lamps.

RESPONSE

EPA agrees with the commenter regarding tracking. Today's final rule adds hazardous waste lamps to the universal waste regulations under 40 CFR Part 273. Under the universal waste system, hazardous waste transporters and manifests are not required for lamp shipments between hazardous waste lamp generators and disposal or recycling facilities. The Agency has decided to retain the current tracking requirements in Part 273 for hazardous waste lamps. The universal waste rule includes a basic record keeping requirement to track waste shipments arriving at and leaving from large quantity handlers. Large quantity handlers (those who accumulate greater than 5,000 kilograms of total universal waste at one time) are required to keep records of each shipment of hazardous waste lamps received and keep records of each shipment of lamps sent off-site. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The Agency believes that standard business records that would normally be kept by any business will fulfill this requirement. Records must be retained for at least three years from the date of receipt of a shipment of lamps or the date a shipment of lamps left the facility. Small quantity handlers (those who accumulate 5,000 kilograms or less of total universal waste at one time) are not required to keep records of shipments of hazardous waste lamps.

DCN FLEP-00296

COMMENTER State of Ohio EPA

SUBJECT UNWAS5

COMMENT Mercury recycling data - A record of destination would be useful to U.S. EPA and others in calculating the quantity of mercury-containing lamps being recycled. However, record keeping activities could become particularly burdensome to regulate lamp generators which do not prescribe to "group" relamping. In addition, the record keeping scheme would require generators to frequently repeat record keeping activities because record keeping activities would need to be completed for each shipment of mercury-containing lamps. Since records would be kept by the generator and not submitted to the US EPA (or state agencies)

for yearly calculation, it would be difficult to calculate the quantity of lamps being recycled. The ability to calculate recycling totals should be a major component of any record keeping activity.

RESPONSE

Today's final rule adds hazardous waste lamps to the universal waste regulations under 40 CFR Part 273. Under the universal waste system, hazardous waste transporters and manifests are not required for lamp shipments between hazardous waste lamp generators and disposal or recycling facilities. The Agency has decided to retain the current tracking requirements in Part 273 for hazardous waste lamps. The universal waste rule includes a basic record keeping requirement to track waste shipments arriving at and leaving from large quantity handlers. Large quantity handlers (those who accumulate greater than 5,000 kilograms of total universal waste at one time) are required to keep records of each shipment of hazardous waste lamps received and keep records of each shipment of lamps sent off-site. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The Agency believes that standard business records that would normally be kept by any business will fulfill this requirement. Records must be retained for at least three years from the date of receipt of a shipment of lamps or the date a shipment of lamps left the facility. Small quantity handlers (those who accumulate 5,000 kilograms or less of total universal waste at one time) are not required to keep records of shipments of hazardous waste lamps. With respect to recycling data, EPA notes a state can be more stringent in its universal waste program if it so desires.

DCN FLEP-00296

COMMENTS State of Ohio EPA

SUBJECT UNWAS5

COMMENT Tracking system - The Universal waste rule requires the use of a manifest (which triggers the use of hazardous waste transporters) for shipment from the last consolidation point to a destination facility, but no manifest records (or hazardous waste transporters) are required for shipment to or between consolidation points, or from generators to destination facilities. This system may have limited utility because it does not account for the most logical routes of fluorescent lamp management. The U.S. EPA is probably correct in stating that lamps are shipped directly from the generator to the disposal facility because of the large numbers involved. This could adversely affect small businesses because they are more likely to consolidate their lamps prior to disposal, at the added expense of manifesting them to the final destination.

