

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

APPEARANCES:

ILLINOIS POLLUTION CONTROL BOARD
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601
(312) 814-3900

BY: Ms. Marie Tipsord
Mr. J. Phillip Novak, Board Member
Mr. G. Tanner Girard, Board Member
Mr. Nicholas Melas, Board Member
Mr. Thomas Johnson, Board Member
Mr. Anand Rao, Board Staff
Ms. Alisa Liu, Board Staff
Mr. Timothy Fox, Board Staff
Illinois Environmental Protection Agency
1021 North Grand Avenue East,
P.O. Box 19276
Springfield, Illinois 62794
(217) 782-5544

BY: Mr. M. Kyle Rominger
Mr. Kevin Green
Mr. Mark Crites
Ms. Lindsey Evans
Appeared on behalf of the Illinois
Environmental Protection Agency.

ALSO PRESENT: Mr. Leonard Worth

1 HEARING OFFICER TIPSORD: Good morning.

2 My name is Marie Tipsord. And I have been
3 appointed by the board to serve as a hearing
4 officer in these proceedings entitled in the
5 Matter of Proposed Standards for Universal Waste
6 Management Amendments to 35 Ill. Adm. Code 703,
7 720, 721, 724, 725, 728 and 733. The docket
8 number is R05-8.

9 To my left is chairman Phillip Novak,
10 the lead board member assigned to this matter.
11 To my right is Dr. Tanner Girard, who is also
12 assigned to this rulemaking.

13 Also present to Dr. Girard's right is
14 Nicholas J. Melas and board member Thomas
15 Johnson -- I should say board member Nicholas
16 Melas as well.

17 From our technical staff, we have
18 Anand Rao and Alisa Liu. And also present is Tim
19 Fox, attorney assistant to Chairman Novak.

20 This is the first hearing to be held in
21 this proceeding. The purpose of today's hearing
22 is to hear the testimony of the Illinois
23 Environmental Protection Agency and to allow
24 anyone who wishes to ask questions of the agency.

1 Also, anyone who wishes may make an opening
2 statement.

3 As the prefiled testimony is short, we
4 will allow it to be read into the record. After
5 the agency has completed the testimony, we will
6 open the floor for questions. Anyone may ask a
7 question. However, I do ask that you raise your
8 hand, wait for me to acknowledge you. After I
9 have acknowledged you, please state your name and
10 who you may represent before you begin your
11 question.

12 Please speak one at a time. If you are
13 speaking over each other, the court reporter will
14 not be able to get your questions on the record.

15 Also note that any questions asked by a
16 board member or staff are intended to help build
17 a complete record for the board's decision and
18 not to express any preconceived notions or bias.

19 On the left-hand side of the room, we
20 have sign-up sheets for the notice and service
21 list, also copies of the current notice and
22 service list and copies of the public act upon
23 which this proposal is based. I believe the
24 agency has also placed copies of the proposal and

1 the testimony over there.

2 At this time, Chairman Novak, would you
3 like to say good morning?

4 CHAIRMAN NOVAK: Thanks, Marie. And
5 members of the pollution control board, staff
6 and, of course, members of the agency and
7 interested parties, we thank you for coming this
8 morning. I think this is a relatively
9 straightforward rulemaking. It is pursuant to
10 legislation that was signed by the governor this
11 past year dealing with some items that have
12 potential toxic impacts on the environment. And
13 we look at this Universal Waste Rule as the
14 method by which to address this issue.

15 So we want to go forward with this
16 rulemaking. Hopefully, it will be expeditious.
17 And we might as well get started. Thank you for
18 your participation.

19 HEARING OFFICER TIPSORD: Dr. Girard?

20 MR. GIRARD: Just echo the comments of
21 Chairman Novak and welcome everyone this morning.
22 And we look forward to your testimony. Thanks.

23 HEARING OFFICER TIPSORD: With that,
24 Mr. Rominger, would you like to start?

1 MR. ROMINGER: Good morning. My name
2 is Kyle Rominger. I am the attorney with the
3 Illinois EPA. We are here to present our
4 proposal. With me is Kevin Green, he is the
5 manager of the Office of Pollution Prevention at
6 the agency. To my right is Lindsey Evans, she is
7 one of the other attorneys at the agency. And at
8 the end of the table is Mark Crites, he is a
9 project manager in the RCRA area with the bureau
10 and I guess the main point person that we have on
11 universal waste agency.

