

AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WASTE MANAGEMENT AND PREVENTION DIVISION

PROCEDURE FOR THE ENVIRONMENTALLY SOUND MANAGEMENT
OF ELECTRONIC DEVICES

§ 1. AUTHORITY AND APPLICABILITY

This Procedure is adopted under the Secretary's authority pursuant to 10 V.S.A. § 7559. This Procedure applies to collectors, transporters, and recyclers of electronic devices in Vermont, including those entities that manage electronic devices pursuant to a contract for the implementation and administration of the State Standard Plan or pursuant to a manufacturer opt-out individual plan.

§ 2. PURPOSE

It is the purpose of this Procedure to:

- (1) Establish guidelines for the proper environmental management of electronic devices collected, transported, and recycled in the State of Vermont; and
- (2) Provide guidance on how to register as a collector, transporter, or recycler under Vermont's electronic waste management law.

§ 3. DEFINITIONS

Terms not included herein shall have the meaning given in 10 V.S.A. § 7551:

- (1) "Accredited certifying body" means:
 - (A) For the Responsible Recycling Standard for Electronics Recyclers (R2), a certifying body that has certified by ANSI-ASQ National Accreditation Board (ANAB) as accredited to certify companies to the R2 Practices.
 - (B) For the Standard for Responsible Recycling and Reuse of Electronic Equipment© (e-Stewards), a certifying body that has been certified by ANSI-ASQ National Accreditation Board (ANAB) as accredited to certify companies to the e-Stewards standard.
- (2) "Agency" means the Agency of Natural Resources.
- (3) "Banned electronic devices" means an electronic device banned from disposal in a landfill pursuant to 10 V.S.A. § 6621a.
- (4) "Broken electronic device" or "breakage" means an electronic device or a component part of an electric device containing focus materials that shows evidence of leakage, spillage, or damage that has or is likely to cause a release or

worker injury under reasonably foreseeable conditions. Broken electronic device does not refer to a device that is simply not working. Examples of broken electronic devices include: broken CRT, monitor, television screen glass; broken fluorescent bulbs in televisions or monitors; leaking or bulging batteries, or leaking coolant from projection televisions. “Broken electronic device” or “breakage” does not include electronic devices or component parts that are merely not operational, or broken plastic or wood encasements, broken knobs, and other such superficial damage.

- (5) “Collection” means the aggregation of electronic devices and includes all the activities up to the time the electronic device is delivered to a recycler.
- (6) “Collector” means a public or private entity that receives electronic devices and that performs any of the following:
 - (A) Arranges for the delivery of the electronic devices to another collector or a recycler. An entity registered only as a recycler is not a collector.
 - (B) Sorts electronic devices.
 - (C) Consolidates electronic devices.
 - (D) Provides data security services in a manner approved by the Secretary.
- (7) “Compatible” means that two or more substances maintain their respective physical condition or properties upon contact with one another under conditions of proper management in accordance with the requirements of this Procedure.
- (8) “Container” means any portable receptacle in which a material is stored, transported, treated, disposed of or otherwise handled.
- (9) “Disassembly” means the dismantling of an electronic device: (1) for the purpose of marketing, reselling, reusing or recycling the components of electronic devices; (2) in a manner that is protective of human health and the environment; (3) without treating the device or any component thereof; and (4) without breaking the cathode ray tube. A facility that disassembles electronic devices shall not be considered a destination facility (as defined by VHWMR §7-103). Disassembly includes the destruction of a hard drive (including shredding and crushing) in accordance with the National Association of Standards and Technology Guidelines for Media Sanitation, as may be amended. Disassembly does not mean the shredding, crushing, or treating the electronic devices or any component thereof that may contain Focus Materials, or that cause breakage of the cathode ray tube in any electronic device.
- (10) “Disposal” means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the

environment or be emitted into the air or discharged into any ground or surface waters.

