



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

September 22, 1997

Franklin D. Sales, Vice President
Consolidated Recycling, Inc.
P.O. Box 1233
Amherst, NH 03031

Re: Fluorescent lamp storage

Dear Mr. Sales:

This letter is in response to your letter of August 7, 1997, in which you request approval or acknowledgment of the fluorescent lamp storage requirements of Consolidated Recycling, Inc. (the "facility"), a proposed recycling facility to be located in Fitchburg, Massachusetts. In that letter you indicate that the facility would need to store fluorescent lamps for at least 10 days or 240 hours. You indicate that this storage time is necessary in order to compensate for transit time and consolidation of lamps in various parts of the United States. This would result in the storage of approximately 220,000 lamps or 5 tractor-trailer loads. The letter also states that the facility will be applying for a Class C Recycling permit upon promulgation of the Universal Waste Rules of the Commonwealth of Massachusetts in the very near future.

Under currently effective federal hazardous waste regulations the storage of hazardous waste for 10 days without a RCRA Part B storage permit is not acceptable. EPA-New England maintains the position that the continued establishment of environmentally sound recycling processes should be supported. Lamps that are stored for 10 days prior to being processed have a greater probability of breakage resulting in the discharge of hazardous waste to the environment and an increased likelihood of human exposure to mercury. The EPA has previously reviewed a similar facility operation where the storage of lamps does not occur. EPA indicated in that situation that an accumulation time period of 48 hours as allowed by MADEP under their Class C Recycling permits for the off-loading, inspection and processing of fluorescent lamps for recycling is an appropriate amount of time.



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On May 11, 1995 (60 FR 25492), the Agency promulgated the Universal Waste Rule (UWR). The rule creates a framework for, among other things, the collection of several categories of hazardous waste 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. The UWR is currently not effective in Massachusetts. However, our understanding is that the MADEP will apply to operate the UWR during 1997, and it is our hope that EPA will be able to promptly approve its application. We also anticipate that Massachusetts will simultaneously be applying for approval to administer the Toxicity Characteristic (TC) Rule, thus enabling the State to treat fluorescent lamps as universal waste. However, we do not anticipate that approval of the UWR will change the requirements for recyclers. That is, 10 days storage at a recycling facility will continue to require a RCRA Part B storage permit.

Under Section 3006 of the Resource Conservation and Recovery Act (RCRA), EPA may authorize qualified states to administer and enforce the RCRA program within the State. Following authorization, EPA retains enforcement authority under sections 3008, 3013 and 7003 of RCRA, although authorized states have primary enforcement responsibility. The Hazardous and Solid Waste Amendments of 1984 (HSWA) were established to significantly expand the scope and requirements of RCRA. New requirements and prohibitions imposed by HSWA take effect in authorized States at the same time they take effect in nonauthorized States. EPA is directed to carry out HSWA requirements until the State is granted authorization to do so. The TC rule is a HSWA requirement. Prior to HSWA, a State with a final authorization administered its hazardous waste program in lieu of EPA administering the Federal program in that State. The Universal Waste Rule is a non-HSWA rule and is therefore not effective in an authorized State until they receive authorization from EPA.

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We hope the above answers your questions. Should you have any additional questions please contact me at (617)565-3559 or Gary Gosbee at (617)565-3725.

Sincerely,



Edward K. McSweeney
Associate Director of Waste Policy

cc: Steven A. DeGabriele, Director, MADEP
Bill Sirull, MADEP
Gary Gosbee, EPA-OEP
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