



Commonwealth of Massachusetts
Executive Office of Environmental Affairs

Department of Environmental Protection

William F. Weld
Governor

Daniel S. Greenbaum
Commissioner

August 14, 1992

Mr. Merrill S. Hohman, Director
Office of Waste Management
U.S. Environmental Protection Agency
Region I
25 Canal Street
Boston, MA 02114

RE: Fluorescent Light Bulb Recycling

Dear Mr. Hohman:

This is to advise EPA of the approach the Department intends to take in regulating fluorescent bulb recycle operations in the Commonwealth. This is the subject of a previous letter to you dated July 17, 1992.

I believe our stance on the matter recognizes the tremendous environmental benefits which will accrue from redirecting this waste stream away from solid waste landfills into channels for recovery of valuable materials, i.e., mercury, glass and scrap metal. It will offer a cost-effective incentive for users of mercury-laden fluorescent bulbs to recycle them and will allow a potential recycler a positive incentive to set up operations in the Commonwealth. Finally, this approach we believe provides a measured regulatory hand over this waste stream without burdening its management with inappropriate restrictions.

Accordingly, the following outlines the Department's policy and regulatory interpretation of §10 CMR 30.000 as it applies to the recycling of mercury-laden fluorescent bulbs:

1. Recycling of fluorescent light bulbs shall be conducted pursuant to a Class A Recycling permit for the recycling of regulated recyclable materials.

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2. Used fluorescent light bulbs are regulated recyclable materials.
3. The collector of used mercury fluorescent light bulbs shall be considered a generator of hazardous waste at the point the collector deems the bulbs are of no further use as light bulbs and are suitable for recycling.
4. Collectors of fluorescent light bulbs shall have the discretion to defer the determination of when each bulb becomes waste until the bulbs are aggregated to a central collection point, usually the recycle center.
5. Transportation of used fluorescent light bulbs to a central collection point need not be by licensed hazardous waste transporter.
6. Because the designation of a used light bulb as "waste" and subsequently "hazardous waste" need not occur until aggregation at a central collection point, users of bulbs need not use a hazardous waste manifest when offering the bulbs to a collector.
7. A collector who aggregates used light bulbs at a central collection point for the purpose of recycling shall at all times perform recycling in compliance with the terms of its Class A recycling permit.

The Department considers this approach to be consistent with earlier policies regarding waste PCB transforms, used car batteries, and fluorescent lighting ballasts. Such discretion is allowed an authorized state in implementing its RCRA program. The Department sees no inconsistency between this state policy and any policy on the subject matter pronounced by EPA. Consequently, the Department is implementing the policy as of the date of this letter and is notifying interested parties, including persons who have indicated an interest in starting recycle operations in the Commonwealth.

Thank you for your understanding and cooperation in this matter.

Very truly yours,

Thomas Powers, Deputy Commissioner



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

J.F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203-2211

October 13, 1992

Thomas Powers, Deputy Commissioner
MA DEP - 7th Floor
One Winter Street
Boston, MA 02108

Dear Mr. Powers:

As you are aware our agencies have exchanged several letters and had numerous telephone conversations concerning the regulation of fluorescent light bulb recycling in Massachusetts.

Our recent discussions on August 13, 1992, centered around the role and responsibility of a delegated program and the ability of that program to make decisions that affect the implementation of such recycling programs in Massachusetts. As we discussed, we believe that where decisions are being rendered that are within the scope of the authorized program, Massachusetts has full responsibility for those decisions. EPA's role in those cases is generally limited to program overview.

However, I wish to remind you that as EPA issues future hazardous waste regulations in this or any other area, Massachusetts will be required to examine those regulations and make the necessary changes to maintain an authorized program that is "equivalent to" and "consistent with" the Federal program.

EPA expects to issue a proposed rule in the near future that is designed to ensure that hazardous wastes are recycled properly, without unnecessary regulation. One section of the proposed rule deals with hazardous waste light bulbs. For your information I have enclosed that section of the soon to be proposed rule.

I appreciate the time and effort your staff have devoted to this issue. If you have any additional questions please contact Gary Gosbee of my staff at 573-5741.

Sincerely,

Merrill S. Hohman, Director
Waste Management Division

Enclosure

cc: Steve DeGabriele, MA DEP - Boston

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