- (11) “Domestic reuse” means reuse within the United States of America
- (12) “Electronic device” means a computer; computer monitor; computer peripheral; device containing a cathode ray tube; printer; or television regardless of who deposits the device with the collector, transporter, or recycler. “Electronic device” does not include: any motor vehicle or any part thereof; a camera or video camera; a portable or stationary radio; a wireless telephone; a household appliance, such as a clothes washer, clothes dryer, water heater, refrigerator, freezer, microwave oven, oven, range, or dishwasher; equipment that is functionally or physically part of a larger piece of equipment intended for use in an industrial, library, research and development, or commercial setting; security or antiterrorism equipment; monitoring and control instruments or systems; thermostats; handheld transceivers; a telephone of any type; a portable digital assistant or similar device; a calculator; a global positioning system receiver or similar navigation device; commercial medical equipment that contains a cathode ray tube, a cathode ray tube device, a flat panel display, or similar video display that is not separate from the larger piece of equipment; or other medical devices, as the term “device” is defined under 21 U.S.C. § 321(h) of the Federal Food, Drug, and Cosmetic Act, as that section is amended from time to time.
- (13) “Focus materials” means an electronic device or components of an electronic device that include or contain any of the following:
 - (A) Polychlorinated biphenyls (PCBs); or
 - (B) Mercury; or
 - (C) CRT glass, except for glass with lead content less than 5 parts per million, and clean of phosphors, CRT fines, coatings, and frit; or
 - (D) Batteries; or
 - (E) Whole or shredded circuit boards, except for whole and shredded circuit boards that do not contain lead solder, and have undergone safe and effective mechanical processing, or manual dismantling, to remove mercury and batteries.
- (14) “Foreign reuse” means reuse outside of the United States of America.
- (15) “Manufacturer Opt-Out Individual Plan” (or “Manufacturer Opt-Out Plan”) refers to a plan approved by the Secretary under 10 V.S.A. § 7554.
- (16) “Person” means any individual, partnership, company, corporation, association, unincorporated associations, joint venture, trust, municipality, the State of

Vermont or any agency, department or subdivision of the state, federal agency, or any other legal or commercial entity.

- (17) “Program Year” means the period from January 1 through December 31.
- (18) “Recycler” means a person who accepts electronic devices for the purpose of recycling. A person who takes electronic devices solely for reuse, refurbishment, or repair is not a recycler.
- (19) “Recycling” means the process of collecting and preparing electronic devices for use in manufacturing processes or for recovery of useable materials, followed by delivery of such materials for use. Recycling does not include destruction by incineration; waste-to-energy incineration, or other such processes; or land disposal.
- (20) “Refurbish” or “refurbishment” means to repair electronic devices to restore or improve the devices so that they may be used for the same purpose for which the devices were originally manufactured.
- (21) “Release” means any intentional or unintentional action or omission resulting in the spilling, leaking, pumping, pouring, emitting, emptying, dumping, or disposing of hazardous materials into the surface or groundwater, or onto the lands in the state, or into waters outside the jurisdiction of the state when damage may result to the public health, lands, waters, or natural resources within the jurisdiction of the state.
- (22) “Reuse” means that an electronic device changes ownership and is used, as is, for the same purpose for which it was originally manufactured.
- (23) “State Standard Plan” means the plan for collection and recycling of electronic waste in the State adopted by the Secretary under 10 V.S.A. § 7552.
- (24) “Storage” means the actual or intended containment of electronic devices or component parts, either on a temporary basis or for specified a period of time; in such a manner, as not to constitute disposal of such electronic devices or component parts.
- (25) “Transporter” means a person that moves electronic devices from a collector or collection event to either a collector or to a recycler.

§ 4. STANDARDS FOR COLLECTORS

- (a) Applicability. These standards apply to any person that receives electronic devices, and that arranges for the delivery of the electronic devices to another collector or a recycler, sorts electronic devices, consolidates electronic devices, or provides data security services in a manner approved by the Secretary.

