

NYS Proposed Electronics Recycling Regulations

Collector/Dismantler/Recycler meeting

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Agenda

- Introduction; definitions; generator standards
- Standards for wireless telephone service providers
- CRT rule provisions
- Break
- Standards for Dismantlers and Recyclers
- Standards for Collection Facilities

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Topics Not Included Today

- Legislative proposals
- Household hazardous waste facility regulations (6 NYCRR Subpart 373-4)
- Household hazardous waste grants

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Introduction

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Statutory Authority

- Article 27 of the Environmental Conservation Law
- Cell Phones: Article 27, Title 23 (chapter 730 of the laws of 2006)
- Mercury-Added Consumer Products: Article 27, Title 21 (Chapter 145, Laws of New York, 2004 and amendments made through Chapter 676, Laws of New York, 2005).

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Rulemaking Process

1. Hold stakeholder meetings, and gather information;
2. Draft express terms and rulemaking documents;
3. Governor's Office of Regulatory Reform reviews and approves rulemaking package;
4. Propose regulations (public notice, comments and hearings);
5. Revise as needed to respond to comments;
6. Environmental Board review and approval;
7. File final regulations – effective 60 days later.

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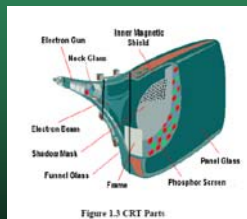
Definitions

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CRT Rule Definitions

- CRT collector: receives used, intact, CRTs for recycling, repair, resale or donation.
- CRT glass manufacturer: operation or part of an operation that uses a furnace to manufacture CRT glass.
- CRT processing: receiving broken or intact CRTs, **and** intentionally breaking or further breaking or separating broken CRTs, **and** sorting or otherwise managing glass removed from CRTs.



www.ees.ufl.edu/homepp/townsend/Research/CRT/CRTRDec99.pdf

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Speculative Accumulation - Key Points

- potentially recyclable
- has a feasible means of being recycled
- during the calendar year (commencing on January 1)--the amount of material that is recycled, or transferred to a different site for recycling, equals at least 75 percent by weight or volume of the amount of that material accumulated at the beginning of the period

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Need to develop

- Used Electronics
- Used Electronics Collection Facility
- Used Electronics Processor
- Used Electronics Dismantler
- Used Electronics Recycler

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“Used Electronics”

- Consistency with NYC law
- Include all commonly recycled items
- Allow for new technology
- Can be broader than legislative definition, since purpose is to define regulations, who is eligible for exemptions
- Not too broad (don't include appliances)
- Doesn't preclude use of common exemptions for other items (e.g., hazardous scrap metal exemption still available for items not included*)

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“Used Electronics”

- Computer central processing units, and their components;
- Cathode ray tubes; cathode ray tube devices;
- Peripherals such as keyboards; electronic mouse or similar pointing devices;
- Televisions; computer monitors, including but not limited to a liquid crystal display and plasma screens, or similar video display devices that include a screen that is greater than four inches measured diagonally and one or more circuit boards;
- Laptop or other portable computers;
- Portable digital music players that have memory capability and are battery-powered.
- Gaming systems, including handhelds;
- DVD players, VCRs
- Wireless phones, PDAs
- Printers, fax machines

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Not included

- “Used electronics” does not include any automobile; household appliances such as clothes washers, clothes dryers, refrigerators, freezers, microwave ovens, ovens, ranges or dishwashers; equipment that is functionally or physically part of a larger piece of equipment intended for use in an industrial, research and development or commercial setting; security, or any other device, as that term is defined in section three hundred twenty-one of title twenty-one of the United States code.”

- Source:
<http://webdocs.nycouncil.info/textfiles/Int%200728-2008.htm?CFID=482356&CFTOKEN=76869454>

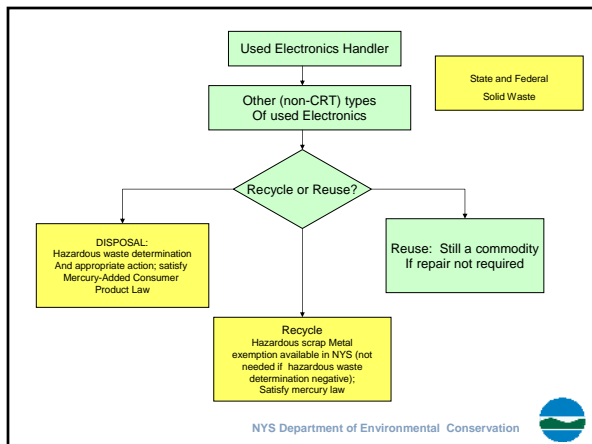
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Generator Standards

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Generator C(7) Notification

C(7) Notification Requirements

- Any hazardous waste generator (other than CESQGs) sending used electronics for recycling under the hazardous scrap metal exemption is required to file notifications under paragraph 6 NYCRR 371.1(c)(7)
- In the rulemaking, we are considering changing the requirement to add new subparagraph (b):

"371.1(c)(7)(b) Generators of used electronics claiming exemption under 371.1(g)(1)(iii)(b) of this Part or exclusions under 371.1(e)(1)(xxii) based on intent to direct used electronics for dismantling and recycling must maintain on site, for a period of three years from the date of each shipment, the names and locations of the dismantling or recycling facilities and any intermediate receiving facilities."

