

**NEWMOA TRAINING CONFERENCE CALL NOTES**  
**UNIVERSAL WASTE FACILITIES – OCTOBER 20, 2009**

Bill Cass began the call by doing a roll-call of the participating states. These included Connecticut, Massachusetts, New Hampshire, New Jersey, New York, and Vermont. Rhode Island joined the call later. Maine was not present for the call.

Connecticut: (Ross Bunnell of CTDEP presenting.) CT adopts the federal Universal Waste Rule categories, and also has used electronics as a state universal waste category. Connecticut requires permits for certain types of destination facilities that do not require a permit under RCRA (e.g., recycling facilities that do not store prior to RCRA-exempt recycling). Although not subject to RCRA permits, some of these facilities are subject to state permitting requirements, such as Connecticut General Statutes sections 22a-454 or 22a-209(e). Currently, there are two permitted facilities that accept universal waste in CT: Northeast Lamp Recycling (recycles lamps and also accepts batteries, thermostats and other mercury-containing equipment, and used electronics) and Clean Harbors (receives and stores lamps and computers along with regular hazardous waste). Also, CT's regulations also require a permit for the disassembly of used electronics by Large Quantity Handlers ("LQHs"). Currently there are five facilities that engage in this activity (Clean Harbors, Intechra, We Recycle!, Northeast Lamp Recycling, and SMT. Small Quantity Handlers are allowed to disassemble without a permit in CT, provided they do not crush, shred, etc.

Massachusetts: (Bill Sirull of MADEP presenting.) MADEP's regulations pretty much parallel the federal Universal Waste Rule. MA has a couple of facilities that recycle fluorescent lamps. In MA, facilities such as this must either obtain a RCRA TSDF permit (if they store prior to recycling), or, alternatively, a MADEP Class C Recycling Permit (if they are able to put materials into processing within 48 hours of receipt). The two facilities in MA include Veolia, of Stoughton, MA, and Complete Recycling Solutions, of Fall River, MA. These facilities are inspected on a regular inspection schedule like other commercial recyclers (i.e., every couple of years).

New Hampshire: (Bob Bishop of NHDES presenting.) NH has one facility – Uniwaste Services – which is a subsidiary of CRT Processing, LLC. This facility takes in CRTs (which are universal waste in NH) and fluorescent lamps. The facility crushes CRTs and tumbles them to produce a glass cullet. The facility also crushes lamps and recovers mercury from the phosphor powder. In NH, if there is no storage prior to processing, the facility only has to notify and comply with manifest requirements. However, the Uniwaste facility is an LQG due to lead waste that is generated from the tumbling operation. An inspection of the facility found them out of compliance with several LQG requirements, including inspections and personnel training. In defense of itself, the facility claimed that there are many other facilities that are collecting universal wastes and improperly managing them (e.g. illegally exporting them).

Bill Sirull of MADEP asked what NHDES sets as a time limit for storage in order for a recycling facility not to obtain a permit. Bob answered that these companies have 24 hours after off-loading from the transport vehicle.

Someone from NJDEP asked how these facilities are able to get material into the process so quickly in NH. Bob replied that it is difficult, but that the facilities seem to do it.

Bill Sirull of MADEP noted that in MA, Class C Recyclers have conditions that allow these facilities 24 hours to get materials into storage, and an additional 24 hours to move them from storage into processing.

New Jersey: (Presenter unknown.) NJ only has facilities for the management of “consumer electronics” the definition of which includes just about anything with a printed circuit board. NJ requires these facilities to obtain approvals under their solid waste recycling rules. These facilities are inspected about once a month. They are also subject to annual reporting requirements. These facilities can hold onto material for up to a year. They have dealt with one facility that received national attention for export violations (Supreme Recycling, which wound up with a ~\$200,000 penalty from EPA). NJ has recently had companies wishing to do mobile shredding for information destruction (data security), and hard drive shredding.

Ross Bunnell of CTDEP asked what kind of processing of consumer electronics occurs in NJ. It was explained that some of the facilities engage in de-manufacturing, whereas others crush or shred consumer electronics.

Mike Hastry of NJDEP stated that one of the problems they have is the sheer volume of material that is generated in NJ, especially with the changeover to HDTV. The other big issue for NJ is exports, since there is a lot of material exported directly from NJ. There is also a lot of companies claiming illegitimate reuse for material that is not reusable (e.g., Supreme, which, now that it can only export legitimately, has amassed a large amount of material on-site). The Financial Assurance requirements that these facilities are subject to is an important countermeasure to these kinds of situations, however.

Ross Bunnell of CTDEP asked who enforces compliance with the export rules in NJ (i.e., is it solely EPA, or does NJDEP participate in any way?). It was explained that states cannot enforce export rules, and that only EPA may enforce them. So, NJDEP has not been involved.

New York: (Presenter unknown.) NYDEC’s rules for universal waste are very similar to the federal rules. The permitted destination facilities in NY include a battery reclaimer and at least one lamp crusher. NY allows recyclers to process without a permit as long as there is no storage.

Ross Bunnell of CTDEP asked for the names of the two processors. They were identified as Revere (a secondary lead smelter and battery recycler), and ALR (a fluorescent lamp recycler).

Rhode Island: (Mark Dennen of RIDEM presenting.) RI's universal waste rules mirror the federal program closely. However, RI also has CRTs as universal waste items in their rules, and is pursuing to add silver fixer and used electronics, and may also expand the mercury equipment category. RI has no "deliberate" processors that they are aware of. Some may be processing without realizing the significance of it, but mostly facilities in RI engage in storage only, sending their material to nearby states for processing.

Vermont: (Presenter unknown.) VT has the federal universal waste categories, plus PCB ballast, CRTs, and also kept thermostats as a separate category (i.e., they did not merge this category with mercury-containing equipment, as was the case with the federal rules). VT has no destination facilities, only handlers. And, as far as they know these handlers include only SQHs, not any LQHs.

Bill Sirull of MADEP posed a question for RIDEM: would the addition of silver fixer to their Universal Waste Rule remove the need for manifests, etc., that are normally required for hazardous waste? The answer was "yes."

Bob Bishop of New Hampshire stated that NHDES feels as though it may not have a good handle on how many LQHs they have, or even destination facilities. He asked if other states feel this way, or have some sort of initiative to identify these facilities?

The representative from NJDEP said that there is so much material being generated in NJ that they suspect that it is likely that a lot of material is being shipped out-of-state (including New England). Also, NJ has a proposal in place to establish an e-waste collection program, and this will only increase the amount of material being generated in NJ.

Bill Sirull of MADEP responded to the question from NH by stating that, in MA, notification is only required for LQHs. So, there could be a lot of handlers in MA that could be flying under the radar.

Ross Bunnell of CTDEP responded that CT suspects that there are probably some LQHs that they are not aware of, or perhaps even some engaging in processing, especially since CT has used electronics as a universal waste category.

At this point the conference call service failed and the call was terminated.