



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 1)**

AGENCY

Waste Management Division Of Water And Waste Management

TITLE NUMBER

33

RULE TYPE

AMENDMENT TO EXISTING RULE

CITE AUTHORITY

Legislative

No

22-15A-29

SERIES NUMBER OF RULE BEING PROPOSED 12

**COMMENTS LIMITED TO
Oral And Written**

DATE OF PUBLIC HEARING

Tuesday, August 07, 2012 6:00 PM

LOCATION OF PUBLIC HEARING

WV Department of Environmental Protection

601 57th St. SE

Charleston, WV 25304

Coopers Rock Training Room

DATE WRITTEN COMMENT PERIOD ENDS

Tuesday, August 07, 2012 7:00 PM

WRITTEN COMMENTS MAY BE MAILED TO

Public Information Office

WV Department of Environmental Protection

601 57th St. SE

Charleston, WV 25304

dep.comments@wv.gov

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

Kristin A Boggs -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 33-12



Rule Id: 8700



Document 23819



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**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 2)**

AGENCY

Waste Management Division Of Water And Waste Management

TITLE NUMBER

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AMENDMENT TO EXISTING RULE

CITE AUTHORITY

Legislative

No

22-15A-29

SERIES NUMBER OF RULE BEING PROPOSED 12

PROVIDE A BRIEF SUMMARY OF YOUR PROPOSAL

This rule prohibits the disposal of Covered Electronic Devices in West Virginia landfills. This rule also establishes requirements for commercial solid waste facilities' and commercial recycling facilities' handling and recycling of covered electronic devices

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

Kristin A Boggs -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

AGENCY

Waste Management Division Of Water And Waste Management

TITLE NUMBER

33

RULE TYPE

AMENDMENT TO EXISTING RULE

CITE AUTHORITY

Legislative

No

22-15A-29

SERIES NUMBER OF RULE BEING PROPOSED 12

**SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE
ON COSTS AND REVENUES OF STATE GOVERNMENT.**

The implementation of this rule will have no impact on costs and revenues of the state government

**Kristin A Boggs -- By my signature, I certify that I am the person authorized to file legislative rules, in
accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 2)

AGENCY

Waste Management Division Of Water And Waste Management

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RULE TYPE

AMENDMENT TO EXISTING RULE

CITE AUTHORITY

Legislative

No

22-15A-29

SERIES NUMBER OF RULE BEING PROPOSED 12

FISCAL NOTE DETAIL -- SHOW OVER-ALL EFFECT IN ITEM 1 AND 2 AND, IN ITEM 3, GIVE AN EXPLANATION OF BREAKDOWN BY FISCAL YEAR, INCLUDING LONG-RANGE EFFECT.

Effect Of Proposal	Current Increase/Decrease (use ' - ')	Next Increase/Decrease (use ' - ')	Fiscal Year (Upon Full Implementation)
ESTIMATED TOTAL COST	0.00	0.00	0.00
PERSONAL SERVICES			
CURRENT EXPENSES			
REPAIRS AND ALTERATIONS			
ASSETS			
OTHER			
ESTIMATED TOTAL REVENUES	0.00	0.00	0.00

Kristin A Boggs -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 3)

AGENCY

Waste Management Division Of Water And Waste Management

TITLE NUMBER

33

RULE TYPE

AMENDMENT TO EXISTING RULE

CITE AUTHORITY

Legislative

No

22-15A-29

SERIES NUMBER OF RULE BEING PROPOSED 12

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.

Implementation of this rule will have no impact on costs and revenues of the state government

Kristin A Boggs -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 33-12



Rule Id: 8700



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 4)

AGENCY

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CITE AUTHORITY

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No

22-15A-29

SERIES NUMBER OF RULE BEING PROPOSED 12

PLEASE IDENTIFY ANY AREAS OF VAGUENESS, TECHNICAL DEFECTS, REASONS THE PROPOSED RULE WOULD NOT HAVE A FISCAL IMPACT, AND OR ANY SPECIAL ISSUES NOT CAPTURED ELSEWHERE ON THIS FORM.

