

33 CSR 12

COVERED ELECTRONIC DEVICES RECYCLING RULE

REPONSE TO COMMENTS

On July 6, 2012, the Division of Water and Waste Management (DWWM) commenced a thirty-day public comment period and subsequently held a public hearing on August 7, 2012 to accept oral comments on the proposed legislative rule 33CSR12. Written comments were also accepted through 7:00 p.m. on Tuesday, August 7, 2012. Four commenters submitted written comments regarding the proposed rule, 33CSR12, and no commenters provided verbal comments. DWWM addresses the comments below.

Commenters: Jason Linnell on behalf of the National Center for Electronics Recycling

Comment A.

1. The commenter requested that Covered Electronic Devices (CEDs) collected at Department of Environmental Protection-sponsored collection events not be exempted from disposal restrictions at commercial solid waste landfills.
2. The commenter also requested that the rule include a definition of a CED “recycler” in addition to a definition of “collector”.
3. The commenter proposed that the rule require CED recyclers to become certified by a third-party accreditation system.

Response A.

1. DWWM agreed with the commenter and has revised the rule accordingly.
2. Defining what a CED “recycler” is will broaden the scope of this rule to include the activity of CED recycling. This is not the intention of this rule.
3. Requiring CED recyclers to be certified by a third-party accreditation system is beyond the scope of this rule.

Commenter: Clint Hogbin on behalf of the Berkeley County Solid Waste Authority

Comment B.

1. The commenter requested that County Solid Waste Authorities be included in receiving the annual report that the rule requires Commercial Solid Waste Landfills and CED collectors submit to the Cabinet Secretary.
2. The commenter requested that the effective date of the proposed rule be one year after passage of the rule to allow ample time for non-commercial or publicly-owned recycling centers to fund and construct the facilities required by the rule.

Response B.

1. The information contained in the annual report provided to the Cabinet Secretary will be posted on the West Virginia Solid Waste management Board's website.
2. The effective date of the rule, if passed, will be sixty days from signing. DWWM believes that is sufficient time for facilities to meet the requirements outlined in the rule.

Commenters: Environmental, Health & Safety Communications Panel (EHSCP)

Comment C.

The commenter would like DWWM to revisit the definition of CED vis-à-vis the requirement that the screen be a four-inch diagonal. They point out that many tablets are larger than four-inches and that the restrictions that apply to collection facilities would interfere with the varied venues where these types of devices are routinely recycled (i.e. retail locations, kiosks, schools, etc.). Also, these commenters would like DWWM to reword § 4.1.d to clarify that circuit boards are not required to be removed by the CED collector.

Response C. The first comment does not take into consideration the Rule's enabling statute, which bans CEDs from landfills. This proposed rule is specifically geared toward landfill operators that must continue to take CEDs, but cannot permanently dispose of them within the landfill itself. The statute makes provisions for manufacturers or other entities that host their own recycling events, and does not get involved with that. With regard to the clarification requested in § 4.1.d., DWWM agreed with the commenter and revised the rule accordingly.

Commenter: AT&T

Comment D.

This commenter sent a letter saying that EHSCP is submitting comments on their behalf.