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Why change?	Why maintain?
Information available on inspection	Sometimes provides information on unknown handlers
More "ownership" of decision by generator	Recyclers' role in providing information to generators
Great paperwork reduction	Consider more automated processes
Decrease regulatory burden	Information on types and amounts of equipment recycled for various business sectors.

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Adopting Provisions of the NYS Wireless Telephone Recycling Act

(Article 27, Title 23, of the Environmental Conservation Law)



Photo Taken from www.HowStuffWorks.com

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Agenda

- NYS Wireless Telephone Recycling Act
- Current NYSDEC Information on the Proper Management of Wireless Telephones
- Possible Exemption for Wireless Telephone Suppliers
- Questions for the Regulated Community

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NYS Wireless Telephone Recycling Act

- Effective Jan. 1st, 2007: All wireless telephone service providers that offer phones for sales will accept your cell phones for reuse or recycling.
- Established Chapter 730 of the Laws of 2006 which requires:
 - Wireless telephone service providers to accept, at no charge, up to ten used wireless telephones from any person during normal business hours, or to offer to any person at no charge, the shipping of used wireless telephones to a recycling program conducted by such business;
 - Information about such program be readily available at business locations and on website;
 - Conspicuously-posted signage;
 - Reasonable steps be taken to ensure each used wireless telephone handled in an environmentally sound manner.
- For more information visit:
<http://www.dec.ny.gov/chemical/29501.html>

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Current NYSDEC Information on the Proper Management of Wireless Telephones

- Operable wireless telephones sent or donated directly for reuse are exempt from the Department's hazardous waste regulations (still products).
- Wireless telephones sent for recycling or scrap metal recovery must be directed to an electronics recycling facility authorized by NYS or the receiving state (such recycling facilities either have a hazardous waste permit pursuant to 6 NYCRR Part 373, or have a c7 notification on file with the Department).
- Wireless telephone suppliers are required to submit a c7 notification to the Department describing where the wireless telephones were directed for recycling.
- Batteries and other Universal or Hazardous Wastes resulting from the dismantling of wireless telephones must be appropriately managed in accordance with NYS regulation as well.

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Possible Exemption in the Rulemaking for Wireless Telephone Suppliers

- Wireless telephone suppliers are required to demonstrate, and be able to prove through documentation, that collected wireless telephones are properly directed for recycling or reuse. In the past, some suppliers have satisfied this requirement by submitting a c7 notification for any wireless telephones that are not working or not reusable. We are trying to clarify this documentation requirement and are considering conditionally exempting wireless telephone suppliers from submitting the c7 notification altogether.
 - Instead of a c7 notification requirement, should the Department consider requiring these wireless telephone suppliers to maintain information on-site, for a period of three years, describing where collected wireless telephones are properly directed for recycling or reuse?

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Questions for the Regulated Community

- What sort of quantities of wireless telephones do you receive?
- From which sources do the wireless telephones collected come from (e.g. households, business, government, etc.)? In addition, what percentages come from which source?
- How often do you receive wireless telephones for recycling or reuse?
- What percentage of wireless telephones received is sent for recycling?
- What percentage of wireless telephones received is sent for reuse/donation?

Send to: NYSDEC
Waste Determination & Analysis Section
Bureau of Hazardous Waste Regulation
Division of Solid & Hazardous Materials
625 Broadway
Albany, NY 12233-7251
Fax: 518-402-9024
ewaste@cw.dec.state.ny.us



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CRT Rule

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Break

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Standards for Dismantlers & Recyclers

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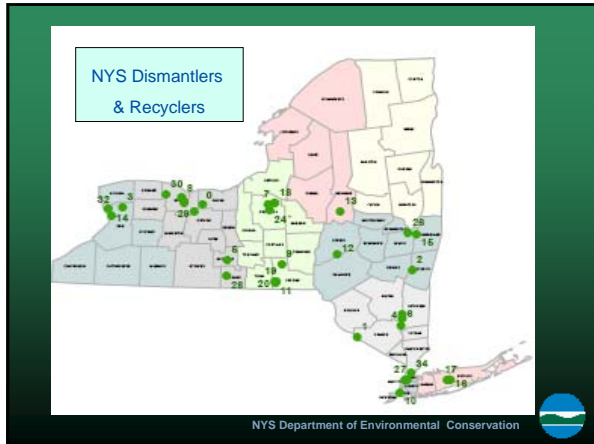


