

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

September 4, 1992

Mr. Martin Wikstrom
NEMA Environmental Affairs
National Electrical Manufacturers Association
2101 L Street, N.M., Suite 300
Washington, D.C. 20037

Dear Mr. Wikstrom:

Thank you for letter of August 1, 1992 concerning the status of fluorescent lamps under RCRA. We appreciate your interest in this matter.

In order to receive any final determination as to allowable waste management practices for fluorescent lamps, or to communicate any questions or concerns you may have about Minnesota's guidance for managing fluorescent lamps, you should contact the Minnesota Pollution Control Agency, since Minnesota, as an authorized state, implements its own hazardous waste programs.

In your letter, you requested confirmation that Environmental Protection Agency (EPA) regulations permit

- land disposal in an out-of-state subtitle D landfill for all small quantity generators of hazardous waste and for households wishing to dispose of their lamps outside of Minnesota, as long as the receiving state accepts the household hazardous waste and small quantity generator regulatory exclusions, and
- land disposal in any hazardous waste landfill as long as the lamps pass the Extraction Procedure (EP) toxicity test.

As to both matters, your interpretation of EPA regulations is essentially correct. Under 40 CFR Parts 261.5 and 261.4 (b) (1), conditionally exempt small quantity generators and generators of household hazardous wastes are not prohibited from land disposing their fluorescent lamps in a subtitle D landfill outside of Minnesota, provided that (i) the state receiving the lamps has accepted the household hazardous waste exclusion the small quantity generator exclusion, as applicable, and (ii) the receiving state's subtitle D program does not specifically disallow the land disposal of fluorescent lamps or tubes.

EPA regulations currently permit the land disposal of fluorescent lamps, without land disposal restrictions (LDRs) coming into play, in any hazardous waste landfill as long as the lamps pass the EP test. These regulations may change, however, when the

Agency promulgates a package of regulations on LDRs for certain newly listed wastes and contaminated soil. The Agency's notice of proposed rulemaking relating to these regulations will be published in the near future, and the final rule is due to be issued in mid-1993.

We also agree with your statement that the May 8, 1992 LDR date does not apply to wastes which pass the EP test but fail the Toxicity Characteristics Leaching Procedure (TCLP) test.

With respect to any lamps that might fail the EP test, you should note that on August 18, 1992, EPA published the Final Rule on Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris, a copy of which is enclosed. Under the definition of debris set forth in the rule (see 57 FR 37222), debris includes manufactured objects exceeding 60 mm particle size. A discussion of the definition of hazardous debris follows in the rule (see 57 FR 37225). On May 15, 1992, EPA announced a one-year extension of the May 8, 1992 LDR effective date. I have enclosed a copy of this notice for your review. The extension applies to all persons managing hazardous debris.

Finally, the Agency is in the process of developing a proposal to encourage the collection and subsequent protective management of fluorescent tubes and other consumer wastes and we anticipate that this proposed rule will be published by the end of 1992.

We hope that this response will clarify EPA's guidelines with regard to the land disposal of fluorescent lamps. Should you have any further questions or comments concerning this issue, you may call Mr. Richard Kinch at (703) 308-8434.

Sincerely yours,

Sylvia K. Lowrance, Director
Office of Solid Waste

FaxBack # 11693