



Jeb Bush
Governor

Department of Environmental Protection

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David B. Struhs
Secretary

June 14, 2002

Michael P. Petrovich
Hopping Green and Sams, P.A.
123 South Calhoun Street
Tallahassee, Florida 32314

Re: Generator Transport of Spent Universal Waste Lamps and Devices

Dear Mike:

Jack Price has asked me to respond to your letter of April 4, 2002 regarding the regulations governing the transport of spent universal waste lamps and devices by your client from several of its facilities to a central collection facility. A copy of that letter is enclosed for your convenience.

In the scenario that you describe in your April 4, 2002 letter, an electric power generating company might have several separate facilities which generate lamps or devices. These lamps or devices are transported by company-owned vehicles to a central company-owned collection facility, and from there are transported by a third party (presumably registered) transporter to a recycling or reclamation facility. You have asked whether the transporters and/or collection facility must register in accordance with Rule 62-737.400(3)(a), Florida Administrative Code (F.A.C.).

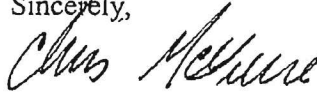
Under Rule 62-737.400(3)(a)1., F.A.C., a "generator" is not required to register either as a handler or transporter of spent universal waste lamps or devices. For the purposes of this particular rule, a "generator" means the power generating company, not the individual facilities. Therefore, the company would be allowed to use company vehicles to transport spent universal waste lamps or devices from its individual company facilities to its central collection facility without having to register as a transporter or handler. Of course, this interpretation should not be read to exempt the company, transporter, or central collection facility from meeting any other applicable requirements of Chapter 62-737, F.A.C.

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I hope that this has answered your questions. If I can be of any further help, please feel free to contact me at the letterhead address or call me at 850-921-9627. Any programmatic or technical questions should be addressed to Jack Price at 850-921-9218 (john.l.price@dep.state.fl.us).

Sincerely,



Chris McGuire

Senior Assistant General Counsel

Enclosure

cc: Jack Price, Florida Department of Environmental Protection