



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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CERTIFIED MAIL

Mr. Raymond Graczyk
NLR, Inc.
250 Main St.
East Windsor, CT 06088

May 23, 2012

Re: BWP, Chicopee,
Waiver Request pursuant to 310 CMR 76.00; M.G.L. c.
21H, §6I, "Massachusetts Mercury Management Act"

Dear Mr. Graczyk:

On February 8, 2002, MassDEP received a waiver request pursuant to 310 CMR 76.04(2)(b), for the use of crushed/pulverized glass derived from spent fluorescent, mercury-containing bulbs to be used, under a MassDEP approved Category 2-Regulated Systems Beneficial Use Determination (BUD), 310 CMR 19.00, at the Chicopee, Granby and South Hadley landfills ("Landfills"). The waiver request was prepared and submitted by Anchor Engineering (Anchor) on behalf of NLR.

NLR is proposing to ship the crushed/pulverized glass to the Landfills to be used as gas-venting material, pipe backfill and alternate daily cover. The crushed/pulverized glass will be shipped via leak free and covered containers.

Anchor provided the results of TCLP mercury analyses of the crushed glass for 2010 and 2011, which were below the TCLP standard for mercury of 0.20 milligrams/liter (mg/l), ranging from 0.003 mg/l to 0.044 mg/l.

One sample of crushed glass was obtained on September 15, 2011 and analyzed for total RCRA 8 metals which showed a mercury level at 1.01 mg/kg.

As requested by MassDEP, one sample of pulverized glass was obtained on March 2, 2012 by Anchor Engineering (Anchor), and analyzed for total RCRA 8 metals and TCLP RCRA 8 metals, with TCLP mercury at 0.007 milligrams/liter (mg/l), vs. the TCLP limit of 0.2 mg/l; and total mercury at 1.34 mg/kg.

As requested by MassDEP, Anchor's March 2, 2012 submittal, contained supporting information that washing of the crushed/pulverized glass to further reduce mercury levels is not technically or economically feasible, because commercial washing equipment for the glass is not reportedly available, and there are also significant technical, permitting, and cost issues involved with the potential installation of any washing equipment. In addition, NLR claims that further protection of human health and the environment, from low levels of mercury, is realized by obtaining a BUD approval from MassDEP and by complying with the BUD's terms and conditions.

On March 20, 2012, Anchor submitted additional sampling/analytical data and additional documentation, as requested by MassDEP, in support of the waiver and the BUD.

In accordance with 310 CMR 76.04(2)(b)(2), On May 1, 2012, NLR, Inc. published a Legal Notice in a Massachusetts newspaper and the Massachusetts Environmental Monitor. The Legal Notice informed the public to provide comments to MassDEP, in writing, on the Department's intent to issue the proposed waiver. The comment period expired on May 21, 2012. MassDEP did not receive any comments from the public.

Pursuant to 310 CMR 76.04(2)(b), MassDEP is granting NLR, Inc. a waiver to send crushed/pulverized glass derived from spent fluorescent, mercury-containing bulbs to the Landfills conditioned upon the following:

1. This waiver shall only apply to the crushed/pulverized glass from spent fluorescent, mercury-containing bulbs generated at NLR, Inc.'s facility located at 250 Main St., East Windsor, CT. No other mercury containing material shall be subject to this waiver.
2. The crushed/pulverized glass shall not exceed the TCLP concentration for mercury, as established by the Massachusetts Hazardous Waste Management regulations, 310 CMR 30.000, when shipped to the Landfills
3. NLR, Inc. shall ensure that the management, handling and transportation of the crushed/pulverized glass do not pose exposure and/or harm to human health and the environment.
4. NLR, Inc. shall, at all times, comply with the terms and conditions of its BUD approval.
5. Any violation of the terms and conditions of this waiver and/or the BUD shall be a violation of the laws and regulations under which this waiver and the BUD are issued.
6. MassDEP reserves the right to negate this waiver at its sole discretion or due to any violation of the terms and conditions of this waiver.

7. NLR, Inc. shall notify MassDEP, by no later than 24 hours, of any deviation from the terms and conditions of this waiver and/or the BUD.
8. NLR, Inc. shall comply with any and all other applicable federal, state and local laws and regulations relative to the management, handling and transportation of the crushed/pulverized glass. This waiver shall not be construed to provide waiver to NLR, Inc. for any other applicable MassDEP regulations or requirements related to the management, transportation and handling of the crushed/pulverized glass that is subject of this waiver.
9. The only material which may be utilized under this waiver is crushed/pulverized glass which has been fully processed through NLR's processing equipment at its Facility at 250 Main St., East Windsor, CT., with the mercury-containing calcium phosphate powder removed from the lamps, to the maximum extent feasible, by the air circulation system of NLR's processing equipment. NLR shall notify MassDEP of any changes in its processing equipment which may affect the quality of the crushed/pulverized glass material, particularly any changes which may negatively affect the removal of mercury.
10. No crushed fluorescent bulb glass material generated off site and brought to NLR's facility (i.e. from facilities with drum crushers) shall be utilized by NLR or the landfills for any reuse purpose according to this waiver, unless the material is fully processed at the NLR facility as required by Condition #9 of this waiver. All crushed/pulverized glass material shall be free of other lamp components, including metal end caps, insulators, wires and ballasts.

If you have any questions, please contact me at 413-755-2131.

Sincerely,

This final document copy is being provided to you electronically by the Department of Environmental Protection. A signed copy of this document is on file at the DEP office listed on the letterhead.

Saadi Motamedi
Section Chief
Compliance and Enforcement
Bureau of Waste Prevention

Certified Mail No.: 7008 0500 0000 7958 6654

CC: Mercury Program, BWP, Boston
Larry Hanson, BWP, WERO