

requesting comments on the mercury-related issues in this NODA.

**ADDRESSES:** You may view the supporting materials for this NODA in the EPA Docket Center (EPA/DC), B102, EPA West, 1301 Constitution Ave. NW., Washington, DC 20460-0002. The docket number is RCRA-202-0029. To review file materials, we recommend that you make an appointment by calling (202) 566-0270. The EPA/DC is open from 9 am to 4 pm, Monday through Friday, excluding Federal holidays. You may copy up to 100 pages from any regulatory document at no charge. Additional copies cost \$ 0.15 per page. For information on accessing an electronic copy of the treatability study and peer review documents, see the **SUPPLEMENTARY INFORMATION** section.

**FOR FURTHER INFORMATION CONTACT:** For general information, call the RCRA Call Center at 1-800-424-9346 or TDD 1-800-553-7672 (hearing impaired). Callers within the Washington Metropolitan Area must dial 703-412-9810 or TDD 703-412-3323 (hearing impaired). The RCRA Call Center is open Monday-Friday, 9 a.m. to 4 p.m., Eastern Standard Time. For more information on specific aspects of this NODA, contact Mary Cunningham at 703-308-8453, [cunningham.mary@epa.gov](mailto:cunningham.mary@epa.gov), or write her at the Office of Solid Waste, 5302W, U.S. EPA, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

#### **SUPPLEMENTARY INFORMATION:**

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#### **I. How Can I Get Copies of This Document and Other Related Information?**

##### *A. Docket*

EPA has established an official public docket for this action under Docket Number: RCRA-202-0029. The official public docket consists of the documents specifically referenced in this action and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the EPA Docket Center (EPA/DC), B102, EPA West, 1301 Constitution Ave. NW., Washington, DC 20460-0002. To review file materials, we recommend that you make an appointment by calling (202) 566-0270. The EPA/DC is open from 9 a.m. to 4 p.m., Monday through Friday, excluding Federal holidays.

##### *B. Electronic Access*

You may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgstr/>.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the EPA/DC facility identified above. Once in the system, select "search," then key in the appropriate docket identification number.

#### **II. What Are the Treatability Studies and Peer Review Results?**

##### *A. Why Is Mercury a Concern?*

Mercury is an elemental metal, occurs in certain minerals and is a naturally-occurring contaminant of some other natural resources, such as certain types of coal. Once released into the environment, inorganic forms of mercury may be converted to methylmercury, which is the main form of organic mercury found in the environment. Methylmercury may accumulate in fish tissue to levels that are unhealthful to humans and which

harm wildlife. Methylmercury has also been shown to be a developmental toxicant, causing subtle to severe neurological effects at very low levels of exposure, especially to fetuses and young children.<sup>1</sup> The developing fetus is exposed to mercury if the mother eats mercury-contaminated fish during pregnancy. Recent data,<sup>2,3</sup> indicate that 8% of women of childbearing age in the U.S. currently have blood mercury levels higher than EPA considers to be a "safe" level of exposure.<sup>4</sup> Children and adults can be exposed to mercury if they routinely eat large quantities of contaminated fish.

The problem of mercury-contaminated fish is wide-spread in the U.S. As of December 2001, 44 states have issued fish advisories for mercury. Twenty-four states have issued statewide advisories.<sup>5</sup> These advisories inform the public that concentrations of mercury have been found in local fish at levels of public health concern. State advisories recommend either limiting or avoiding consumption of certain fish from specific water bodies or, in some cases, from specific water body types (e.g., all freshwater lakes or rivers).

##### *B. What Is The Purpose of This NODA?*

Today's notice presents the results of two recent treatability studies conducted to assess the feasibility of the treatment of high mercury wastes (i.e., wastes containing greater than 260 mg/kg total mercury) and elemental mercury destined for disposal. This notice also presents the results of the independent peer review of these two treatability studies.

The existing land disposal restrictions (LDR) treatment standards require recovery by retorting of high mercury wastes. Based on the results of the treatability studies published in today's NODA, we have decided not to propose revisions to the existing treatment standards. We are concerned that treatment (such as the treatment technologies evaluated in our treatability studies) may not result in a waste that is stable under some landfill conditions that are within the range of normal operations.

Having said this, we believe there may be site-specific situations where treatment and disposal of high mercury wastes or excess elemental mercury may be warranted. In these instances, we could grant a petition for a site-specific

<sup>1</sup> <http://www.epa.gov/waterscience/fish/>.

<sup>2</sup> <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5008a2.htm>.

<sup>3</sup> <http://www.cdc.gov/nceh/dls/report/results/Mercury.htm>.

<sup>4</sup> <http://www.epa.gov/triinter/tridata/tri00/qa.pdf>.

<sup>5</sup> <http://www.epa.gov/waterscience/fish/>.