12 As Chairman Novak stated, this proposal
13 is pursuant to legislation that was passed this
14 last year going back to 93-964 and became
15 effective August 20th, 2004. We have a copy of
16 that legislation in our proposal.

17 The legislation -- the pertinent part
18 to these rules deals with mainly three issues.
19 The first one was designating as universal waste
20 three types of waste, the mercury relays, mercury
21 switches and scientific and instructional
22 equipment containing mercury added during their
23 manufacturer.

24 The second portion of the legislation

1 requires the agency to propose in order to adopt
2 rules to address the universal waste designation
3 and to prescribe management standards for the
4 universal waste. And then it also requires the
5 board to adopt rules that are equivalent to USEPA
6 rules should the USEPA adopt rules in the future.

7 Our proposal is based on a proposal by
8 the USEPA to make mercury-containing equipment
9 universal waste. That was proposed back on
10 June 12th of 2002. And since the board rules
11 eventually have to match what the USEPA rules
12 are, we thought it was best we base our proposal
13 upon these rules. I have talked with the
14 attorney working on the USEPA rules. At this
15 point they project the final rules to be out
16 possibly in late spring of 2005.

17 There is one difference I would like to
18 note between the USEPA's proposal and our
19 proposal. The definition of mercury-containing
20 equipment is somewhat different. In the USEPA
21 rules, it is broadly defined. And what we have
22 done in our proposal is limit it only to the
23 types of mercury-containing equipment that is
24 addressed in the legislation; that being the

1 relays, the switches and the scientific and
2 instruction equipment.

3 The USEPA proposal also addresses
4 cathode ray tubes, which we are not addressing
5 here. And I believe the USEPA rules, they have
6 split that docket between the CRT, cathode ray
7 tubes, and mercury rules. So when they come up
8 with final rules for the mercury, that will
9 address the mercury-containing equipment.

10 HEARING OFFICER TIPSORD: Mr. Rominger,
11 before you go on, since you have been discussing
12 some of the facts of the USEPA rule, I think I
13 would be more comfortable by having you sworn in.

14 (Kyle Rominger sworn.)

15 MR. ROMINGER: With that, I will turn
16 it over to Mark Crites for his testimony.

17 HEARING OFFICER TIPSORD: Let's swear
18 you in as well.

19 (Mark Crites sworn.)

20 MR. CRITES: Hello, my name is Mark
21 Crites. As Kyle said, I work in the Bureau of
22 Land Permit Section in the RCRA unit. I am the
23 Illinois EPA contact for universal waste issues.
24 My comments today will address the

1 characteristics of mercury-containing equipment
2 that renders it hazardous waste and the
3 appropriateness of allowing such waste to be
4 managed as universal waste.

5 The devices that are the subject of
6 this proceeding, namely, the mercury relays,
7 mercury switches and scientific instruments and
8 instructional equipment containing mercury added
9 during their manufacture, all contain an amount
10 of elemental mercury, which varies by the type of
11 device.

12 Mercury is a well-known toxin that
13 preliminarily affects the central nervous system
14 and kidneys and is a hazardous constituent under
15 the Resource Conservation and Recovery Act.

16 Under the current rules, solid waste
17 that exhibits the characteristic of toxicity,
18 which is defined at 35 Illinois Administrative
19 Code 721.124, must be managed under the hazardous
20 waste management system. Solid waste is
21 considered a hazardous waste if the mercury
22 concentration in the extract from a
23 representative sample of the waste exceeds 0.2
24 milligrams per liter by the Toxicity

1 Characteristic Leaching Procedure. Specific
2 testing of the mercury-containing devices covered
3 by this proposal has not been conducted by
4 Illinois EPA. But because of the composition of
5 the devices, we expect that all exceed the TC for
6 mercury and are, therefore, currently subject to
7 regulations as hazardous waste.

