

Rinchem 15



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**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

December 4, 1995

Mr. James H. Moore Jr.  
Director of Operations  
Rinchem Company, Inc.  
6133 Edith Boulevard N.E.  
Albuquerque, New Mexico 87107

RE: **Proposed Services**  
**EPA ID NO. NMD002208627**

Dear Mr. Moore:

Rinchem Company, Inc. (RCI) has proposed (letter dated February 7, 1995) to provide to its customers the following services:

- 1) elementary neutralization
- 2) crushing of fluorescent bulbs
- 3) compacting of solid RCRA and non-RCRA regulated waste for volume reduction prior to shipment for disposal
- 4) bioremediation treatability studies

RCI has requested the Hazardous and Radioactive Materials Bureau (HRMB) to determine whether these proposed services should be incorporated into RCI's hazardous waste facility permit (HWFP). Upon review of the aforementioned proposed services, HRMB has made the following determinations:

**1) Elementary Neutralization:**

HRMB has determined that elementary neutralization (EN) as cited in 20 NMAC 4.1 (rev. 11-1-95), Subpart IX, 40 CFR §270.1(c)(2)(v) is one of the specific exclusions not requiring a RCRA permit. This is applicable only if the following conditions are adhered to:

- 1) 40 CFR §270.1(c)(2)(v) specifies that owners or operators of EN units as defined in 40 CFR §260.10 are among those who

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are not required to obtain a RCRA permit. The definition of an EN unit in 40 CFR §260.10 states that an EN unit means a device which: a) is used for neutralizing wastes that are hazardous only because they exhibit the corrosivity characteristic defined in 40 CFR §261.22, or they are listed in Subpart D of Part 261 for this reason; and b) meets the definition of tank, tank system, container, transport vehicle, or vessel in 40 CFR §260.10.

2) In addition to the above, 40 CFR §264.1(g)(6) states that the requirements of 40 CFR Part 264 do not apply to the owner or operator of an EN unit as defined in 40 CFR §260.10, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in 40 CFR §268.42, Table 2, of this chapter), or corrosive (D002) waste, to remove the characteristic before land disposal, the owner or operator must comply with the requirements set out in 40 CFR §264.17(b) of this part.

## **2) Crushing of Fluorescent Bulbs:**

In a letter dated July 28, 1993, EPA has provided guidance on the current regulatory status of crushing of fluorescent lamps (CFL). EPA has stated:

"Generally, recycling of hazardous wastes would be defined as treatment under 40 CFR §260.10. Legitimate recycling processes, however, are not subject to RCRA Subtitle C regulation under 40 CFR §261.6(c) except as noted in 40 CFR §261.6(d). If crushing fluorescent lamps that fail the toxicity characteristic is a necessary part of a legitimate recycling process, it would not be subject to RCRA Subtitle C regulatory requirements except as specified in 40 CFR §261.6(d). The crushing activities may occur at the generator's facility, or at the recycler's facility and remain exempt under 40 CFR §261.6(c). You should be aware that any storage of crushed lamps that fail the toxicity characteristic still would be subject to RCRA Subtitle C regulation (e.g., 40 CFR §262.34 for generator accumulation or 40 CFR Part 264 for other storage).

Also note that spent fluorescent lamps contain a small amount of elemental mercury as well as mercury that is bound to the phosphor powder found inside the bulb. The Agency has little data on the potential hazard of mercury releases from bulb breakage or crushing but we are concerned that crushing may present a hazard to worker safety.

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The Occupational Safety and Health Administration (OSHA) sets standards for maximum exposure limits for mercury in the workplace. These standards are found at 29 CFR Part 1910; there may also be applicable State worker safety requirements. You should ensure that the crushing operations comply with applicable occupational and health standards."

HRMB is in agreement with EPA's current regulatory status of CFLs. Therefore, this proposed service need not be incorporated into RCI's HWFP provided that:

1) RCI comply with EPA's current regulatory status of CFLs, and understand that the exemption cited in 40 CFR §261.6(c) is applicable to the crushing and recycling operations only.