- (b) Registration. A collector shall register each collection location and collection event with the Agency by completing the form provided by the Agency. Registrations for collection locations shall be updated at least every five years in accordance with 10 V.S.A. §7558(a)(1).
- (c) Prohibited activities. A collector is prohibited from the following:
 - (1) Storage of electronic devices at any unregistered location for any length of time;
 - (2) Storage of electronic devices outdoors;
 - (3) Storage of electronic devices in a manner that is inconsistent with the materials management standards in subsection (e);
 - (4) Disposal of any electronic device;
 - (5) Placing any electronic device in a container intended for or sent for scrap metal recycling or managing any electronic device as scrap metal;
 - (6) Cutting permanent cords from electronic devices; and
 - (7) Initiating a shipment of electronic devices to any person, except the following:
 - (A) A destination within the United States or Canada, for reuse of whole devices that are functional and are used for the same purpose for which it was originally manufactured.
 - (B) A Vermont registered recycler or collector of electronic devices.
 - (C) An out-of-state recycling facility that is operated in accordance with that state's laws and regulations regarding the management of electronic devices.
- (d) Facility management standards. A collector and collection event shall manage its operations in the following manner:
 - (1) Access to collection locations and collection events shall be controlled at all times. This requires that, an attendant shall be present to ensure that electronic devices are appropriately separated, to perform record keeping required by subsection (f) of this section, and to ensure that collection is conducted in accordance with this Procedure;
 - (2) Employees and volunteers have been trained on the materials that can be accepted at the collection location or event, materials management standards in subsection (e) of this section, the record keeping required by

- subsection (f) of this section, and how to respond to releases from broken electronic devices;
- (3) A collection location or a collection event shall have a written procedure in place to address releases from electronic devices. Employees and volunteers should be trained or familiar with this written procedure;
 - (4) A collection location or a collection event shall provide access to Agency personnel to inspect the facility and collection event grounds, review any records, or conduct any other sampling or auditing to determine the compliance with the requirements of 10 V.S.A. Chapter 166; and
 - (5) Collection locations and collection events operating under the State Standard Program or an approved manufacturer Opt-out Program: shall display collection location and data security information/signs provided by the Secretary. Other equivalent signage developed by the collection location may be used provided it is approved by the Secretary. Signs must be posted in a location visible to the public so as to inform the public what devices are accepted in the Program, who can drop off electronic devices, and that the collection location is not responsible for the security of any data that may not have been removed from the device.
- (e) Materials management standards. Collection locations and collection events shall manage electronic devices in a way that prevents releases from any electronic device, or component of an electronic device. Collectors and collection events shall:
- (1) Store electronic devices on a surface that prevents any release from broken electronic devices. Soil, aggregate stone, gravel, or any earthen material is not acceptable as a storage surface. All storage surfaces shall be maintained to sustain the integrity of the surface area and allow for clean-up of any broken devices. Examples of acceptable surfaces could be concrete, asphalt, plywood, metal or other material that are free of gaps between boards and are not damaged surfaces;
 - (2) Store electronic devices within a structure or mobile storage unit such that the electronic device is protected from precipitation. For permanent collection locations: pole barns are acceptable if they provide adequate coverage to protect the electronic device from any precipitation. Outside storage at the collection location for any length of time, regardless of the surface, or storage under a tarp is prohibited. Electronic devices dropped off or abandoned outside of a collection location after hours shall be placed within a structure or mobile storage unit by the attendant immediately upon discovery;
 - (3) Maintain adequate storage space at permanent collection locations to accommodate periods of peak deliveries;

- (4) Package electronic devices in a manner adequate to prevent breakage of the device during transportation, storage, and handling. Such packaging shall lack evidence of damage that could cause breakage under reasonably foreseeable conditions;
 - (5) Storage containers shall be structurally sound. Electronic devices that are too large to be placed within a Gaylord or on a pallet, may be stored as an individual item managed in a manner adequate to prevent breakage. Containers shall not be overfilled to the point of compromising the integrity of the container or causing the devices to be at risk of falling out of the container;
 - (6) Clean up broken electronic devices immediately. Broken electronic devices or broken component parts that contain focus materials, shall be placed in a closed container and marked with the words “broken electronic waste” or “broken used electronics”. Containers must be kept closed except when adding items and must be structurally sound, compatible with the waste, and capable of preventing further leakage, spillage, or release to the environment. If a broken electronic device is too large to containerize; collectors shall package and handle the device to prevent further breakage or release to the environment, such as taping, shrink wrap or other methods of containment;
 - (7) Not store electronic devices for longer than one year from the date the electronic device is delivered to a collection location; and
 - (8) Clearly mark containers, large individual electronic devices, pallets, or packages containing electronic devices with the words “electronic waste,” “used electronics,” or another term approved by the Secretary. Containers must be marked when the first electronic device is placed into the container, on the pallet, or on each large individual electronic device which is not on a pallet or within a container.
- (f) Recordkeeping and reporting requirements. Reporting shall be due annually by the date specified by the Secretary. The following shall be reported to the Secretary on a form provided by the Secretary:
- (1) For collectors and events operating under the State Standard Plan or an approved Manufacturer Opt-Out Plan (or for a combination thereof):
 - (A) The types of electronic waste collected from covered entities (e.g. computer, television, mouse, etc.);
 - (B) The amount of electronic waste, by weight, sent to another collector or recycler from all covered entities during the preceding program year;

