



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

NOV 15 2006

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

Mr. Herbert Schall
Dlubak Glass Company
11567 Co. Hwy 110
Upper Sandusky, Ohio 43351

Dear Mr. Schall:

Thank you for your emails of August 4, 2006 and August 23, 2006 to Mr. Robert Tonetti and Ms. Marilyn Goode regarding our recently published final rule on cathode ray tubes (CRTs)(71 FR 42928, July 28, 2006). This rule modifies regulatory requirements under the Resource Conservation and Recovery Act (RCRA) for CRTs sent for recycling.

In your email of August 4, 2006, you described your storage practices and requested clarification about how the rule would affect those practices. You also requested clarification about the regulatory status of glass received at your facilities that is not from end-of-life, post-consumer channels (i.e., unused CRTs that are received from manufacturers). In your August 23, 2006 email, you also requested confirmation that sorted CRT glass exported for recycling is not subject to the export requirements of the CRT rule.

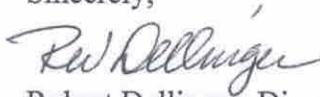
With respect to unused CRTs that you receive from manufacturers, these materials are not regulated by EPA when recycled because they are considered unused commercial chemical products being reclaimed. Therefore, as long as the unused CRTs or glass from the unused CRTs are kept segregated from used CRTs or glass from used CRTs, they would not be regulated under RCRA. If the materials are mixed with regulated materials, the combined materials would be subject to the applicable provisions of the CRT rule. For a discussion of the status of unused CRTs, see the preamble of the final CRT rule at 71 FR 42928, 42929.

With respect to glass from used CRTs, storage practices required under the rule depend on how the glass is classified. Generally, CRT glass that has been removed from monitors and sorted is classified as "processed CRT glass." Such glass has been broken, separated, and sorted or otherwise managed (for the definition of "CRT processing," see 40 CFR 260.10). Under 40 CFR 261.39(c), this glass, if it is sent to a CRT glass manufacturer or a lead smelter, is not subject to any storage requirements other than the requirement that it not be speculatively accumulated as defined in 40 CFR 261.1(c)(8). Therefore, such glass could be stored outdoors on concrete surfaces as long as the speculative accumulation time limits are not exceeded. It is also not subject to the requirements of 40 CFR 261.39(a)(5) for CRTs exported for recycling.

We note that the information presented in this letter applies to the federal hazardous waste program. Most state regulatory agencies are authorized to implement the hazardous waste program in lieu of the federal program, and state regulations may be more stringent than federal regulations. In addition, except for the export requirements of 40 CFR 261.39 (a)(5), which go into effect on January 29, 2007, the requirements of the new federal rule do not go into effect in authorized states until the states pick up the new rule. You should therefore contact the appropriate state regulatory agency to ascertain the requirements applicable to your operations.

I hope this letter addresses your concerns. If you have any further questions, please contact Marilyn Goode of my staff at 703-308-8800.

Sincerely,

A handwritten signature in cursive script, appearing to read "R. Dellinger".

Robert Dellinger, Director
Hazardous Waste Identification Division