8 The subject proposal would allow
9 generators of these mercury devices to manage
10 them under a more streamline system called the
11 Universal Waste Rule. The Universal Waste Rules
12 was established by USEPA as an alternative
13 management system for certain wastes that would
14 normally be managed as hazardous waste. It is a
15 system whose goal is to improve the management of
16 commonly mismanaged wastes by encouraging proper
17 collection, consolidation and other management
18 through the use of stream-lined procedures.

19 Universal wastes are generally wastes
20 that meet the definition of hazardous waste, are
21 produced by a large variety of generators that
22 are commonly unfamiliar with the hazardous waste
23 management system. And as a result, these wastes
24 are commonly mismanaged.

1 Current universal wastes include lamps,
2 mercury-containing thermostats, suspended and
3 canceled pesticides and batteries. Generators of
4 hazardous waste that qualify for management as
5 universal waste have the option of continuing to
6 manage the waste under the hazardous waste system
7 or to manage the waste under the Universal Waste
8 Rule.

9 Those opting for management under the
10 Universal Waste Rule are not required to include
11 this waste in their hazardous waste totals for
12 purposes of determining generator category.

13 In our opinion, the types of
14 waste included in this proposal fit the
15 above description of universal waste.
16 Mercury-containing thermostats are in virtually
17 every climate-controlled building in the state.
18 Similarly, mercury relays are used in many
19 common types of equipment used every day.
20 Mercury-containing scientific and educational
21 equipment will be found in virtually every school
22 or laboratory and medical facility. In the vast
23 majority of the locations where the devices are
24 employed, no one at the facility is familiar with

1 the hazardous waste management system and, as a
2 result, many of these devices are improperly
3 discarded.

4 To further substantiate the
5 classification of mercury-containing waste as
6 universal waste, the USEPA has proposed and
7 intends to soon finalize similar regulation,
8 which includes a much broader scope of mercury
9 devices at the federal level. A copy of the
10 USEPA's proposal is submitted in the Illinois
11 EPA's original filing for this proceeding.

12 Additionally, other states, including
13 Pennsylvania and Michigan, have also added
14 mercury device categories to their Universal
15 Waste Rule as well. Because inclusion in the
16 Universal Waste Rule tends to decrease improper
17 disposal of the waste in question, USEPA and
18 various states generally do not see much
19 opposition to this approach.

20 The subject proposal would regulate
21 these mercury devices in the same way as mercury
22 thermostats are currently regulated under the
23 Universal Waste Rule. This is because many of
24 the devices included in this proposal are similar

1 in nature to mercury thermostats. And because of
2 this -- because this is the way that the USEPA
3 proposal would regulate such devices. An
4 advantage of this approach is when and if the
5 USEPA finalizes its mercury device rule, it
6 should be a relatively simple matter to update
7 the Illinois regulations to keep them consistent
8 with the federal rule.

9 In our experience, the Universal Waste
10 Rule has been successful in its goal of
11 encouraging proper management of the existing
12 wastes included in the rule. Most importantly,
13 it has done so without any significant unexpected
14 sequences. We expect similar success with the
15 addition of mercury-containing devices to the
16 Universal Waste Rule.

17 HEARING OFFICER TIPSORD: Thank you.
18 Just as a note, would you like to enter
19 Mr. Cites' resume as an exhibit since it was
20 attached?

21 MR. ROMINGER: Yes, either attached or
22 as a separate exhibit.

23 HEARING OFFICER TIPSORD: Let's go
24 ahead and put it in as an exhibit. If there is

1 no objection, we will mark it.

2 CHAIRMAN NOVAK: These impending
3 federal rules you mentioned, do you think there
4 is a possibility that whatever shape or form they
5 take will pre-empt what we are doing here today?

6 MR. ROMINGER: From what they have told
7 me, they are supposed to be pretty much similar.
8 There should be no surprises between the original
9 proposal and what are out as a final ruling.

10 CHAIRMAN NOVAK: What is the status of
11 the rules out there?

12 MR. ROMINGER: They are currently going
13 through their internal sign-off.

14 CHAIRMAN NOVAK: They haven't been out
15 for public comment?

16 MR. ROMINGER: The proposal was out in
17 2002. And when I originally talked to the
18 attorney back in September, they told me possibly
19 five months. And I called them just this past
20 Monday, and they said now it looks like late
21 spring of 2005. We don't have the final rules
22 out.