- (C) The amount of electronic waste, by weight, that was collected under the State Standard Plan or an approved Manufacturer Opt-Out Plan (or a combination thereof);
 - (D) The amount of electronic waste, either by weight or by number of devices, that was removed at the point of collection for reuse or refurbishment for a destination within the United States or Canada.
- (2) For collectors and events operating outside of the State Standard Plan or an approved Manufacturer Opt-Out Plan:
- (A) The types of electronic devices collected (i.e., computer, monitor, television, computer peripherals, or desktop printer) and types of any other banned electronic devices collected during the preceding program year.
 - (B) The total weight of all banned electronic devices collected in Vermont during the preceding program year.
- (g) Collection Events. Collection events may be conducted to collect electronic devices provided that approval from the Secretary is obtained prior to the event (i.e., completion of a registration on a form provided by the Secretary), and provided that the event is conducted in compliance with sections (a) through (f) above and the following:
- (1) All materials collected shall be delivered to a recycler, registered collector, or for domestic reuse. Collected materials shall be delivered by the end of the next business day or within 48 hours of collection, whichever is later. If the materials are on-site overnight, they shall be stored within a structure or transportation unit and secured to ensure the electronic devices are protected from precipitation and prevent theft and scavenging.
 - (2) Collection events must utilize transporters that are registered with the Agency.
- (h) Collection events shall not be permitted as a substitution for any of the required permanent collection locations under the State Standard Plan or any approved Manufacturer Opt-Out Plan.

§ 5. STANDARDS FOR TRANSPORTERS

- (a) Applicability. These standards apply to transporters.
- (b) Registration. A transporter shall register with the Agency on a form provided by the Agency.
- (c) Prohibited activities. A transporter is prohibited from the following:

- (1) Disposing of any electronic device;
- (2) Placing any electronic device in a container intended for or sent for scrap metal recycling or manage electronic device as scrap metal; and
- (3) Delivering an electronic device to any person except the following:
 - (A) A facility in Vermont that is a registered recycler or collector; and
 - (B) An out-of-state recycling facility that is operated in accordance with that state's laws and regulations.
- (d) A transporter may consolidate collected electronic devices into a larger vehicle at a transfer facility provided that the facility is certified pursuant to 10 V.S.A. § 6605 in accordance with the terms of that certification.
- (e) Materials management standards. A registered transporter shall manage electronic devices in a way that prevents releases from any electronic device or component of an electronic device to the environment. Registered transporters shall:
 - (1) Transport electronic devices in a transportation unit that is covered such that the electronic device is protected from precipitation and will remain in the transportation unit during transportation and delivery;
 - (2) Ensure that electronic devices are packaged and transported in a manner to adequately prevent breakage during transportation and handling. Such packaging must lack evidence of damage that could cause breakage under reasonably foreseeable conditions;
 - (3) Storage containers shall be structurally sound. Electronic devices that are too large to be placed within a Gaylord or on a pallet, may be transported as an individual item managed in a manner adequate to prevent breakage. Containers shall not be overfilled to the point of compromising the integrity of the container or causing the devices to be at risk of falling out of the container;
 - (4) Clean up broken electronic devices immediately. Broken electronic devices or broken component parts must be placed in a closed container and marked with the words "broken electronic waste," or "broken used electronics". Containers must be structurally sound, compatible with the waste, and capable of preventing further leakage, spillage, or release to the environment. If a broken electronic device is too large to containerize; transporters shall package and handle the device to prevent further breakage or release to the environment, such as taping, shrink wrap, or other methods of containment.

