



Interim Enforcement Policy

from Ecology's Hazardous Waste and Toxics Reduction Program

Conditional Exclusion for Electronic Wastes

The management and disposal of electronic waste is a growing concern. To address this issue, the Washington State Department of Ecology (Ecology) developed the following interim policy to manage computer and television related electronic wastes that are dangerous wastes. This policy is intended to provide clear direction for the management of electronic waste, when legitimately recycled. It is also intended to encourage recycling, to reduce the impact of this waste stream on the environment.

This policy applies to generators, transporters, and operators of facilities that collect, accumulate, and dismantle electronic waste. Within its enforcement discretion, Ecology will refrain from enforcing portions of the *Dangerous Waste Regulations* when electronic waste is managed in accordance with the requirements set forth in this policy. This policy applies to fully regulated generators; however small quantity generators and those managing household hazardous waste may also choose to follow the requirements in this policy.

This policy applies to any electronic waste that designates as dangerous waste (other than Cathode Ray Tubes (CRTs) managed under a separate conditional exclusion (WAC 173-303-071(3)(oo)). Any electronics that designate as dangerous waste that are not recycled remain subject to full regulation and Ecology enforcement under the *Dangerous Waste Regulations*. Electronic equipment that can be reused is not considered waste and is not subject to the *Dangerous Waste Regulations*. This policy ensures that electronic wastes will be managed in a way that protects human health and the environment and supports Ecology's pollution prevention, sustainability, and product stewardship efforts.

Background

Earlier versions of this enforcement policy were also directed at managing CRTs because they were a problem waste stream that sometimes designated as dangerous waste. The *Dangerous Waste Regulations* now conditionally exclude CRTs. However, CRTs are only one part of the electronic waste stream that may be a dangerous waste. This policy covers any electronics other than CRTs that are dangerous waste.

This policy applies primarily to fully regulated generators; however small quantity generators and those managing household hazardous waste may also choose to follow the requirements in this policy. A waste that designates as a dangerous waste is subject to regulation according to standards that vary based on the source and amount of waste that is generated.

By source: Household hazardous waste is exempt from the state's *Dangerous Waste Regulations*. Counties or other entities that manage household hazardous waste are not required to comply with the same regulations as businesses that generate dangerous wastes. However, local ordinances may require household hazardous waste to be managed the same as business wastes.

By amount generated: Businesses that generate dangerous wastes must follow requirements depending on the amount of waste they generate. A significant cut-off point is 220 pounds. A business that generates less than 220 pounds per month has fewer requirements to follow than a business that generates more than 220 pounds per month. Since some types of electronic wastes are heavy, it does not take much to shift someone from being a small quantity generator to a fully regulated generator.

What This Enforcement Policy Allows

Electronic waste (other than CRTs managed under the conditional exclusion) that is generated, transported, collected, accumulated, dismantled, and recycled:

- Does not have to be counted as a dangerous waste (which means that generator status is not affected).
- Does not need to be manifested when transported off-site (although any applicable Department of Transportation requirements for transportation of hazardous materials still apply).
- Must be legitimately recycled, including reclamation and reuse of parts. Reclamation includes businesses that salvage usable parts (for example, “dismantlers”) to refurbish other electronics.

Personal computer equipment such as central processing units, printers, and keyboards that designate as dangerous waste may be managed as described above. Recycling of associated materials that do not designate as dangerous waste is highly encouraged.

Items, such as computers and monitors collected at business- and local-government-sponsored collection programs that pass this equipment on to schools and other organizations to be reused, are not covered by this policy. Such equipment has not yet become a waste.

What Requirements Must Be Followed

By Generators

- Electronic equipment that designates as dangerous waste must be recycled.
- Electronic equipment can be taken to an intermediary for dismantling or de-manufacturing or to a consolidator prior to recycling.
- Accumulate (store) electronic equipment in a manner that minimizes unintentional breakage and protects the environment.
- Accumulation is allowed for up to 180 days. Electronic wastes must be moved off-site to a facility for recycling within 180 days. An extension may be given by Ecology under certain circumstances. For example, accumulation of certain quantities may facilitate proper recycling, or it may be more cost-effective to transport a full load.
- Speculative accumulation is not allowed.
- Must comply with:
 - Applicable local and other state laws.
 - Department of Ecology’s cleanup authority (WAC 173-303-050).