The implementation of this rule will have no impact on costs and revenues of the state government

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Kristin A Boggs -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 12 -- BRIEF SUMMARY AND STATEMENT OF CIRCUMSTANCES (Page 1)

AGENCY

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RULE TYPE

AMENDMENT TO EXISTING RULE

CITE AUTHORITY

Legislative

No

22-15A-29

SERIES NUMBER OF RULE BEING PROPOSED 12

**SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN RULE AND
STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE.**

West Virginia Code § 22-15A-29 requires the Secretary to propose for promulgation
Legislative rules to implement the provisions of sections 24 through 28 of Article 15A.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

**Kristin A Boggs -- By my signature, I certify that I am the person authorized to file legislative rules, in
accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 33-12



Rule Id: 8700



Document 23819

**TITLE 33
LEGISLATIVE RULE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WASTE MANAGEMENT**

**SERIES 12
COVERED ELECTRONIC DEVICES RECYCLING RULE**

§33-12-1. General.

1.1. Scope. – This legislative rule establishes requirements for the proper storage, handling, recycling, and disposal of covered electronic devices.

1.2. Authority. – W. Va. Code § 22-15A-22(d) and (f).

1.3. Filing Date. –

1.4. Effective Date. –

§33-12-2. Definitions.

All definitions in W. Va. Code §§ 22-15-2 and 22-15A-2 are fully incorporated into this rule by reference. The following definitions apply to this rule unless otherwise specified or unless the context in which used clearly requires a different meaning.

2.1. “Covered Electronic Device” or CED means a television, computer or video display device with a screen that is greater than four inches measured diagonally. “Covered electronic device” does not include a video display device that is part of a motor vehicle or that is contained within a household appliance or commercial, industrial or medical equipment.

2.2. “Computer” means a desktop, personal computer or laptop computer, including the computer monitor. Computer does not include a personal digital assistant device, computer peripheral devices such as a mouse or other similar pointing device, a printer or a detachable keyboard.

2.3. “Television” means any telecommunication system device that can receive moving pictures and sound broadcast over a distance and includes a television tuner or a video display device peripheral to a computer in which the display contains a television tuner.

2.4. “Video Display Device” means an electronic device with an output surface that displays or is capable of displaying moving graphical images or visual representations of image sequences or pictures that show a number of quickly changing images on a screen to create the illusion of motion. Video display device includes a device that is an integral part of the display and cannot easily be removed from the display by the consumer and that produces the moving image on the screen. A “video display device” may use a cathode-ray tube (CRT), liquid crystal display (LCD), gas plasma, digital light processing, other image-projection technology or imaging display technologies.

2.5. “Cathode Ray Tube” means vacuum tubes, made primarily of glass, which constitute the video display components of, among other things, televisions and computer monitors.

2.6. “Covered Electronic Device Collector” means any person that accepts and stores CEDs for the

purpose of sending them to an electronics recycling facility.

§33-12-3. General Requirements Governing Covered Electronic Devices.

3.1. Certain Disposal Prohibited. – After January 1, 2011, it is unlawful to deposit CEDs in a solid waste landfill in West Virginia. CEDs must be delivered to a commercial solid waste facility or to a collection or recycling facility authorized to take them by the laws of the State of West Virginia or of the state where the collection or recycling facility is located.

3.2. Certain Disposal Allowed. – Solid waste landfills shall continue to accept for disposal all electronic devices that are not specifically exempted from landfill disposal by this rule.

3.3. Commercial Solid Waste Facilities Required to Accept Covered Electronic Devices

3.3.a. Commercial solid waste facilities shall accept CEDs from any person and may charge a reasonable fee for acceptance of the same, in accordance with the rates and charges established by the Public Service Commission pursuant to W. Va. Code § 24-1-1, et seq. CEDs accepted by the commercial solid waste facility shall not be disposed of in a landfill except as allowed in subsection 3.4 of this rule.

3.3.b. CEDs collected by commercial solid waste facilities or CED collectors shall be stored and handled in compliance with the requirements of section 4 of this rule.

3.3.b. CEDs collected by commercial solid waste facilities are exempt from the calculation of monthly tonnage limits and from any solid waste disposal assessment fees.

