

STATE OF COLORADO

John W. Hickenlooper, Governor
Larry Wolk, MD, MSPH
Executive Director and Chief Medical Officer

Dedicated to protecting and improving the health and environment of the people of Colorado

4300 Cherry Creek Dr. S.
Denver, Colorado 80246-1530
Phone (303) 692-2000
Located in Glendale, Colorado

www.colorado.gov/cdphe



Colorado Department
of Public Health
and Environment

June 16, 2014

C/o Manager of Grow Operation

RE: Mercury-Containing Lighting Wastes at Marijuana Cultivation Facilities

Dear Owners/Managers:

The Colorado Department of Public Health and the Environment, Hazardous Materials and Waste Management Division, is sending this letter to businesses that use mercury-containing lighting at marijuana cultivation facilities.

Some lamps commonly used at marijuana cultivation facilities contain mercury and other metals. Such lamps include fluorescent, compact fluorescent, high-pressure sodium, mercury vapor and metal halide lamps. According to the Environmental Protection Agency (EPA), testing of these lamps established that a high percentage of the lamps exhibit the toxicity characteristic for metals, particularly mercury. If the material in the lamps exceeds the toxicity level for mercury or any other heavy metals, used or waste lamps are regulated as a hazardous waste.

It is your responsibility as a waste generator to identify all hazardous wastes generated at your business. Used or waste bulbs that are hazardous waste must be appropriately recycled, sent off for disposal as a hazardous waste, or sampled and tested to prove that the light bulbs do not exceed the quantity of mercury and other metals that would make them hazardous waste.

If your waste lamps are hazardous waste, you cannot throw them into the trash because municipal solid waste landfills in Colorado are not permitted to accept any quantity of non-residential hazardous waste for disposal. Hazardous waste thrown into the trash could result in an enforcement action with administrative penalties of up to \$15,000 per day per violation.

Hazardous waste lamps can either be disposed of as a hazardous waste and managed in full compliance with the Colorado Hazardous Waste Regulations [6 CCR 1007-3] Parts 260-268, 99 and 100, or be sent for reclamation and managed in compliance with the reduced requirements of the Universal Waste Rule in 6 CCR 1007-3, Part 273.

The Colorado Hazardous Waste Regulations require generators of mercury-containing lighting waste to send their hazardous waste lamps to a facility that legitimately recycles hazardous waste or ensure delivery of your hazardous waste lamps to a permitted hazardous waste treatment, storage or disposal facility (TSDF). Hazardous waste lamps that are not completely spent may be resold to downstream users of lower lumen lights or bought back by the suppliers of the lamps. If this is the case for your facility, you must keep documentation of all lamps resold to downstream users or bought back by the suppliers.

The “Guide to Generator Requirements of the Colorado Hazardous Waste Regulations” describes the requirements applicable to each generator category for generators who decide to manage their lighting waste under the full requirements of Parts 260-268, 99 and 100. This guide is available on the Division website at www.colorado.gov/cdphe/hazwaste.

The Universal Waste Rule [*Colorado Hazardous Waste Regulations 6 CCR 1007-3 Part 273*] provides an alternative set of reduced management standards that generators can follow instead of the full hazardous waste requirements. This rule was designed to reduce the regulatory burden on non-residential entities that generate specific wastes and to encourage recycling. Wastes which are allowed to be managed under the reduced requirements of the universal waste rule include: batteries, pesticides, mercury-containing devices, mercury-containing lighting wastes, aerosol cans, and electronic devices and components. Guidance on the requirements for managing universal wastes is also available on the Division website at www.colorado.gov/cdphe/hazwaste.

Your business will typically generate many of the universal wastes mentioned above. Other wastes you may generate could include listed and characteristic hazardous wastes, such as solvents, which must be managed in full compliance with the Colorado Hazardous Waste Regulations [*6 CCR 1007-3*] Parts 260-268, 99 and 100.

If you have questions regarding this issue or any other hazardous waste regulations, call the Customer Technical Assistance line at 303-692-3320 or visit the Division website www.colorado.gov/cdphe/hazwaste. We appreciate your cooperation in complying with the Colorado Hazardous Waste Regulations.

Sincerely,



David Foster
Hazardous Waste Compliance Assurance Unit
Hazardous Materials Waste Management Division
Colorado Department of Public Health and Environment