- Spills and Discharges (WAC 173-303-145).
- Special Powers and Authorities (WAC 173-303-960).
- Export requirements, as listed below.

By Transporters

Ensure delivery of electronics to a recycler, dismantler, demanufacturer, smelter, or a person who is consolidating electronics for more efficient transportation to a recycling location, and comply with the following:

- Department of Ecology’s cleanup authority (WAC 173-303-050).
- Spills and Discharges (WAC 173-303-145).
- Special Powers and Authorities (WAC 173-303-960).
- Generator requirements if consolidating equipment prior to delivery to a “facility.”

By Facilities

Operators of facilities that collect, store, demanufacture, or dismantle must comply with the following:

- Send a letter to Ecology notifying that they are handling electronic waste. The letter should also state whether or not the handler will be exporting materials outside of the country. This is not a notification of dangerous waste activity using Ecology’s Site ID Form and an ID number is not required. The letter may be sent to Hazardous Waste and Toxics Reduction Program, P2RA Section, Department of Ecology, PO Box 47600, Olympia WA 98502.
- Have a trained, responsible individual supervising operations at all times.
- Operate and maintain the facility to prevent threats to human health or the environment.
- Conduct all physical dismantling activity inside a building.
- Utilize trained personnel and equipment to ensure proper operation of the facility.
- Control litter, dust, noise, and other nuisances in operation of the facility.
- Have measures in place to prevent and control fires.
- Allow authorized Ecology representatives access to the facility to assess compliance with the conditions of the enforcement policy.
- After physical dismantling, send electronic waste for recycling.
- Ship intact electronic waste under a bill of lading and meet applicable hazardous material (DOT) transportation requirements.
- Ship broken or crushed electronic waste under a bill of lading, packaged to prevent releases to the environment and labeled as electronic waste.
- Accumulate (store) electronic waste in a manner that minimizes unintentional breakage and that is protective of the environment.
- Accumulate electronic waste for up to 180 days. Electronic waste must be moved off-site within 180 days for recycling. It should be tracked by date of receipt. Ecology may give extensions under certain circumstances. For example, accumulation of certain quantities may facilitate proper recycling, or it may be more cost-effective to transport a full load.

- Speculative accumulation is not allowed.
- Comply with:
 - Applicable local and state laws.
 - Department of Ecology’s cleanup authority (WAC 173-303-050).
 - Spills and Discharges (WAC 173-303-145).
 - Special Powers and Authorities (WAC 173-303-960).

Exporting Requirements

Individuals or facilities exporting electronic waste outside the United States must have documentation that the receiving facility will legitimately recycle the electronic materials. Documentation should include contracts that include the name and location of the recycling facility and responsible individual and a tracking system that includes dates shipped and received, amounts shipped, and a description of the arrangements for the recycling of the electronic waste.

Circuit Boards

Circuit boards that are being recycled are not subject to this enforcement policy. They are already addressed in the *Dangerous Waste Regulations*. Spent printed circuit boards may be managed under the scrap metal exemption at WAC 173-303-071(3)(ff). However, if circuit boards are shredded for recycling purposes, they become subject to the *Dangerous Waste Regulations* (WAC 173-303-071(3)(gg)) once again, until they are:

- Stored in containers sufficient to prevent a release to the environment prior to recovery; and
- Free of mercury switches, mercury relays, nickel-cadmium batteries, and lithium batteries.

Disposal

This exclusion is only for end-of-life electronic waste that is generated, transported, collected, accumulated, stored, and physically dismantled (demanufactured) for recovery and recycling of useable materials. Electronic wastes that are intended to be disposed (rather than recycled) at any point in the process and residues from these activities must be properly designated and managed under the dangerous waste and solid waste requirements. Ecology will enforce proper designation and management under the dangerous waste requirements for these wastes.