2) In RCI's letter of August 23, 1995, RCI has stated that they will provide their customers with the option of crushing the customers bulbs at their facility or at the RCI facility. Also, RCI has estimated that the maximum frequency of the crushing activity at RCI would be once a month. HRMB will emphasize that RCI should be aware that any storage of crushed lamps that fail the toxicity characteristic still would be subject to RCRA Subtitle C regulation (e.g., 40 CFR §262.34 for generator accumulation or 40 CFR Part 264 for other storage). In addition, should RCI store the recyclable materials (i.e., fluorescent lamps) before they are recycled, RCI will conform with 40 CFR §§261.6(c)(1) through (c)(2), and 268.50(a)(2)(i).

3) RCI has proposed the use of a Proveda Model 92 Fluorescent Tube Crusher (FTC). HRMB, through subsequent telephone conversations with Proveda Inc., was informed that Proveda Inc. has discontinued the manufacture of FTCs. HRMB was informed that various facilities using Proveda FTCs were concerned with high levels of mercury vapors being emitted during the operation of the FTC equipment. The New Mexico Occupational Safety and Health Administration Bureau does offer the service of equipment sampling. At RCI's request, OSHA will arrive at the RCI facility and sample the Proveda FTC. Should RCI wish to benefit from this service, please contact Mr. John Tymkowych, OSHA Technical Services Program Manager, at (505) 827-4230. As stated earlier in EPA's current regulatory status of crushing of fluorescent lamps, HRMB will request that RCI abide by the following:

"The Occupational Safety and Health Administration

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(OSHA) sets standards for maximum exposure limits for mercury in the workplace. These standards are found at 29 CFR Part 1910; there may also be applicable State worker safety requirements. You should ensure that the crushing operations comply with applicable occupational and health standards."

**3) Compacting of solid RCRA and non-RCRA regulated waste for volume reduction prior to shipment for disposal:**

HRMB has determined that this proposed service need not be included into RCI's HWFP provided that:

1) RCI will ensure that, during their compacting operations, Part 264, Subpart I - Use and Management of Containers will be adhered to.

2) Additionally, RCI must ensure that their compacting operations do not infringe upon the 40 CFR §260.10 definition of treatment. The placing of two RCRA hazardous wastes into one container for the purpose of facilitating disposal is considered treatment if, for example, the mixing makes one or both of the wastes less hazardous or safer to transport. Any person unless otherwise excluded from regulation, consolidating wastes needs a RCRA permit or interim status designation if the mixing results in treatment according to the definition in 40 CFR §260.10. A machine that compacts hazardous waste in a drum will meet the definition of treatment if the reduction in volume results in a change in the physical, chemical or biological character or composition of the waste.

**4) Bioremediation Treatability Studies:**

HRMB has determined that bioremediation treatability studies need not be incorporated into RCI's hazardous waste facility permit provided that:

1) RCI meet the conditions of 40 CFR §§261.4(f) and 261.4(f)(1) through (11).

2) A treatability study is not used as a means to commercially treat or dispose of hazardous waste as stated in the definition of treatability study, 40 CFR §260.10.

HRMB requests that RCI, upon review of the above determinations, respond by letter stating whether they will pursue in providing these proposed services to their customers. Upon receipt of RCI's

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response, HRMB will proceed with assessing RCI's permit fees, which will complete HRMB's administrative review of RCI's HWFP reapplication. Should you have any further questions regarding this matter you may contact Phillip Solano of my staff at (505) 827-1561.

Sincerely,



Barbara Hoditschek, RCRA Permits Program Manager  
Hazardous and Radioactive Materials Bureau

cc: Benito Garcia, Chief HRMB  
Susan Hoines, HRMB RCRA Technical Compliance  
Karen Wade, OSHA  
David Neleigh, Chief 6HPN EPA Region VI  
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