23 CHAIRMAN NOVAK: You say there is a
24 component in there for CRT.

1 MR. ROMINGER: The original proposal
2 covered both CRTs and mercury-containing
3 equipment. Because there is so much going on
4 with the CRTs, you can split the dockets. So the
5 rules that are coming out in the spring will be
6 the mercury rules. The CRTs will come out
7 sometime later.

8 CHAIRMAN NOVAK: Okay. Because that
9 would effect every used computer that is out
10 there.

11 MR. ROMINGER: Correct.

12 CHAIRMAN NOVAK: Among other things.
13 Thanks.

14 MR. ROMINGER: We also have to enter as
15 an exhibit a document titled "Economic Analysis
16 of Including Mercury-Containing Devices in the
17 Universal Waste System, Notice of Proposed
18 Rulemaking."

19 This was in the supporting
20 documentation for the USEPA rules. And we
21 thought it might be helpful to -- we are
22 submitting it just for informational purposes for
23 the board.

24 HEARING OFFICER TIPSORD: If there is

1 no objection, we will mark that Exhibit No. 2.

2 Seeing none, it is marked as Exhibit No. 2.

3 HEARING OFFICER TIPSORD: Are you ready
4 for any additional questions?

5 MR. ROMINGER: Yes.

6 HEARING OFFICER TIPSORD: Any
7 additional questions?

8 MR. JOHNSON: While Kyle is answering,
9 the legislation calls for a report to be
10 generated by you guys by January 1st, which is
11 fast approaching. I wondered what the status of
12 that was?

13 (Kevin Green sworn.)

14 MR. GREEN: The first draft of the
15 report has been prepared. And it is undergoing
16 internal review, which I think will take place
17 over the next week, week -- couple of weeks. And
18 the next step will be for the report to go to the
19 Governor's office for review. I hope that we
20 will have the report out by January 15th, 20th,
21 sort of in that time range.

22 MR. JOHNSON: Thank you.

23 HEARING OFFICER TIPSORD: Anything
24 further?

1 MR. RAO: Would it be possible for you
2 to submit that report into the record once it is
3 officially published by the IEPA?

4 MR. GREEN: We can do that.

5 MR. RAO: And also at this time do you
6 have, you know, some information you can share
7 about, you know, what kinds of programs are there
8 right now in the state to, you know, deal with
9 this issue of mercury?

10 MR. GREEN: There are a couple things
11 going on. At the federal level, USEPA has
12 established a stakeholder group that includes
13 representatives from auto manufacturers, scrap
14 yards, steel manufacturing facilities as well as
15 state governments and environmental groups to try
16 to come up with a national program to collect
17 mercury light switches from discarded or
18 end-of-life vehicles. These negotiations or
19 discussions have been going on for the last
20 12 months.

21 I am not sure -- they are trying to
22 come up with a voluntary program. I am not sure
23 if they are going to be able to get agreement or
24 not. At the same time, in November, state

1 representative Karen May convened a meeting with
2 representatives from the same interest groups to
3 see if a program for collecting mercury light
4 switches from discarded vehicles could be
5 established in Illinois. She instructed the
6 Illinois EPA to come up with a budget, what it
7 would cost to develop a program. And we have
8 come up with a draft budget that is also under
9 internal review. I am hoping that that will be
10 delivered to Representative May within the next
11 couple of weeks.

12 So the most immediate impact that this
13 rulemaking will have will be to facilitate the
14 removal and collection of mercury light switches
15 from discarded vehicles. But I need to caution
16 you that, like anything else, it is going to have
17 to probably be a negotiated agreement among the
18 different parties because the -- to help pay for
19 the cost of removing and collecting and shipping
20 those switches off site to a mercury retorting
21 facility. And we haven't reached agreement yet
22 on who will bear responsibility for paying for
23 different parts of that program.

24 MR. JOHNSON: Are there any similar

1 programs going on anywhere else in the states?

2 MR. GREEN: Yes. Maine passed
3 legislation two years ago that required the
4 automakers to establish a program and also
5 required them to pay a bounty of \$1 per switch to
6 scrap recyclers and auto dismantlers. And that
7 program has been in effect for about a year. And
8 it is -- it has had some good success. It needs
9 some refinements.