RESPONSE

Today's final rule adds hazardous waste lamps to the universal waste regulations under 40 CFR Part 273. Management costs under the special collection system approach will be lower than full

Subtitle C management because hazardous waste transporters and manifests would not be required for lamp shipments between hazardous lamp handlers and disposal or recycling facilities. The Agency has decided to retain the current tracking requirements in Part 273 for hazardous waste lamps. The universal waste rule includes a basic record keeping requirement to track waste shipments arriving at and leaving from large quantity handlers. Large quantity handlers (those who accumulate greater than 5,000 kilograms of total universal waste at one time) are required to keep records of each shipment of hazardous waste lamps received and keep records of each shipment of lamps sent off-site. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The Agency believes that standard business records that would normally be kept by any business will fulfill this requirement. Records must be retained for at least three years from the date of receipt of a shipment of lamps or the date a shipment of lamps left the facility. Small quantity handlers (those who accumulate 5,000 kilograms or less of total universal waste at one time) are not required to keep records of shipments of hazardous waste lamps.

DCN FLEP-00296

COMMENTS State of Ohio EPA

SUBJECT UNWAS5

COMMENT "Alternative 1" for tracking lamps under the Universal waste

Rule requires persons initiating and receiving shipments of lamps to retain shipping papers documenting the shipments. This system seems more feasible than that proposed under the Universal waste rule because it offers more information to regulators on the flow of fluorescent lamps to and from generators and consolidation points. Tracking the final destination of fluorescent lamps will play a critical role in making informed decisions in the future. Tracking the quantity of lamps under this arrangement could present problems, for example, over counting lamps if generators use intermediate consolidation points, reshipping the lamps to another management facility.

RESPONSE

Today's final rule adds hazardous waste lamps to the universal waste regulations under 40 CFR Part 273. Under the universal waste management system, hazardous waste transporters and manifests are not required for lamp shipments between hazardous waste lamp generators and disposal or recycling facilities. The Agency has decided to retain the current tracking requirements in Part 273 for hazardous waste lamps. The universal waste rule includes a basic record keeping requirement to track waste shipments arriving at and leaving from large quantity handlers. Large quantity handlers (those who accumulate greater than 5,000 kilograms of total universal waste at one time) are required to keep records of each shipment of hazardous waste lamps received and keep records of each shipment of lamps sent off-site. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The Agency believes that standard

business records that would normally be kept by any business will fulfill this requirement. Records must be retained for at least three years from the date of receipt of a shipment of lamps or the date a shipment of lamps left the facility. Small quantity handlers (those who accumulate 5,000 kilograms or less of total universal waste at one time) are not required to keep records of shipments of hazardous waste lamps. EPA notes that an authorized state universal waste program can be more stringent than the federal program.

DCN FLEP-00297

COMMENTER Florida Dept. of Environ. Protection

SUBJECT UNWAS5

COMMENT The Department also requests that the EPA not require shipments, going from a consolidation point to a destination facility which will recycle or reclaim MCLs or MCDs [mercury-containing lamps or mercury-containing devices] or processes them for the purposes of recycling or reclamation, to be accompanied by a hazardous waste manifest. If the destination facility is for disposal, then a manifest for such a shipment would be appropriate. The former would reintroduce the "hazardous waste" stigma to the recycling chain. A key impediment to recycling MCLs from the generators' standpoint is that they do not want to be associated with "hazardous waste" management and the accompanying liability - real or imagined.

RESPONSE

The final rule for hazardous waste lamps does not contain a separate category for consolidation points. EPA is including hazardous waste lamps within the universal waste regulations under 40 Part 273. When the final universal waste rule was published, the Agency established four categories of persons managing universal wastes. The transporter and destination facility categories were retained essentially as proposed. However, the persons who would have been included in the generator and consolidation point categories were merged to create two new categories of participants: small quantity handlers of universal waste (SQHUWs) and large quantity handlers of universal waste (LQHUWs). In the hazardous waste lamps final rule, the Agency has decided to remain consistent with the existing universal waste regulations and retain the four categories of participants that were finalized in the universal waste rule.