Dismantlers & Recyclers

- Physically handle used electronics – receive, store, possibly process
- May make reuse/recycle decisions for individual units or groups of units
- Minimal processes include segregating, sorting, securing data
- Additional requirements for additional processes, as needed (e.g., temperature control for CRT processing)

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Current Regulations

- (1) File dismantler/recycler c7 notification
- (2) Scrap metal will be recovered
- (3) Appropriately handle any resulting hazardous waste
- (4) Possible solid waste permit, registration;
- (5) Annual waste fluid report (360-12);
- (6) Meet applicable Federal export requirements

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Other Requirements

- Cannot store in lieu of disposal
- Must meet local codes
- Used electronics must be recycled
- Failure to meet requirements can lead to enforcement of full hazardous and solid waste regulations

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Why Adopt New Standards?



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Standards for Dismantlers and Recyclers

- Originally Pre-proposal 6 NYCRR 361-7; may be placed in new 6 NYCRR 374-5 (http://www.dec.ny.gov/docs/materials_minerals_pdf/361.pdf)
- Includes Permit-by-Rule standards such as:
 - Recycle
 - Protect from weather, aisle space
 - Storage time limits
 - Control entry
 - Employee training
 - Recordkeeping and reporting
 - Surety

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Dismantlers/Recyclers

1. CRT Rule Provisions
2. Permit-by-Rule
3. C7 notification, recover scrap metal
4. Storage to protect from weather; aisle space, control entry
5. Require removal within 180 days of acceptance, or prohibit speculative accumulation
6. Remove non-electronic waste (packaging) within 30 days unless permit under 361-1
7. Employee training
8. Recordkeeping – daily records
9. Annual report, including a summary of daily records
10. Downstream auditing
11. Disposal: Hazardous waste determination
12. Surety

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Permit-by-Rule

Facility is deemed to have a solid waste management facility permit, and no application for such permit shall be required for as long as the owner or operator of that facility complies with the design, operating, closure, and financial assurance conditions pertaining to that type of permit by rule facility.

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Permit by Rule: New Facilities

- Before commencement of operations at a permit by rule facility, the owner or operator must notify the Department on a form the Department shall prescribe
- and receive from the Department an acknowledgment of receipt of the form

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Permit by Rule: Existing Facilities

- 180 calendar days after the effective date of this Subpart, comply with the requirements to notify the Department of the existence of the facility and,
- Starting 90 days after the effective date, comply with the operation, closure, and post-closure requirements set forth in Part 360 and in this Subpart.

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Site-Specific Permit can be required:

- Sole discretion of NYSDEC
- More likely if more explicit standards needed due to operations/materials handled significantly different than typical used electronics, or if non-compliance shows need for more explicit standards

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C(7) notification

- Currently required
- Document that scrap metal is recycled
- Dismantlers & Recyclers identify downstream vendors through ultimate smelter
- Basis for hazardous waste exemption

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Storage

- Storage to protect from weather:
“collected electronics must be securely kept in containers, on vehicles, or indoors (protected from weather)”
- Adequate aisle space for emergency & fire protection:
“the facility must maintain aisle space to allow the unobstructed movement of personnel, fire protection or suppression equipment, and decontamination equipment to any area of facility operation in an emergency”

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Control Entry

- Control entry
“the facility must have a means to control entry, at all times, through gates or other entrances to the active portion of the facility”

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Accumulation Time

- Require removal or processing within 180 days of acceptance; or prohibit speculative accumulation
- Need speculative accumulation requirement for CRTs
- Presumes some sort of recordkeeping or labeling to document compliance

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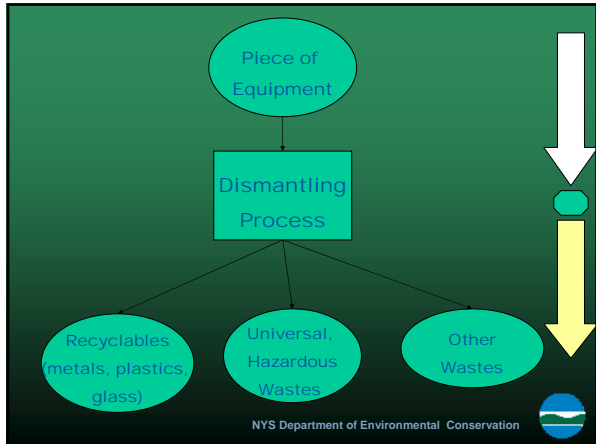


Accumulation Time

- Time required to remove materials and wastes resulting from dismantling, recycling.

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Packaging waste

- Remove non-electronic waste (packaging) within 30 days unless the facility is permitted under 361-1

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Comments?