10 At the same time, the State of Michigan
11 just reached an agreement with the automakers to
12 set up a voluntary program to collect auto
13 switches from discarded vehicles. And that will
14 be going into effect sometime next year. There
15 is legislation pending in several northeastern
16 states to establish a program similar to Maine
17 where the responsibility for setting up and
18 paying for the program will be placed on the
19 automakers.

20 A couple of other states have laws in
21 place that require the auto recyclers and
22 dismantlers to remove the mercury switches -- to
23 identify and remove the mercury switches from the
24 vehicles before they are scraped.

1 CHAIRMAN NOVAK: Are you guys pretty
2 well satisfied with the definition of what a
3 mercury switch is according to the statute, in
4 addition to those switches in grandma's house?
5 There is a lot of other things.

6 MR. GREEN: For now I think we are
7 satisfied. But it doesn't mean we might not come
8 back at some later time to make refinements.
9 This is new territory for us as we work more and
10 more on the so-called product stewardship
11 legislation. We are trying to focus on consumer
12 products and commercial products that are in the
13 waste stream. So we may have to do some fine
14 tuning later on. But right now I think we are
15 okay.

16 CHAIRMAN NOVAK: And who in the agency
17 extrapolates all that data, you, your office?

18 MR. GREEN: Well, it is typically a
19 joint initiative between the Office of Pollution
20 Prevention and the Bureau of Land. We tend to
21 work together.

22 CHAIRMAN NOVAK: Do you handle the
23 light bulb stuff too?

24 MR. GREEN: No. The Bureau of Land is

1 handling the fluorescent bulbs.

2 CHAIRMAN NOWAK: Thanks.

3 HEARING OFFICER TIPSORD: Any more
4 questions?

5 MR. WORTH: My name is Leonard Worth.
6 I do lamps in the state of Illinois. It is my
7 understanding -- and I don't mean to be
8 correcting the EPA. But it is my understanding
9 that there are mercury switches in automobiles
10 that are not used for activating lights. And I
11 think I heard the word light switch. And I think
12 that is misleading because there is mercury
13 switches in ABS systems, for example. I don't
14 think the word light should be included in
15 mercury switch identification.

16 HEARING OFFICER TIPSORD: Could I have
17 you sworn in since that is a clarification?
18 Thank you.

19 (Leonard Worth sworn.)

20 MR. GREEN: May I respond? He is
21 correct. In fact, the discussions that we are
22 having will address both the mercury light
23 switches as well as the switches that are in the
24 antilock brake systems.

1 MR. CRITES: I would like to respond as well.
2 Our definition of mercury switch doesn't mention
3 light. Basically, anything that opens or closes
4 an electrical circuit, gas valve -- it is a broad
5 definition of sorts if you read it.

6 HEARING OFFICER TIPSORD: Alisa, did
7 you have a question?

8 MS. LIU: Was your question fully
9 answered?

10 MR. WORTH: Yes. They said it doesn't
11 restrict it only to light switches.

12 MS. LIU: The question I had goes back
13 to an earlier discussion on the local level in
14 the state of Illinois. I was wondering if the
15 agency was doing any sort of public outreach with
16 regards to this program to schools or homeowners
17 or local junkyards, that kind of thing.

18 MR. GREEN: We do have a special
19 program that we put into place about a year and a
20 half ago to collect waste chemicals and old
21 mercury-containing devices from K through 12
22 schools. And I think we have conducted over 300
23 collection events at schools in the last year and
24 a half, two years.

1 We also encourage consumers to bring in
2 their old thermostats, their mercury switch
3 thermostats, to household hazardous waste
4 collection events that we conduct during the
5 spring and fall months.

6 As I mentioned earlier, we are a part
7 of a work group that has been pulled together by
8 Representative May to see if we come up with a
9 program to collect mercury switches from both ABS
10 and light switches from discarded vehicles. But
11 that is going to take a little bit more work.
12 That is something that our agency doesn't have
13 the resources to fund. And so we are going to
14 have to get some help from the private sector to
15 set up the program to identify and remove and
16 collect those switches from old vehicles.

