

Notes

**NEWMOA Hazardous Waste Conference Calls  
May 8, 2018**

**Topic: Interjurisdictional Issues between Mandatory Solid Waste Recycling Requirements for Businesses and Municipalities and Hazardous Waste (e.g., E-waste) Rules; Role of the HW Inspector?**

**Involved solid and hazardous waste program staff**

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**Participants:** CT DEEP (6 people); ME DEP (1 person); Mass DEP (3 people); NH DES (8 people); NJ DEP (5 people); NYS DEC (14 people); RI DEM (1 person); VT DEC (1 person)

Call leader: CT DEEP

Note-taker: MassDEP

General questions were: How are state RCRA programs designed? What is the relationship between the solid and hazardous waste program?

**Connecticut**

At CT DEEP there is no bright line between solid waste (SW) and hazardous waste (HW) programs. In CT SW and HW programs were mostly separate back in the day. Over the years programs became more integrated. Both programs recognized common issues and opportunities to work together.

CT DEEP has an ongoing recycling enforcement initiative involving a number of different types of facilities. SW management plan adopted in 2016. 35 percent diversion goal initially; 60 percent by 2024. Enforcement presence increased in March 2016. Initiative focused on as many sectors as possible. Conducted extensive outreach for regulated community through their

Hazardous Waste Advisory Committee and Solid Waste Advisory Committee and many other venues. Reached out through website, flyers, presentations, trade shows, and other events. Had a broad scope focusing on designated recyclable items for residential and commercial generators. Focused on paper, newspaper, waste oil, all plastic containers, cardboard, batteries, and more.

Separate program covers e-waste, which is mandated under the State's extended producer responsibility (EPR) law. Mattresses and paint are also covered by EPR laws. Outreach through HW and SW advisory committees announced that enforcement initiative was about to be underway.

SW and HW field inspectors use solid waste recycling checklists for all compliance and enforcement inspections (CEIs) and complaint inspections; each takes 15-30 minutes. Inspectors review segregation plans and contract evidence for pickups and check for commingling. They go through the facility to evaluate whether they are compliant with the State's recycling laws. Checklist is on CT DEEP website.

State has completed 250 checklists, roughly 100 per year at manufacturing facilities, grocery stores, retailers, medical facilities, and multi-tenant housing. Initiative resulted in 140 sites coming into compliance. Non-compliance decreased from 60 percent to 30 percent. Emphasis on contracts; collection services for recyclable must be mentioned in contract or addressed somehow. There should be containers for SW and recyclables.

E-waste (i.e., TVs, computers, and accessories) managed through EPR model. Landfill ban in effect for e-wastes. Frequent inter-jurisdictional e-waste issues involving SW and HW. Enforcement on SW and HW sides. E-waste from municipal collections may be exempt initially as a household waste but may become regulated as a HW if it goes to a permitted e-waste recycling facility. Certain HW exemptions may apply, so e-wastes can often weave in and out of SW and HW programs. No performance partnership agreement (PPA) credit from EPA for used electronics recycling inspections (in CT, generator must be an LQG in RCRAINFO to get credit)

## **VT**

- Has a product responsibility program for e-wastes - universal waste (UW)-like standards
- SW issues observed by HW inspectors are a low enforcement priority, but some SW/HW overlap observed
- SW facilities not inspected by HW staff
- HW inspectors will inspect CRT collection activities (u-waste)

## **MA**

- SW landfill ban for CRTS
- CRT rules are currently in SW and HW regulations (universal waste-like requirements)
- Plans to adopt federal CRT Rule
- Regulations for Household Hazardous Waste (HHW) events and centers
- Intact and shredded circuit board exemptions for most electronics going for recycling
- SW program has list of vendors for towns to use for electronics recycling
- Facilities that manage regulated or conditionally exempt electronics (i.e., UW, CRTs and CPUs with circuit boards) under HW rules are not subject to SW permitting

- Facilities that recycle electric devices and appliances that are not covered by HW rules may require a SW Permit
- PPA credit for used electronics recycling inspections if facility is an SQG or LQG

## ME

- HW inspections do not include SW inspectors
- Inspections target businesses that generate hazardous waste
- Inspectors do not look at how paper and plastic are regulated
- Has a household hazardous waste exemption for transfer stations, which is really captured by SW program
- SW staff sometimes makes referrals to HW program
- Licenses CRT recyclers; sending CRT glass to Spain
- Many take back programs for computers and peripherals
- PaintCare program managed separately from HW program; subject to universal type requirements under SW program
- CRTs regulated as a UW
- Has not adopted CRT rule
- Electronic devices can be a UW if recycled (per policy only)
- Not sure if it gets PPA credit for used electronics recycling inspections

