

# Federal and State Mercury Compliance Requirements

This addendum identifies a number of different environmental statutes and regulations that limit the release of mercury. Currently, federal environmental regulations mandate facilities manage mercury containing materials in certain ways. Additionally there are state regulations that may be more stringent than the federal rules. The following is a description of some of the environmental regulations for controlling mercury releases. This is not a comprehensive listing, but gives a broad overview of some of the applicable federal rules. Information concerning mercury legislation applicable in a particular state can be obtained by contacting the appropriate person listed in the *Contacts for More Information* box at the end of each case study. Additional information on mercury-related activities in the region can be found on the internet at [www.newmoa.org/prevention/mercury](http://www.newmoa.org/prevention/mercury).

**The Resource Conservation and Recovery Act (RCRA)** requires waste material that exhibits the characteristic of toxicity for mercury to be managed as hazardous waste (see 40 C.F.R. § 261.24). Additionally, discarded commercial chemical products containing mercury must be managed as hazardous waste (see 40 C.F.R. § 261.33). Under EPA's Universal Waste Rules (see 40 C.F.R. § 273 et seq.) states may provide alternative options for management of mercury thermostats and mercury containing lamps. Please check with state regulations to see how RCRA and Universal Waste Rules may apply.

**The Clean Air Act (CAA)** regulations contain national emission standards for mercury from a limited number of specific stationary sources that process or use mercury-containing substances and that emit mercury to the air (see 40 C.F.R. § 61.50 et seq.). Additionally, the CAA requires municipal waste combustors and medical waste incinerators to limit their mercury emissions (see 40 C.F.R. § 60.50b et seq.).

**The Emergency Planning and the Community Right-to-Know Act** regulations require facilities that manufacture, process, or otherwise use mercury or mercury compounds in excess of 10 pounds during a calendar year to report the quantities released to EPA (see 40 C.F.R. § 372.22). The 10 pound reporting threshold for mercury was recently changed from the original minimum reporting threshold of 10,000 pounds.

**The Clean Water Act** requires that any discharge to a surface water cannot negatively impact the water quality standards established. With EPA approval a state establishes the water quality standards for each of its surface waters. Each state must establish minimum water quality standards for certain priority pollutants such as mercury. The regulations establish an acute and chronic mercury concentration for surface waters (see 40 C.F.R. § 131.36).

Finally, the **Safe Drinking Water Act** regulations require a public water system to provide drinking water with a maximum contaminant level of 2 micrograms per liter (or ppb) for mercury (see 40 C.F.R. § 141.51). Therefore, the concentration of mercury should not exceed 2 ppb for water supplied to homes.

**Special Note:** *Prior to initiating this mercury project, EPA provided facility participants with the option of maintaining anonymity. Three of the four participating federal facilities decided to remain anonymous in this report. The anonymous facilities included a federal facility referred to as the "New England College," an Air Force Base referred to as the "Air Force Base," and a federally operated environmental laboratory which is referred to as the "Environmental Laboratory." The anonymous names mentioned in this report were meant to be descriptive in nature. If an organization exists with a similar name, this report is not a reflection of that organization and the similarity in the name is a mere coincidence.*