Today's final rule adds hazardous waste lamps to the universal waste regulations under 40 CFR Part 273. Under the universal waste regulations, hazardous waste transporters and manifests are not required for lamp shipments between hazardous waste lamp generators and disposal or recycling facilities. The Agency has decided to retain the current tracking requirements in Part 273 for hazardous waste lamps. The universal waste rule includes a basic record keeping requirement to track waste shipments arriving at and leaving from large quantity handlers. Large quantity handlers (those who accumulate greater than 5,000 kilograms of total universal waste at one time) are required to keep records of each shipment of hazardous waste lamps received and

keep records of each shipment of lamps sent off-site. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The Agency believes that standard business records that would normally be kept by any business will fulfill this requirement. Records must be retained for at least three years from the date of receipt of a shipment of lamps or the date a shipment of lamps left the facility. Small quantity handlers (those who accumulate 5,000 kilograms or less of total universal waste at one time) are not required to keep records of shipments of hazardous waste lamps.

DCN FLEP-00301

COMMENTS Minnesota Pollution Control Agency/MOEA

SUBJECT UNWAS5

COMMENT B. Modifications to the Universal waste rule. As follows, we support several minor changes to the Universal waste Proposal as it pertains to lamps: (1) We believe that it should also be permissible to ship lamps from consolidation facilities to recycling, processing, and disposal facilities through avenues other than a hazardous waste transporter (e.g., common carrier). This in turn should not require the use of a hazardous waste manifest. A waste tracking invoice similar to that required under the federal used oil rules should be required in lieu of a manifest. Disposal/Recycling facility operators could continue to use or require manifests, but it would not be required. We believe this recommendation will reduce costs and record keeping requirements without compromising proper management of lamps and other Universal waste s.

RESPONSE

EPA agrees with the suggestions regarding tracking made by the commenter. Today's final rule adds hazardous waste lamps to the universal waste regulations under 40 CFR Part 273. Management costs under the special collection system approach would be lower than full Subtitle C management because hazardous waste transporters and manifests would not be required for lamp shipments between hazardous waste lamp generators and disposal or recycling facilities. The Agency has decided to retain the current tracking requirements in Part 273 for hazardous waste lamps. The universal waste rule includes a basic record keeping requirement to track waste shipments arriving at and leaving from large quantity handlers. Large quantity handlers (those who accumulate greater than 5,000 kilograms of total universal waste at one time) are required to keep records of each shipment of hazardous waste lamps received and keep records of each shipment of lamps sent off-site. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The Agency believes that standard business records that would normally be kept by any business will fulfill this requirement. Records must be retained for at least three years from the date of receipt of a shipment of lamps or the date a shipment of lamps left the facility. Small quantity handlers (those who accumulate 5,000 kilograms or less of total universal waste at one time) are not required to keep records of shipments of hazardous waste

lamps.

DCN FLEP-00307

COMMENTER Associated Industries of Massachusetts

SUBJECT UNWAS5

COMMENT Although we commend EPA's attempt to streamline the burdensome paperwork, the changes put forth in Option #2 would not be as significant to industry as excluding mercury-containing lamps from regulations as hazardous waste.

RESPONSE

The Agency does not believe that its proposed conditional exclusion approach would sufficiently protect human health and the environment. EPA gave considerable weight to actions that would minimize mercury emissions to the environment while encouraging the collection and environmentally-sound management of spent lamps. Based upon commenter input and additional information collected and reviewed by the Agency since the publication of the proposed rule, EPA decided to adopt the universal waste approach for controlling potential risks from the management of hazardous waste lamps. Today's final rule adds hazardous waste lamps to the universal waste regulations under 40 CFR Part 273. The universal waste rule provides a reduced, or streamlined set of requirements (i.e., universal waste rule is less stringent than Subtitle C management standards).

DCN FLEP-00309

COMMENTER Bethlehem Apparatus Company

SUBJECT UNWAS5

COMMENT 4. Documentation That Lamps are not Stored for More Than One Year/ Tracking, Lamp Shipments, p. 38,296, col. 2-3. Bethlehem believes that the approach proposed in Option 2, (i.e., requiring the Consolidation Point to manifest shipments to the Destination Facility) with one exception, makes the most sense. However, all Consolidation Points, regardless of size, should be required to manifest their shipments to the Destination Facility. Consolidation Points will tend to be in the waste disposal business and are already familiar with RCRA regulatory requirements. Use of a manifest system protects the generator, Consolidation Point and Destination Facility and provides EPA with an indisputable record of waste shipments. In addition, such a system would create an incentive for the removal of Lamps for recycling by small quantity generators if waste disposal companies provide for separate pick-up. The one exception to the system would apply in the case of the direct shipment from a generator to a destination facility. In those cases, the generator should complete the manifest.