3.4. Exception to Prohibiting Covered Electronic Devices from Disposal in Landfills. – Commercial solid waste landfills may only dispose of CEDs generated from Department of Environmental Protection (DEP) remediation or collection events when the DEP has determined that there is no other reasonable disposal alternative available.

3.4.a. CEDs accepted from DEP as a result of DEP remediation or collection events that are permanently disposed of in a landfill are not exempt from the calculation of monthly tonnage limits or any solid waste disposal assessment fees.

3.4.b. DEP may negotiate with a solid waste landfill for rates and charges for the disposal of CEDs regardless of the rates and charges established by the Public Service Commission.

§33-12-4. Covered Electronic Device Storage, Handling, Recycling, and Disposal Requirements

4.1. General Operational Requirements. Unless otherwise approved by the Secretary in writing, all commercial solid waste landfills and CED collectors shall conform to the following operational requirements:

4.1.a. The facility shall be secure from theft, vandalism, fire, and unauthorized access.

4.1.b. The facility shall be designed to receive, process, and store CEDs and any components thereof in a manner that prevents surface water, stormwater or groundwater contamination.

4.1.b.1 Receiving, storage, operations, and shipping areas must be under a roof or in an enclosed area sufficient to prevent stormwater contamination.

4.1.b.2 Receiving, storage, operations, and shipment areas must have an impermeable surface

sufficient to prevent surface water and groundwater contamination.

4.1.c. The facility must manage all cathode ray tubes (CRTs) in a manner that prevents breakage and ship them intact to a designated recycling facility. All CRTs, regardless of condition (broken, intact or otherwise separated from the CED), must be accepted by the facility and properly managed for recycling. Any broken CRTs shall be handled as described in subdivision 4.1.e below.

4.1.d. Circuit boards from CEDs must be removed, stored, and shipped to the recycler as an intact or whole circuit board. Components removed from a whole or intact circuit board are considered newly generated waste and may be subject to handling, storage, and shipment in accordance with the *West Virginia Hazardous Waste Management Act*, W. Va. Code § 22-18-1, et seq., and any rules promulgated thereunder.

4.1.e. The facility shall immediately clean up any broken CRTs from a CED and place all such waste in a container that is closed, structurally sound, compatible with the CRTs, and capable of preventing leakage, spillage or releases of broken CRTs, glass particles or other hazardous constituents from the broken CRTs to the environment. As soon as possible, the facility shall package and ship broken CRTs to a designated recycling facility.

4.1.f. The facility shall not shred, crush, heat or otherwise treat CEDs or any component thereof and shall not break the CRT in any CED. A facility may disassemble CEDs for the sole purpose of marketing, reselling, reusing or recycling components thereof.

4.1.g. The facility shall clearly label or mark each CED or container, package or pallet containing CEDs with one of the following phrases: “Universal Waste – Covered Electronic Devices” or “Waste Covered Electronic Devices” or “Used Covered Electronic Devices.”

4.1.h. The facility shall determine whether all CEDs and any component thereof destined for disposal meet the definition of “hazardous waste” as defined in W. Va. Code § 22-18-3(6). Any CED or component thereof that meets the definition of hazardous waste shall be stored, managed, handled, and disposed of in accordance with the *West Virginia Hazardous Waste Management Act*, W. Va. Code § 22-18-1, et seq., and the rules promulgated thereunder.

4.2. Annual Reporting Requirements. – Commercial solid waste landfills and CED collectors shall submit annual reports to the Secretary by December 31 of each year on forms provided by or acceptable to the Secretary. The report shall include, at a minimum:

4.2.a. The date, quantity, and origin of CEDs received at the facility;

4.2.b. The quantity or tonnage of CEDs processed at the facility;

4.2.c. The quantity or tonnage of CEDs stored at the facility;

4.2.d. Entities contracting for CED recycling services and dates on which those services were provided;

4.2.e. The name, address, telephone number, and certificated motor carrier identification number of all transporters that transport CEDs to and from the facility, including the quantity or tonnage of CEDs so transported; and

4.2.f. A description of any theft, vandalism, fire, unauthorized access or environmental problems or changes in the facility’s operational procedures for handling CEDs. With regard to each of these problems,

describe the steps taken to prevent a recurrence.