17 HEARING OFFICER TIPSORD: Anything
18 else?

19 MR. CRITES: I would just like to add
20 that when she brings up the households, the
21 individuals in their homes, this rulemaking
22 wouldn't apply to them at all because households
23 are exempt from the hazardous waste management
24 system. As Kevin pointed out, we do do the

1 household hazardous waste collections throughout
2 the state, which is a really good program. It
3 collects a whole lot of materials that would have
4 went to the regular landfill.

5 When it comes to businesses, as far as
6 the outreach, we found that the -- our best tool
7 for outreach is actually the people in the
8 business of recycling. They are very effective
9 of going out and trying to get new customers.
10 And I periodically give presentations on the
11 Universal Waste Rule throughout the state to
12 anybody who is interested in attending as well.
13 So I just want to point out mainly there is two
14 separate issues when you talk about households
15 versus anybody else.

16 MR. GREEN: There is one other program
17 I would like to mention. The three major
18 manufacturers of thermostats have set up a
19 nonprofit corporation to help recycle mercury
20 switch thermostats. It is called the Thermostat
21 Recycling Corporation. They have an operation
22 here in Illinois.

23 And they work with heating and
24 ventilation and cooling contractors. And I think

1 there is 40 to 50 HVAC wholesalers who are
2 participating in the program. They have a little
3 bin at their facilities. And they have brochures
4 and other materials. And they try to encourage
5 contractors when they do work in a home or are
6 doing major renovation or building a new home --
7 actually, it will be more renovation-type work or
8 if they are out replacing the thermostat in the
9 home to bring that old thermostat back so it can
10 be recycled properly.

11 And our agency is part of a nationwide
12 initiative trying to find ways to strengthen that
13 program in the states where it is offered.

14 MR. JOHNSON: Do you guys have any
15 estimate as to the quantity that you are going to
16 keep out of landfills?

17 MR. GREEN: I have a guesstimate. In
18 terms of mercury switches from automobiles, we
19 estimate there are about 280,000 cars that are
20 scraped annually in Illinois. And each car
21 contains between .5 to .8 grams -- .5 to .8
22 switches. Not all cars contain a switch, some
23 do, some don't.

24 CHAIRMAN NOVAK: Where are they found,

1 Kevin?

2 MR. GREEN: They are found in hood and
3 trunk lights. Convenience lighting, when you
4 lift up the hood, the little switch in the back
5 makes the light as well as the ABS sensors.

6 CHAIRMAN NOVAK: And that is it? They
7 are not in the ignition?

8 MR. GREEN: No. There is mercury in other
9 parts of the car, but not in the form of
10 switches. You can find mercury in some of the
11 high-intensity discharge lamps that you are going
12 to find on some of the upper-end vehicles and we
13 are beginning to see in some of the background
14 lighting for the navigational systems.

15 CHAIRMAN NOVAK: The GPS deals?

16 MR. GREEN: Yes. We are -- the various
17 state governments and local governments are
18 trying to work with automakers to find
19 alternatives. Because that can become a growing
20 problem in the future. But there is some value
21 right now to recycling those old ones.

22 CHAIRMAN NOVAK: Is there any of that
23 stuff in the LCD screens?

24 MR. GREEN: In some computers there is.

1 But I am not sure which kind of computers may
2 find mercury.

3 But anyhow, we estimate there are about
4 150 to 200,000 mercury switches present in
5 discarded vehicles that are scrapped annually here
6 in Illinois. That amounts to about 270 to
7 400 pounds of mercury that potentially could be
8 recycled, assuming you had a program set up. And
9 it won't be possible to get to every switch in
10 the car. If a car has been involved in an
11 accident, you are not going to be able to
12 necessarily open up the hood and remove the
13 switch.

14 So any effort to get something going
15 would -- we would want the auto recyclers to make
16 a good faith effort to remove the switch from the
17 car.

18 CHAIRMAN NOVAK: Then where does it go?

19 MR. GREEN: Well, it would -- each of
20 them would get a little five-gallon bucket. And
21 that would hold approximately 450 light switches.
22 They would store that -- those switches at their
23 facility and then ship those to a mercury
24 retorting facility. There is one in Wisconsin I

1 believe as well as Pennsylvania. There may be a
2 few others.

