

July 27, 2017

Ms. Becky Keogh  
Director  
Arkansas Department of Environmental Quality  
5301 Northshore Drive  
North Little Rock, AR 72118-5317

Subject: Comments on proposed revisions to APC&EC Regulation 23

Dear Ms. Keogh,

I am writing to provide comments on the proposed revisions to Regulation 23, in especially to the Regulation 23.273 provisions for universal waste lamps. The Arkansas Department of Environmental Quality (ADEQ) has always promoted the use of the universal waste management system versus traditional hazardous waste management where such use provided for environmental protection and economic benefit.

In fact, the ADEQ established the universal waste system for lighting waste before the federal system was finalized. Subsequently, Regulation 23 was amended to conform more closely to the federal regulations. However, part of the original and more restrictive state system was not amended to conform to the federal system.

Found at APC&EC Regulation 23.273.5(a)(3), the following language

*“(3) Broken lamps and the debris resulting from broken lamps are considered to be a hazardous waste and are subject to the requirements of Sections 260-266, and 268 of this regulation.”*

is more restrictive than the federal language and makes it more difficult for state government entities, commercial concerns, and industries to handle these materials. This language is also contradictory to the language for small and large quantity handlers of waste lamps. These requirements at APC&EC 23.273.0 and 273.30 for small and large quantity handlers states:

” (2) A small quantity handler of universal waste must immediately clean up and place in a container any lamp that is broken and must place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Containers must be closed, structurally sound, compatible with the contents of the lamps and must lack evidence of leakage, spillage or damage that could cause leakage or releases of”

and

“(2) A large quantity handler of universal waste must immediately clean up and place in a container any lamp that is broken and must place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Containers must be closed, structurally sound, compatible with the contents of the lamps and must lack evidence of leakage, spillage or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions.  
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It is obvious that the requirements for handlers and generators are inconsistent, in especially as generators are also regulated as small or large quantity handlers.

Removing the state specific language for lamps handled under the universal waste system will provide the following benefits

- allow federal, state, and local governments to handle lamp waste under one system without the expense of maintaining separate waste handling systems for broken lamps during the maintenance of office buildings.
- Allow recycling events to handle lamp waste from nonhousehold sources without the potential for improperly handling materials classified as hazardous waste, and,
- Provide regulatory clarity between sections of Regulation 23.

Thank you for your time and consideration on this issue.

Respectfully submitted,

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