## NY

- NY has not adopted CRT rule
- CRT like rules are allowed by policy
- NY has UW rules, but e-waste is not a UW
- SW inspectors look for notifications for collecting/recycling e-waste
- HW inspector may come along
- SW inspectors oversee collecting and recycling of computers and all peripherals, from businesses as well as households
- Market based EPR system: sales data, NY develops the market share calculation that retailers are responsible for based on formula
- 100 MM pounds goal for recycling
- 60 recyclers, some dismantling of components, collection sites have to register under UW-like programs
- Goal is to inspect all recyclers each year
- SW inspectors try to bring a HW inspector when possible
- Working on amending UW regulations to improve financial closure and more stringent requirements for larger recycling facilities
- NuLife was permitted under SW program to recycle CRTs
- NuLife was taking in CRT glass, melting and reclaiming lead
- NuLife moved out of NY, in process of completing closure; closure/clean-up at sites in three other states, as well
- Mandatory SW recycling thru local government requirements
- SW source separation required
- No statewide mandatory SW law except for thermostats, batteries, etc.

- Complaints to NY DEC referred to locals
- Vast differences among localities
- No CRT rule but use of it allowed by policy
- Yes, PPA credit for used electronics recycling inspections if facility is an SQG or LQG

## **NH**

- HW and SW programs in same division
- No state recycling mandate for SW and HHW
- No e-waste programs
- CRTs are regulated, since 2001
- NH has not adopted EPA CRT rule
- CRT recyclers are stringently regulated
- Some SW inspectors will refer cases to HW program; but doesn't happen a lot
- Several Large Quantity Handlers of CRTs in NH
- No e-waste program, per se
- CRTs are HW under CRT rule
- Other electronics are not strictly speaking a HW
- Backlighting for flat-screen TVs not a concern; whole flat-screen is considered the waste and would not likely fail TC for mercury
- NH gets PPA credit if facility has an EPA ID (SQG or LQG OK), through flex; only need to inspect 10 percent of LQGs instead of 20 percent

## **RI**

- Only one commercial recycling program in RI
- Commercial recycling has dropped as a result
- Little enforcement on commercial SW side
- One landfill for entire state, which dictates how much SW towns and cities can send for disposal
- Limited landfiling options are an incentive for towns to increase recycling
- Municipal Recycling Facility (MRF) is located at landfill; good outreach program through MRF
- For e-waste there is a cap on how much can be collected each year (5.5 lbs./person/year)
- Population of RI is 1 MM million, so annual limit is 5.5 MM lbs.
- Quarterly and annual reports to confirm what's been reported, what's been collected
- There is an EPR program, but printer recycling is excluded until printers reach 20 percent of total EPR waste stream
- \$5,000 fee for EPR sellers in RI; fees go to Environmental Defense Fund
- Only RI funding needed is for Alison's time
- Ghost numbers: 1/4 of reported information came from "computer stores" that were vacant addresses
- Spoke to someone at alleged "store" who had no idea what RI DEM was talking about
- "Store" said estimate of recycled e-waste was made in "good faith"
- False reporting is a problem that can skew everyone else's numbers unfavorably
- Contractors hired by companies were faking numbers

- Manufacturers may or may not have known information was fake, which made enforcement impossible
- Hard to prove intent
- RI not sure if it gets PPA credit for used electronics recycling inspections

## NJ

- NJ's approach is divided up into different programs
- HW: enforcement of UW rule for consumer electronics
- Large Quantity Handlers of UW need an approval to process UW materials
- Residents: Households captured by e-waste law
- Manufacturer's responsibility based on market share
- NJ has collection sites in municipalities around state
- Residential collection sites have to notify as UW handlers
- NJ adopted e-waste/UW regulations in 2012; based on market share
- SW program working with HW permitting group
- If SW sees no registration information, HW program gets involved
- E-wastes banned at curb
- Households not covered by UW rule for e-waste
- UW rule is in recycling part of NJ HW rules
- A lot of county household HW facilities being eliminated because household wastes (e.g., paint) was being dropped off
- Yes, PPA credit if facility has an EPA ID