- Permit-by-Rule
- Storage to protect from weather; aisle space, control entry
- Require removal within 180 days of acceptance, or prohibit speculative accumulation
- Remove non-electronic waste (packaging) within 30 days unless permit under 361-1
- Remove residues and materials resulting from dismantling

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Employee training

- Operator provides training to all employees:
“The facility operator must provide for **training of new employees**, and refresher training at least once per year on the proper management of used electronics to employees involved in handling used electronics. This training is in addition to any other employee training that is required by federal or State law or regulation.”

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Recordkeeping & Reporting

- Recordkeeping – daily records
- Labeling – date received
- Annual report, including a summary of daily records
- Downstream auditing

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Closure

- The owner or operator of a solid waste management facility must:
- (a) notify the Department in writing at least 180 days before the anticipated date of termination of use of the solid waste management facility of that date. For permitted facilities, that written notification must include a copy of the facility's closure plan that identifies the steps necessary to ensure full compliance with this section's requirements;
- (b) unless otherwise approved by the Department, cease receipt of solid waste at least 30 days before the anticipated date of termination of use of the solid waste management facility;
- (c) within 30 days after receiving the final quantity of waste, remove and properly dispose of all solid waste;
- (d) complete all closure activities within 90 days of such date;
- (e) decontaminate all equipment and structures involved in any aspect of solid waste management in a manner acceptable to the Department; and
- (f) for permitted facilities, submit to the Department, when closure is completed, a written certification prepared, signed, and sealed by a professional engineer that the facility has been closed in compliance with the Department-approved closure plan.

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Surety

- Financial mechanism
- Standard requirement for transporters and many solid and hazardous waste facilities
- Ensures money is available at closure

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Non-recycled Materials

- Disposal: Hazardous waste determination and handle accordingly

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Comments?

- Employee training
- Recordkeeping – daily records
- Annual report, including a summary of daily records
- Downstream auditing
- Surety

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Special Collection Facilities

Are special, specific exemptions or standards needed for certain activities?

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Transporter Exemption

- Transporter exemption expected to continue, probably made more explicit
- Sample language:
“used electronics directed for scrap metal or CRT glass recycling as exempted or excluded under 371.x are exempt from this Part.”

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Collection Facilities

- Refers to the site where collected, stored consolidated.

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Types of Collection Facilities

- Municipal Governments
- Private organizations in recycling or waste business (household & non-household)
- Producers subject to NYC & other states' legislation
- Retailers with take-back programs
- Private companies in e-waste business

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Municipal collection

- Might collect both household and non-household electronics
- Might be at site of a permitted transfer facility or household hazardous waste collection facility

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Municipal collection – 3 alternatives

Current	Proposed*
Household hazardous waste permit	Unchanged (special e-waste standards in draft 362-3)
Permit modification for permitted SWMF or transfer facility	Unchanged
C7 notification, send for recycling, special conditions	New 374-5 Permit-by-rule or exemption (similar to 360 re-write)

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Private collection

Private companies in recycling or waste business (household & non-household)

Current	Proposed*
Permit modification for permitted SWMF or transfer facility	Unchanged
C7 notification, send for recycling, special conditions	New 374-5 Permit-by-rule or exemption (similar to 360 re-write)

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Electronics Manufacturers

- Regulation depends on activities, facilities
- Might use a variety of different facilities
- Transport expected to remain exempt

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Retail Takeback

- Reverse distribution
- May be combination of household & non-household
- Volume & storage time determine regulations?

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Retailer alternatives

Current	Proposed*
360 Regulations do not have an applicable exemption	
C7 notification, send for recycling, special conditions	(1) C7 notification; and (2) special exemption or permit-by-rule

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Possible Collection Exemptions

- 5 to 10 day to facilitate transport, consolidate loads, reverse distribution
- Privately sponsored collection events – special considerations like traffic control, site security
- Longer-term storage

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Standards to consider

- Electronics directed for reuse or recycling
- Some sort of time limits & record-keeping
- Protection from weather
- Site security
- Local codes
- Emergency provisions

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Sample Collection Criteria for Collection Facilities

Permit-by-Rule or exemption

- No processing, no direct export
- C7 notification, directed for recycling
- Storage to protect from weather, aisle space
- Meet local codes
- Require removal within xx days of acceptance
- Mark date received
- Control entry
- Operator provides refresher training to all employees
- Recordkeeping – daily records
- Annual report, including a summary of daily records
- Storage volume limits

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Comments

- Please comment in writing (e-mail, fax or regular mail).
- Data is very helpful – impacts, costs, benefits.
- Latest information will be placed on DEC website.

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Comments & Questions:

E-mail: ewaste@gw.dec.state.ny.us

For more information on the proposed rulemaking, visit:

<http://www.dec.ny.gov/chemical/43339.html>

(518) 402-8633

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