From: Gorin, Jonathan
To: DiPippo, Gary
Cc: John M. Hoffman; Carrie McGowan
Subject: RE: Quick Questions
Date: Wednesday, October 30, 2013 9:42:00 AM

Gary, you may be right. However, Laurie Solomon from EPA HQ told me back in 2009 that the mercury was to go back into "commerce" (see below). I believe, but may be wrong, that that policy is laid out in the mystery memo that I cannot find. Anyway, I sent an e-mail to her asking about it, maybe that will shed some light.

Again, this is no big deal, just making a case over here. In brief, since the DOE has not set up their MEBA required repositories, and we can no longer put recovered Hg mercury back into the market (as LCP Bridge St did) our options for disposal of retorted mercury are limited, even if we could do soil washing – which we can't.

Sigh… this site.

jon

Hi Jonathan,

Thank you for your e-mail.

The recommended course of action is for you to talk to relevant state officials.

(You may want to reference the soils guidance.)

This is important to do as the state may have different requirements than federal EPA.

Re: the disposition of mercury following retorting,, the mercury gets put back into commerce.
(This is so, but it is important to keep the Mercury Export Ban Act of 2008 into consideration.
Following a certain date, retorters will no longer be able to export the mercury to other countries.)

Thank you!

Laurie

From: DiPippo, Gary [mailto:Gary.DiPippo@Cornerstoneeg.com]
Sent: Wednesday, October 30, 2013 9:15 AM
To: Gorin, Jonathan
Cc: John M. Hoffman; Carrie McGowan
Subject: RE: Quick Questions

Jon,

I could be wrong, but I don't remember seeing anything in the LDRs that indicates what has to happen with recovered mercury when treated per the LDRs. I believe various options were available including going back into the marketplace, or being retained by the generator (as ISP did with the work it did some time ago).

Not sure if this helps, or not. Perhaps you will find what I am not remembering.

Gary

From: Gorin, Jonathan [mailto:Gorin.Jonathan@epa.gov]
Sent: Wednesday, October 30, 2013 8:48 AM
To: DiPippo, Gary
Cc: John M. Hoffman; Carrie McGowan
Subject: RE: Quick Questions

Thanks Gary, I had the MEBA requirements, I was looking for the LDR requirements that I think state recovered mercury should go back into the market place.

The MEBA states: "Federal agencies are prohibited from conveying, selling or distributing elemental mercury that is under their control or jurisdiction." That applies even within the US.

My point is, if the LDR states that recovered mercury needs to be recycled (i.e., put into the market place), then it contradicts the requirements of MEBA when EPA is performing or overseeing a cleanup.

From: DiPippo, Gary [mailto:Gary.DiPippo@Cornerstoneeg.com]
Sent: Wednesday, October 30, 2013 8:39 AM
To: Gorin, Jonathan
Cc: John M. Hoffman; Carrie McGowan
Subject: RE: Quick Questions

Jon,

I didn't realize that it was MEBA requirements you were after. I assume you found the below, and I believe it supports your interpretation.

I don't believe I have a short document on the LDRs as relates to MEBA.

Let me know if I can help.

Gary

Can you provide examples of what is <u>not</u> subject to the MEBA bans?

As stated above, MEBA applies to elemental mercury, not mercury compounds. In addition, based on the intent of the legislation, and the Act's findings and legislative history, EPA does not believe the materials listed below, for example, generally fall within the scope of the export and federal agency transfer bans:

- products (consumer and non-consumer), including discarded

products
- dental amalgam (pre-dosed capsule form)
- scrap metal and used electronics
- media (including groundwater, surface water, soils and sediment) and debris that are managed for implementing cleanup
- reference materials in which the mercury occurs as contamination in media (e.g., soil, sediment, water, sludge);
- industrial, commercial and remediation residuals
- byproducts of coal combustion.

Note, however, that EPA believes that any export or federal agency transfer of materials containing elemental mercury, including in the above examples, with the intent to recover the elemental mercury for resale or reuse would be banned. This is consistent with the purposes of MEBA.

In addition to the examples above, MEBA specifically excludes from the bans transfer and export of coal, which may contain elemental mercury.

From: Gorin, Jonathan [mailto:Gorin.Jonathan@epa.gov]
Sent: Wednesday, October 30, 2013 8:23 AM
To: DiPippo, Gary
Cc: John M. Hoffman; Carrie McGowan
Subject: RE: Quick Questions

Thanks Gary, no those aren't it. I believe the guidance said something about returning the recovered mercury to the market place. If I'm reading MEBA right, that would now be illegal for us to do, even to the US market.

I have it here somewhere- just need to dig.

Thanks again, jon

From: DiPippo, Gary [mailto:Gary.DiPippo@Cornerstoneeg.com]
Sent: Wednesday, October 30, 2013 6:59 AM
To: Gorin, Jonathan
Cc: John M. Hoffman; Carrie McGowan
Subject: RE: Quick Questions

Jon,

Is either of these perhaps what you are referring to? This is all that I have in the way of short guidance items.

Let me know if this is not it, and I can look again.

Gary

From: Gorin, Jonathan [mailto:Gorin.Jonathan@epa.gov]
Sent: Tuesday, October 29, 2013 5:27 PM
To: DiPippo, Gary
Cc: John M. Hoffman; Carrie McGowan

Subject: RE: Quick Questions

Hey Gary, another hopefully quick one. You know that short EPA mercury LDR guidance? I can't find a copy in my gerbil cage of a cubicle, and I can't seem to locate it on line anymore. So either my google skills are waning or it may have fell into a memory hole. Would you have a copy readily available that you can send me?

Thanks, jon

From: DiPippo, Gary [mailto:Gary.DiPippo@Cornerstoneeg.com]
Sent: Monday, October 28, 2013 5:45 PM
To: Gorin, Jonathan
Cc: John M. Hoffman; Carrie McGowan
Subject: RE: Quick Questions

John,

We did not do much of an analysis of rail transport, other than acknowledge it might be a possibility, but would also require reactivating a rail spur at the site. As you may be implying below, this was not an over-riding consideration as the more substantive issue has been the inability to confirm acceptance, along with other issues such as the likely need for an LDR variance if it were in the US.

I hope this helps. If there is anything else I can do, please let me know.

Gary

From: Gorin, Jonathan [mailto:Gorin.Jonathan@epa.gov]
Sent: Monday, October 28, 2013 5:22 PM
To: DiPippo, Gary
Cc: John M. Hoffman; Carrie McGowan
Subject: Quick Questions

Gary, i recall we discussed using trains to remove soil at one time. Do you remember any findings pertaining to that? Not very important, just cover the bases.

Carrie the LCP Bridge Street RPM isn't around right now. Do you know what sort of cap/cover they ended up using? The stuff i found on line is contradictory. If not, no problem, i can check with him when he gets back.

thanks, jon