

Disposal Ban of Covered Electronic Devices

What permitted disposal facilities need to know

Introduction

Oregon's 2007 Electronics Recycling Law prohibits any person from disposing of computers, monitors and televisions (collectively known as "covered electronic devices" or CEDs) after Jan. 1, 2010. It also prohibits solid waste disposal facility operators from knowingly accepting these devices for disposal after that date, and requires disposal site operators to implement a program to prevent acceptance of these devices for disposal.

What the law says

Oregon's 2007 Electronics Recycling Law adds CEDs to the list of products banned from disposal in Oregon:

ORS 459.247(1): No person shall dispose of and no disposal site operator shall knowingly accept for disposal the following types of solid waste at a solid waste disposal site: ... (f) covered electronic devices.

"Covered electronic devices" are defined in ORS 459A.305(3) to include computer, monitors and televisions, specifically:

(3) (a) "Covered electronic device" means:

- (A) A computer monitor of any type having a viewable area greater than four inches measured diagonally;
- (B) A desktop computer or portable computer; or
- (C) A television of any type having a viewable area greater than four inches measured diagonally.

(3) (b) "Covered electronic device" does not include:

- (A) Any part of a motor vehicle;
- (B) Any part of a larger piece of equipment designed and intended for use in an industrial, commercial or medical setting, such as diagnostics, monitoring or control equipment;
- (C) Telephones or person digital assistants of any type unless the telephone or personal digital assistant contains a viewable area greater than four inches measured diagonally; or
- (D) Any part of a clothes washer, clothes dryer, refrigerator, freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier or air purifier.

DEQ interprets this definition of CEDs to include whole units, whether intact or crushed, but *not* the component parts of CEDs that are no longer whole units (e.g., residue from refurbishment or recycling).

This law also requires disposal site operators to establish and follow programs to prevent acceptance of CEDs for disposal, and presumes that operators following approved programs have complied with the prohibition against knowingly accepting CEDs for disposal.

Specifically ORS 459.247 (5) (a) requires each disposal site operator to establish and implement, in accordance with any permit requirements established by DEQ, a program reasonably designed to prevent acceptance of covered electronic devices for disposal. If an operator operates the disposal site in conformity with the program, the operator is presumed to have complied with the provisions of the law that prohibit knowingly accepting covered electronic devices for disposal.

DEQ does not expect disposal site operators to engage in unsafe or impractical efforts to pull isolated CEDs from loads or piles.

This law specifically does *not* prohibit a disposal site operator from accepting and storing CEDs for purposes of recycling, reuse or refurbishment.

Oregon Administrative Rules (OAR) 340-094-0040, 340-095-0020 and 340-096-0040 describe **requirements for an operations plan**, including special waste management plans, for permitted solid waste disposal facilities.

This law also outlines the **penalty for disposal ban violations**:

ORS 459.995 (1) Except as provided in subsection (2) of this section, in addition to any other penalty provided by law:

- (d) Any person who violates the provisions of ORS 459.247 (1)(f) shall incur a civil penalty not to exceed \$500 for each violation. Each covered electronic device that is disposed of improperly shall be a separate violation.



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Which facilities are affected by this law?

This disposal ban and program apply to solid waste disposal facilities that are likely to receive CEDs for disposal. These include permitted material recovery facilities, transfer stations, incinerators and operating landfills (except industrial and construction and demolition waste landfills, which accept only limited waste types).

What does a facility covered under this law need to do?

Solid waste disposal facilities that are likely to receive CEDs for disposal **must revise their operations plans** to address the ban.

The operations plan should include measures that are reasonably designed to prevent acceptance of CEDs for disposal and to ensure proper management of CEDs that are received at the facility. These measures need to be tailored to the particular operations, equipment and processes for a facility, and may be integrated into existing provisions in the operations plan.