Definitions

The following definitions are for the purpose of this enforcement policy only. Some of the terms are defined in the *Dangerous Waste Regulations* and others were written to provide clarity for electronic wastes managed under this policy. Regulatory definitions are very specific and were developed in a broader context. For example, there is already a “facility” definition in the regulations that has a very specific meaning that is not related to how “facility” is defined for this interim policy.

Demanufacturing

The term demanufacturing is not defined in the *Dangerous Waste Regulations*. It is a term often used in reference to “continued use.” For the purposes of recycling electronic equipment only, demanufacturing refers to the removal of components.

Dismantler

The term dismantler is not defined in the *Dangerous Waste Regulations*. It is a term often used in reference to recycling computers and other electronic equipment. For the purposes of this policy, dismantler refers to someone taking apart electronic equipment for recycling purposes, other than for “continued use.”

Enclosed Facility

An enclosed facility is a building with four or more walls, constructed floor, and roof where electronic equipment is to be recycled.

Facility

For the purpose of this enforcement policy, a facility means all contiguous land, and structures, other appurtenances, and improvements on the land used for the collection, storage, dismantling, and/or demanufacturing of electronic equipment.

Generator

Generator means any person, by site, whose act or process produces dangerous waste or whose act first causes a dangerous waste to become subject to regulation.

Operator

An operator means the person responsible for the overall operation of a facility (as defined above).

Recycling

Recycling means/includes the use, reuse or reclamation of electronic equipment.

Recycling Facility

For the purpose of this enforcement policy, a recycling facility means all contiguous land, and structures, other appurtenances, and improvements on the land used for recycling electronic equipment.

Refurbishment

The term refurbishment is not defined in the *Dangerous Waste Regulations*. It is a term often used in management of electronic waste. For the purposes of this enforcement policy, Ecology considers refurbishment to mean the repair of equipment that is not discarded (as defined above) by the owner of that equipment.

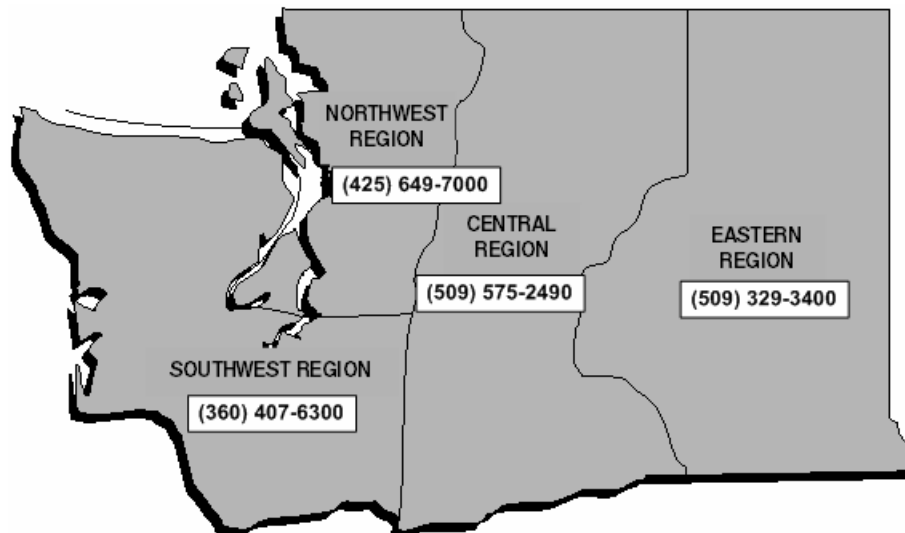
Speculative Accumulation

For the purpose of this enforcement policy, speculative accumulation means holding, storing, or accumulating electronic equipment for more than 180 days. Generators and facilities not in compliance with the 180-day time limit will be considered holding, storing, or accumulating dangerous waste and subject to the *Dangerous Waste Regulations*.

Transporter

A transporter is a person who transports electronic equipment in a vehicle.

For more information:



If you need this information in alternate format, please call the Hazardous Waste and Toxics Reduction Program at (360) 407-6700. If you are a person with a speech or hearing impairment, call 711, or (800) 833-6388 for TTY.