

NYS Proposed Electronics Recycling Regulations

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Agenda

- 1:00 – 1:40 pm: Introduction; definitions; generator standards
- 1:40 - 2:00 pm: Standards for wireless telephone service providers
- 2:00- 2:30 pm: CRT rule provisions
- 2:30 – 2:45 pm: Break
- 2:45-3:30 pm: Standards for Dismantlers and Recyclers
- 3:30-4:00 pm: Standards for Collection Facilities

Topics Not Included Today

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

Introduction 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).

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.

Definitions

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.

Speculative Accumulation – Definition

40 CFR § 261.1(c)(8)(8) and 6 NYCRR 371.1(a)(1) A material is "accumulated speculatively" if it is accumulated before being recycled. A material is not accumulated speculatively, however, if the person accumulating it can show that the material is potentially recyclable and has a feasible means of being recycled; and that--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. In calculating the percentage of turnover, the 75 percent requirement is to be applied to each material of the same type (e.g., slags from a single smelting process) that is recycled in the same way (i.e., from which the same material is recovered or that is used in the same way). Materials accumulating in units that would be exempt from regulation under Sec. 261.4(c) are not to be included in making the calculation. (Materials

that are already defined as solid wastes also are not to be included in making the calculation.) Materials are no longer in this category once they are removed from accumulation for recycling, however.

• 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

Need to develop

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

“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*)

“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

Not included

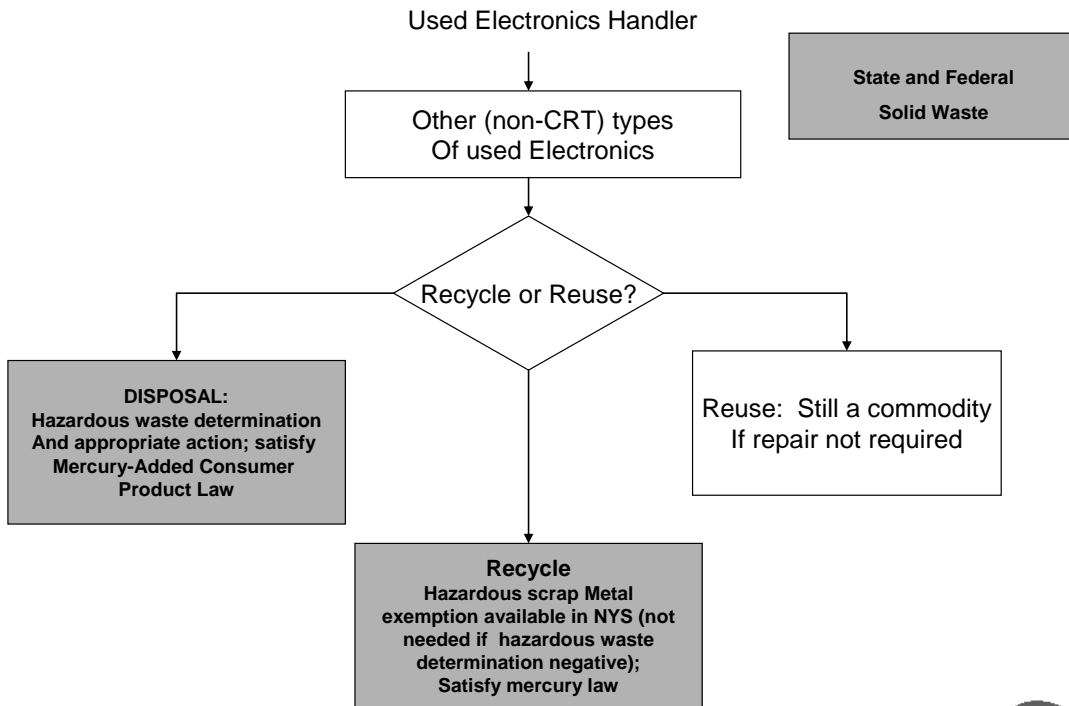
- “Used electronics” does not include any automobile; household appliances such as clothes washers, clothes dryers, refrigerators, freezers, microwave ovens, ovens, ranges or dishwashers; equipment that is functionally or physically part of a larger piece of equipment intended for use in an industrial, 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>

Generator Standards 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.**”*



NYS Department of Environmental Conservation



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.