RESPONSE

The final rule for hazardous waste lamps does not contain a separate category for consolidation points. EPA is including hazardous waste lamps within the universal waste regulations under 40 Part 273. When the final universal waste rule was published, the Agency established four categories of persons managing universal wastes. The transporter and destination facility categories were retained essentially as proposed. However, the persons who would have been included in the generator and consolidation point categories were merged to create two new categories of participants: small quantity handlers of universal waste (SQHUWs) and large quantity handlers of universal waste (LQHUWs). In the hazardous waste lamps final rule, the Agency has decided to remain consistent with the existing universal waste regulations and retain the four categories of participants that were finalized in the universal waste rule.

Today's final rule adds hazardous waste lamps to the universal waste regulations under 40 CFR Part 273. Under the universal waste system, hazardous waste transporters and manifests are not required for lamp shipments between hazardous lamp generators and disposal or recycling facilities. The Agency has decided to retain the current tracking requirements in Part 273 for hazardous waste lamps. The universal waste rule includes a basic record keeping requirement to track waste shipments arriving at and leaving from large quantity handlers. Large quantity handlers (those who accumulate greater than 5,000 kilograms of total universal waste at one time) are required to keep records of each shipment of hazardous waste lamps received and keep records of each shipment of lamps sent off-site. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The Agency believes that standard business records that would normally be kept by any business will fulfill this requirement. Records must be retained for at least three years from the date of receipt of a shipment of lamps or the date a shipment of lamps left the facility. Small quantity handlers (those who accumulate less than 5,000 kilograms total universal waste at one time) are not required to keep records of shipments of hazardous waste lamps. EPA believes this system will provide adequate tracking without adding unnecessary burdens to universal waste handlers.

DCN SCSP-L0019

COMMENTS New Jersey Dept. of Env. Prot. and En.

SUBJECT UNWAS5

COMMENT While this proposal does assist in the process of encouraging recycling, the use of a manifest will make that system more costly. There was a substantial discussion at the March 10 and 11 meeting that the use of the manifest will increase the cost of the program (See minutes of meeting). This position was confirmed by William Ehrhardt, President of Advanced Environmental Recycling Corporation, a fluorescent bulb recycling company located in Allentown, PA and permitted by the Pennsylvania Department of Natural Resources. Their cost for recycling bulbs is approximately \$.40 -.60 for a four foot bulb

plus transportation cost. This overall cost would be lower if the manifest system were not fully required.

RESPONSE

EPA agrees with the commenter that the use of the manifest system is not necessary under the universal waste system. Today's final rule adds hazardous waste lamps to the universal waste regulations under 40 CFR Part 273. Management costs under the special collection system approach will be lower than full Subtitle C management because hazardous waste transporters and manifests would not be required for lamp shipments between hazardous waste lamp generators and disposal or recycling facilities. The Agency has decided to retain the current tracking requirements in Part 273 for hazardous waste lamps. The universal waste rule includes a basic record keeping requirement to track waste shipments arriving at and leaving from large quantity handlers. Large quantity handlers (those who accumulate greater than 5,000 kilograms of total universal waste at one time) are required to keep records of each shipment of hazardous waste lamps received and keep records of each shipment of lamps sent off-site. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The Agency believes that standard business records that would normally be kept by any business will fulfill this requirement. Records must be retained for at least three years from the date of receipt of a shipment of lamps or the date a shipment of lamps left the facility. Small quantity handlers (those who accumulate 5,000 kilograms or less of total universal waste at one time) are not required to keep records of shipments of hazardous waste lamps.