Elements that should be addressed in operation plans include training, gate operations, management practices and customer notification:

Training: A description of an ongoing, annual training program for appropriate facility personnel that includes:

- Identification of CEDs (CEDs include whole desktop, portable computers, and televisions and monitors, both flat-screen and cathode ray tube (CRT), with a viewable area greater than four inches measured diagonally)
- Procedures for inspecting incoming loads for the presence of CEDs
- Procedures for handling CEDs that come into the disposal facility
- Procedures for cleaning up broken CRTs and CEDs
- Reasonably designed record keeping and follow-up for CEDs delivered for disposal.

Gate operations: Measures to discourage delivery of CEDs to the facility for disposal and to identify CEDs that arrive for disposal:

- Signage indicating that CEDs cannot be disposed
- Signage providing either contact information or locations where CEDs can be taken for reuse or recycling including, if applicable, locations at the facility
- Procedures for visually inspecting incoming loads for the presence of CEDs and determining whether they are currently intact

- Measures to determine where CEDs delivered for disposal originated, when feasible.

Management practices: Procedures for safely managing CEDs received for disposal:

- Procedures for safely removing CEDs from a load or disposal area where practical
- Procedure for properly handling CEDs, including broken CRTs and CEDs
- Designation of a storage location (on- or off-site) for CEDs that will be shipped for reuse or recycling
- Procedures for handling CEDs that are stored for recycling to prevent breakage
- Procedures for shipping CEDs for reuse or recycling
- Procedures for determining when CEDs cannot be reused or recycled (e.g., too severely damaged in a compacted load)
- Procedures for recording CEDs that arrive for disposal and following up with the source to prevent such deliveries in the future.

Customer Notifications: Procedures and strategies for addressing the disposal ban with all customers:

- Procedures for notifying all customers of the disposal ban
 - Procedures for following up with customers who ship CEDs for disposal regarding management of the load (e.g., turning loads around; screening out and managing the CEDs) and prevention of future shipments
- Strategies for working with customers with repeat shipments of CEDs for disposal

Process for permit and operations plan changes

In May 2009, DEQ sent letters to permitted facilities requesting them to submit revised operating plans that address the CED disposal ban. DEQ will require the operation plans to be approved before Jan. 1, 2010.

Before Jan. 1, 2010, DEQ permit staff will also issue DEQ-initiated modifications to these disposal facility permits to add CEDs to the list of items that cannot be accepted for disposal.

New solid waste disposal facility permits and operations plans for facilities likely to accept CEDs will include these disposal ban measures.

Permitted solid waste disposal facilities that also accept electronic waste for recycling or recycle wastes at the facility will be required to update their operations plans to address any collection and processing activities for electronic wastes.

Enforcement

DEQ will verify compliance with the disposal ban through periodic inspections.

Under the law, a facility operator that complies with a DEQ-approved operations plan to prevent acceptance of CEDs will be presumed not to have knowingly accepted CEDs for disposal. Failure to comply with the operations plan may result in enforcement action and/or civil penalties.

Outreach and education

DEQ's goal is to make sure that the public is aware of the disposal ban for CEDs. Facilities can help by educating customers who bring such items for disposal and are unaware of the new law. DEQ will have outreach template materials on its website that facilities can download and use to distribute to customers. Materials will include handouts, posters, bill inserts, text for bills, and articles. Go to www.deq.state.or.us/lq/electronics.htm.

For more information:

- Your local solid waste permit writer
- Oregon E-Cycles Program: Kathy Kiwala, Portland, (503) 229-6103, (toll-free in Oregon at 1-800-452-4011, ext. 6103)
- Information on CRT management: <http://www.epa.gov/osw/hazard/recycling/electron/crt-fs06.htm>

Alternative formats

Alternative formats (Braille, large type) of this document can be made available. Contact DEQ's Office of Communications & Outreach, Portland, at (503) 229-5696, or call toll-free in Oregon at 1-800-452-4011, ext. 5696.