3 CHAIRMAN NOVAK: None in Illinois?

4 MR. GREEN: None that I am aware of in
5 Illinois.

6 CHAIRMAN NOVAK: When you retort, that
7 is a chemical process.

8 MR. GREEN: Yeah, they pull mercury out
9 of items. And that raises a big issue. Ideally,
10 you want to keep mercury out of new products
11 coming into manufacture. So there is a national
12 debate going on over what to do with the mercury
13 that is being collected.

14 Because as you encourage manufacturers
15 to remove the mercury -- I mean stop using
16 mercury in the new products and switch to safer
17 alternatives, you ultimately don't want to see
18 the mercury that is collected go back into new
19 products. So there is some debate over setting
20 up sort of a stockpile of collected mercury.

21 CHAIRMAN NOVAK: Like maybe a nuclear
22 power plant.

23 MR. GREEN: Yeah, I didn't want to go
24 there. But that is an issue in terms of what are

1 we going to do ultimately with the mercury that
2 is being collected. But right now, some of it
3 will get recycled into new products.

4 MR. JOHNSON: So the local guy would be
5 your small handlers that are defined in here.
6 And then they would, in turn, ship it to the
7 large handlers.

8 MR. GREEN: Yes.

9 MR. WORTH: Just for the record, we
10 retort. We are RCRA permitted. We would have to
11 file a modification for switches. But we are
12 retort and we are RCRA permitted. We are the
13 only ones in Illinois.

14 CHAIRMAN NOVAK: What do you do with it
15 after you retort it?

16 MR. WORTH: Well, we separate the
17 mercury. The mercury gets sold to a company
18 called Goldsmith in Evanston. They purify it.
19 In order to use it commercially, it can only be
20 100 percent. And what we have retorted out is
21 like 99.6 or some number like that.

22 CHAIRMAN NOVAK: What do you retort out
23 of the mercury?

24 MR. WORTH: We retort the mercury from

1 the phosphor powder that exists in the
2 fluorescent lamp.

3 CHAIRMAN NOVAK: So it is the phosphor
4 powder that is extracted?

5 MR. WORTH: Well, it is a rather
6 involved question. The machine separates the
7 phosphor powder. It cleans the glass -- we do
8 lamps. It cleans the aluminum or the ends. It
9 cleans the glass. It separates the phosphor
10 powder and captures any vapor that escapes during
11 the process.

12 The phosphor powder is then retorted.
13 And the mercury is removed from the phosphor
14 powder. So the phosphor powder comes out pure
15 and the mercury remains in the vat.

16 CHAIRMAN NOVAK: I see. So this outfit
17 in Evanston buys it from you?

18 MR. WORTH: They buy it very
19 reluctantly. There isn't much of a commercial
20 value.

21 CHAIRMAN NOVAK: As we evolve with this
22 issue, I mean states, as well as Illinois, they
23 are looking for more and more ways to restrict
24 the use of mercury. One of such is the reason

1 why we are having a meeting today. So there is
2 an end somewhere.

3 MR. WORTH: There has to be eventually.

4 CHAIRMAN NOVAK: What do you do with --

5 MR. WORTH: Right now we are simply
6 taking it out of the environment and capturing
7 it.

8 CHAIRMAN NOVAK: So what do they do
9 with this stuff now? You bring up this irony
10 here.

11 MR. GREEN: Well, it is going to find
12 its way into some new products that are being
13 manufactured. At the same time, there is an
14 interest in trying to get them to work with the
15 manufacturers to find safer alternatives. And we
16 are finding more and more states -- we are part
17 of a national initiative working with other
18 states to try to identify commercial and --

19 CHAIRMAN NOVAK: Is there a market for
20 it, Kevin?

21 MR. GREEN: I think the market is not
22 as much as it was in the past, obviously. That
23 is one of the reasons the scrap yards would like
24 to be reimbursed for moving the mercury because

1 there is not much value to it. There is value to
2 other things they are pulling out of the car.
3 But they tell us there is no value to pulling out
4 the mercury. There is no economic reward for
5 them to pull the mercury switches out of the
6 cars. So, therefore, they would like to be
7 reimbursed for doing that. That is one of the
8 issues we are trying to address in setting up a
9 collection program.

