



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

Set up file
ALTA

AUG 8 1996

David J. Leishman, President
ALTA Resource Management Services, Inc.
88-B Industry Ave.
Springfield, MA 01104

Dear Mr. Leishman:

This letter is in response to your correspondence of May 25, 1996, regarding ALTA's intent to perform full scale recycling of mercury-containing lamps. According to your letter ALTA is currently involved in the separation of the lamp components and that the phosphor powder is sent to a fully permitted mercury recycling facility for reclamation. In that letter you requested EPA guidance on various issue which are stated below. The New England office of the EPA maintains a position that supports the continued establishment of environmentally sound recycling processes.

In your letter you seek guidance from EPA on how we would view the regulations that ALTA is required to comply with now and in the future. You specifically ask if ALTA should allocate resources to apply for a Massachusetts Class A or C recycling permit now or if it will be required in the future. The following response is based solely on the operations described in your letter of May 25, 1996, and our discussions with MADEP.

Our general position is that the State is authorized under section 3006 of RCRA to administer and enforce the base RCRA program in lieu of the federal program. The State maintains responsibility for determinations regarding the management of hazardous materials for dismantling and the recycling of mercury-containing lamps. Under the federal RCRA regulations, the activity of crushing mercury-containing lamps as part of a legitimate recycling process would be exempt from Subtitle C permitting requirements. Therefore, it is the state regulations that ALTA would currently need to comply with. The recycling of Class A or C regulated recyclable materials as defined under the MADEP Hazardous Waste regulations at 310 CMR 30.212 and 30.214, respectively, is also regulated by the MADEP under their regulations. Therefore, questions concerning the need for a Class A and C recycling permit should be directed to MADEP.

You should be aware that EPA Headquarters is exploring alternatives to foster this and other forms of recycling through several regulatory options including consideration of management standards for mercury-containing lamps. A rule was proposed on July 27, 1994 (see 59 FR



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38288). In that proposed rule EPA requested comment on whether generators or consolidation points should be allowed to intentionally crush lamps to minimize volume for storage or shipment and what, if any, standards should be imposed to protect against mercury releases during crushing or subsequent management of crushed lamps. EPA Headquarters is currently evaluating these comments. In addition, the Agency promulgated the Universal Waste Rule (UWR) on May 11, 1995 (60 FR 25492) which creates a framework for, among other things, the collection of several hazardous waste categories for recycling. The streamlined regulatory requirements apply to hazardous waste batteries, certain pesticides, and mercury-containing thermostats. The UWR also creates a procedure for states to add additional wastes, such as mercury-containing lamps to the previously listed hazardous wastes. Since Massachusetts is authorized for the base RCRA program, the UWR is currently not effective in Massachusetts; however, our understanding is that the MADEP is currently evaluating the UWR to determine if they should adopt a similar provision. The facility should be aware that promulgation in the future of any federal rules regarding hazardous waste recycling could effect recycling activities in Massachusetts and other states.

We hope the above is a satisfactory response to your concerns. Also, based on our recent telephone conversation I am expecting correspondence from you regarding other recycling issues. We would be more than willing to meet with you to discuss this further or to clarify any additional questions you may have. Should you have any questions and/or would like to arrange a meeting please contact either 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