



Slate of Oregon  
Department of  
Environmental  
Quality

## Directive

Title:	Facility Operations Plans to Implement Ban on Disposal of Covered Electronics Devices at Permitted Solid Waste Disposal Facilities	FORM C
Original Author:	Kathy Kiwala	Pages: 4
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Approval:	<i>Kathy Kiwala</i>	

### Scope:

This directive provides guidelines for DEQ solid waste permitting staff to use in evaluating facility operations plans designed to prevent acceptance of covered electronics devices (CEDs) for disposal at certain solid waste disposal facilities after January 1, 2010, and to ensure safe management of CEDs that are received. Those facilities include permitted material recovery facilities (MRFs), transfer stations (TSs), incinerators, and operating landfills (except industrial and construction and demolition landfills, which accept only limited waste types).

### Purpose/Need:

Oregon's 2007 Electronics Recycling Law prohibits any person from disposing of computers, monitors, and televisions (CEDs) after January 1, 2010; prohibits solid waste disposal facility operators from knowingly accepting CEDs for disposal after that date; and requires disposal site operators to establish and implement a program to prevent acceptance of CEDs for disposal.

To implement this disposal ban, the statute requires that operators of certain permitted solid waste disposal facilities include in their operations plans measures to prevent acceptance of CEDs for disposal and to properly manage CEDs that are received. This directive provides guidelines for DEQ staff to follow in (I) determining which facilities should include such measures in their operations plans and (II) evaluating the adequacy of those plans.

### Legal Authority:

Oregon's 2007 Electronics Recycling Law (HB2626) at ORS 459.247 adds CEDs to the list of products banned from disposal in Oregon:

- (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) [c]overed electronic devices.

This law goes further to require 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.

- (5)(a) Each disposal site operator shall establish and implement, in accordance with any permit requirements established by the Department of Environmental Quality, 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 this section that prohibit knowingly accepting covered electronic devices for disposal.

DEQ also testified on HB 2626, enacted as the Electronics Recycling Law, that the agency would not expect disposal site operators to engage in unsafe or impractical efforts to pull isolated CEDs from loads, piles, or cells.

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

"Covered electronic devices" are defined in ORS 459A.305(3) to include computers, 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.

(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 diagnostic, monitoring or control equipment;

(C) Telephones or personal 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.

In general, when reviewing operations plan for compliance with ORS 459A.305(3), DEQ staff should interpret the definition of CED as applying to 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).

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.

#### Discussion:

Ideally, CEDs should be identified, screened out, and properly managed by individuals or entities transporting waste to disposal facilities. This upstream management is crucial in minimizing the amount of CEDs that may need to be identified, screened, or removed at disposal facilities. Promotion of the Oregon E-Cycles program will assist in this effort.

#### Directive:

DEQ staff will review the operations plans for solid waste disposal facilities that are likely to receive CEDs for disposal to ensure that the plans comply with the disposal ban. Staff should focus on permitted MRFs, TSSs, incinerators, and all operating landfills except industrial and construction and demolition waste landfills, which accept only limited waste types described in their permits.

The operations plan should include practical 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, but the measures should address the elements described below. Under the law, a facility operator who complies with a DEQ-approved operations plan to prevent acceptance of CEDs will be presumed not to have knowingly accepted CEDs for disposal.

DEQ staff should consider the following when reviewing plans for these sites:

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

- Recognition training for identifying CEDs
- Procedures for inspecting incoming loads for presence of CEDs
- Procedures for handling CEDs that come into the disposal facility
- Procedures for cleaning up broken CEDs and cathode ray tubes (CRTs)
- 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 CEDs and CRTs
- 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)
- 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.

### Implementation:

DEQ will implement this directive as follows:

During May 2009, DEQ permit staff requested permitted facilities that are likely to receive CEDs for disposal to submit to DEQ for approval their revised operations plans that address the elements in this directive. DEQ staff should complete review and approval of operations plans before January 1, 2010.

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

DEQ staff should address the disposal ban in new solid waste disposal facility permits and operations plans for facilities likely to accept CEDs.

DEQ staff should require permitted solid waste disposal facilities that also accept electronic waste for recycling or recycle wastes at the facility to update their operations plans to address any collection and processing activities for electronic wastes.

DEQ staff should verify compliance with the landfill ban through periodic inspections.

### Review Schedule:

The periodic review schedule will apply.

### Contact Person:

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### Disclaimer:

This directive is intended solely as guidance for DEQ employees. It does not constitute rulemaking by the Environmental Quality Commission and may not be relied upon to create an enforceable right or benefit, substantive or procedural, enforceable at law or in equity, by any person. DEQ may take action at variance with this policy.