10 MR. GIRARD: Are you contemplating
11 adding a recycling fee like you do for tires to
12 the products?

13 MR. GREEN: Maine basically required
14 the automakers to pay a bounty for each switch
15 that is collected. I can't say at this point.
16 Representative May has only had one meeting. I
17 can tell you we did not reach agreement over
18 whether or not the auto recyclers should be
19 reimbursed and, second, who was going to
20 reimburse them for that service.

21 Some people said we might be able to
22 handle a portion. It sounded like the cost of
23 moving it, but also shipping it off-site and
24 going some educational outreach, putting training

1 materials together for the scrap yards. We are
2 trying to cost out what that kind of program
3 would mean for the state.

4 But I am not sure what -- again, it is
5 so early in the discussions, I am not sure how we
6 would address that issue.

7 MR. GIRARD: Thank you.

8 MR. MELAS: Has Maine been finding much
9 resistance from the auto manufacturers?

10 MR. GREEN: They are very upset.

11 MR. MELAS: I would imagine.

12 MR. GREEN: And they are lobbying
13 against similar legislation that has been
14 introduced in other states.

15 MR. MELAS: What did you say Michigan
16 is doing?

17 MR. GREEN: Michigan developed a
18 voluntary program. And the auto manufacturers
19 are going to help pay only for the collection and
20 the educational outreach. They are not going to
21 pay for the removal of the switches at the scrap
22 yards. So it remains to be seen how many scrap
23 yards will participate in that program.

24 MR. MELAS: That is always the problem

1 with the voluntary programs.

2 HEARING OFFICER TIPSORD: Anything
3 further?

4 MS. LIU: I just have one more
5 question. Along with the scrap yards, are you
6 including auto repair facilities that might be
7 removing switches that need to be replaced in
8 your educational outreach?

9 MR. GREEN: We have talked about that.
10 We have talked to some of the other states, and
11 they feel the best place to remove them is when
12 the cars are discarded with the auto recyclers.
13 There has been some talk of whether or not you
14 should try to reach out to the auto repair, the
15 auto dealers.

16 Intuitively, it makes sense. But we are
17 hearing from other states that have conducted
18 pilot programs or set up state-wide programs --
19 there has only been a few, like Maine -- and they
20 believe the best place to remove them is when
21 they go to the scrap yards.

22 HEARING OFFICER TIPSORD: Anything
23 else? Then I think we are ready to close if
24 there is nothing further at this point.

1 Okay. We have a second hearing
2 scheduled for January 6th, 2005, in Springfield.
3 The hearing is at 1:30 p.m. at the IEP building,
4 training room 1214 west. Prefiled testimony must
5 be filed by December 30th, 2004.

6 And for those of you who are keeping
7 up-to-date, you may file the testimony
8 electronically. The electronic filing is -- we
9 are proceeding with it. So anybody who wants to
10 -- since this proposal was filed electronically,
11 if you want to file your testimony
12 electronically, we will keep this as a modern-age
13 rule.

14 If there is nothing further, Chairman
15 Novak, Dr. Girard, do you have anything further?

16 CHAIRMAN NOVAK: No. Thanks for your
17 interest in this issue. It is something that
18 needs to be dealt with and has the potential of
19 -- and has the exponential of growing.

20 HEARING OFFICER TIPSORD: I want to
21 thank you all for your comments and testimony.
22 We are looking forward to the second hearing and
23 we will see you in Springfield in January. Thank
24 you very much. We are adjourned.

(Hearing adjourned.)

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

1 STATE OF ILLINOIS)
) SS:
2 COUNTY OF LAKE)

3 I, Cheryl L. Sandeck, a Notary Public
4 within and for the County of Lake and State of
5 Illinois, and a Certified Shorthand Reporter of
6 the State of Illinois, do hereby certify that I
7 reported in shorthand the proceedings had at the
8 taking of said hearing and that the foregoing is
9 a true, complete, and correct transcript of my
10 shorthand notes so taken as aforesaid, and
11 contains all the proceedings given at said
12 hearing.

13
14
15
16
17
18
19
20
21
22
23
24

Cheryl L. Sandeck
Notary Public, Cook County, Illinois
C.S.R. License No. 084-03710