



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
JOHN F. KENNEDY FEDERAL BUILDING
BOSTON, MASSACHUSETTS 02203-0001

October 31, 1996

Steven A. DeGabriele, Director
Division of Hazardous Materials
Massachusetts Department of Environmental
Protection
One Winter Street
Boston, MA 02108

Dear Mr. DeGabriele:

As requested by Al Nardone of your staff at our meeting on July 11, 1996, the Hazardous Waste Program Unit of the EPA New England office has reviewed the draft MADEP Class C recycling permit for Global Recycling Technologies located in Stoughton, MA. A member of this office has also participated in a site visit on July 23, 1996, to the facility with representatives from the MADEP Boston and Regional offices. The purpose of this letter is to summarize the EPA's understanding of the issues associated with the activities of this facility and to indicate the Agency's current position on them. We would like to apologize for the delay in transmitting this letter. EPA wanted to ensure that this response included an opportunity for discussions with your staff regarding any issues that they may have had. Those discussions were completed on 10/23/96.

Global Recycling Technologies dedicates a portion of its business to the recycling of Class C regulated recyclable materials as defined under the MADEP Hazardous Waste regulations at 310 CMR 30.214. The MADEP regulates the recycling of these materials through the hazardous waste recycling permit regulations whereas, under the federal RCRA regulations at 40 CFR § 261.6(c)(1), the recycling process itself would be exempt from Subtitle C. These regulated recyclable materials are mercury contaminated manufactured articles and, as indicated in the permit include, but are not limited to, spent fluorescent lamps.

One area where DEP has specifically requested comment concerns the provision of the draft permit with respect to the handling of the fluorescent lamps prior to dismantling. As indicated above, EPA has reviewed the draft Class C permit which clearly indicates that storage of the regulated recyclable materials is not permitted at the facility. In addition, the Class C permit specifies an accumulation time period in order for the lamps to be off-loaded, inspected and sent to the dismantling area. EPA feels that this time period is reasonable and believes that the measures included in the Class C permit are adequate to protect human health and the environment. Those measures include a contingency plan and emergency procedures, employee training, an inspection plan and other requirements similar to those required in a complete Part B facility license.

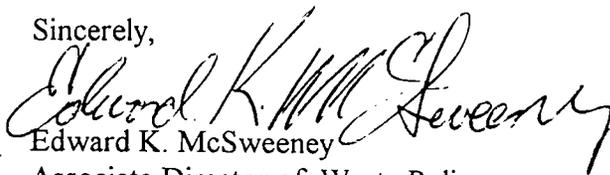


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As you are aware, the environmentally sound regulation of fluorescent lamp recycling is a complex issue. EPA Headquarters is exploring options to foster this and other forms of recycling through several regulatory options. In the interim, the State currently has the option of obtaining authorization to operate the Universal Waste Rule and including fluorescent lamps under that Rule. This should resolve any issues about whether and when these lamps become a solid waste, by considering lamps being sent for recycling as a Universal Waste subject only to streamlined regulation. It is my understanding that Massachusetts is planning to submit an authorization application for the UWR in the very near future. I look forward to working with you towards the mutual goal of authorizing the state for this important rule.

We would like to thank the MADEP for the opportunity to review the above referenced permit and to participate in the facility site visit. Should you have any questions regarding the above please contact me at 617-565-3559 or Gary Gosbee at 617-565-3725.

Sincerely,



Edward K. McSweeney
Associate Director of Waste Policy

cc: Al Nardone, MADEP
Bill Sirull, MADEP
Gary Gosbee, EPA-OEP
Suzanne Parent, EPA-OES