§ 6. STANDARDS FOR RECYCLERS

- (a) Applicability. These standards apply to any person that accepts electronic devices for the purposes of recycling. The only management allowed at a Vermont facility registered under this section is disassembly, testing, baling, repair or reuse. A facility that undertakes additional management or recycling activities shall obtain a permit under either 10 V.S.A. § 6605 or 10 V.S.A. § 6606.
- (b) Registration. A recycler shall register with the Secretary on a form provided by the Secretary.
- (c) Prohibited activities. A recycler is prohibited from:
 - (1) Disposing of any electronic device, however, a recycler may initiate a shipment of component parts that are not recyclable to a facility that is permitted or certified to accept those materials; and
 - (2) Initiating a shipment of electronic devices to any person, except the following:
 - (A) Another in-state recycling facility that complies with all standards set forth in § 6;
 - (B) An out-of-state recycling facility that is operated in accordance with that state's laws and regulations; or
 - (C) A foreign destination shipped in a manner consistent with their facility management standards and consistent with federal law.
 - (D) A domestic destination, for the purpose of reuse.
- (d) Facility management standards.
 - (1) Upon request by the Secretary, a recycler shall submit a current certification by an accredited certifying body demonstrating that the recycler conforms to either The Responsible Recycling Standard for Electronics Recyclers (R2) or the Standard for Responsible Recycling and Reuse of Electronic Equipment© (e-Stewards). Notwithstanding the requirements of either the e-Stewards or R2, in no case shall the regulatory requirements of this Procedure be more restrictive than 40 C.F.R. Part 262 Subparts E or H.
 - (2) Minimum insurance requirements. A recycler operating within the State Standard or an authorized Opt-out Plan or located within the state of Vermont shall possess Comprehensive or Commercial General Liability Insurance including coverage for bodily injury, property damage, pollutant releases, accidents and other emergencies with coverage limits of

\$1,000,000 per occurrence and an annual aggregate of at least \$2,000,000, exclusive of legal defense costs.

(e) Facility Closure.

- (1) Notice of Closure. A facility owner or operator shall send to the Secretary a notice of closure within 30 days after the date the final shipment of electronic devices is received at the facility. Notification shall be made in writing, and shall include a proposed schedule for closure that complies with the requirements of this section.
- (2) Closure Period. Within 90 days after the final shipment of electronic devices is received at the facility, the facility owner or operator shall close the facility in accordance with a closure plan that has been approved by the Secretary. Closure plans shall be developed and submitted for review in accordance with subsection (f) of this section.
- (3) Closure Standard. Recycling facilities must be closed in a manner that:
 - (A) ensures materials are managed in accordance with 10 V.S.A. 6621(a)(8) and prioritizes recycling of all materials or other methods of treatment approved by the Secretary;
 - (B) minimizes the need for further removal, transportation, treatment, storage, or disposal of any electronic devices or component parts from the facility site; and
 - (C) controls, minimizes, or eliminates, to the extent necessary to prevent threats to public health, public safety, and the environment, including post-closure emission, discharge, or release of hazardous waste, hazardous waste constituents, leachate, contaminated runoff, or waste decomposition products to the groundwater, surface water, or to the atmosphere.
- (4) An extension of the closure period in subdivision (e)(2) of this section may be granted on a case-by-case basis. Request for an extension under this section shall be made no later than 30 days prior to the end of the closure period. Requests shall be made in writing to the Secretary, shall provide reasons supporting the request for extension, and shall set forth a timeline for completion of all closure requirements.
- (5) Certification of Closure. Within 30 days of the completion of closure, the facility owner or operator shall certify that closure was completed in accordance with the specifications of the approved closure plan and this Procedure. Certification shall be submitted to the Secretary in writing, and shall be signed by the facility owner or operator.

- (6) Records. All records that demonstrate compliance with the closure requirements of this section shall be maintained by the facility for at least three years, and shall be made available to the Agency upon request.
- (f) Closure Plan.
- (1) Planning Requirement. Prior to acceptance of any electronic devices at any facility that desires to become a recycler, the facility owner or operator shall submit a written plan for closure of the recycling facility to the Secretary for review and approval. Closure plans shall satisfy the requirements of this subsection, and shall be amended in accordance with subdivision (f)(3) of this section.
 - (2) Required Components. A closure plan shall identify the steps necessary to close the recycling facility at any point during its active operations. The closure plan shall include the work necessary to properly close the facility in a manner that meets the standards specified in subdivision (e)(2) of this section, including:
 - (A) an estimate of the maximum inventory of electronic devices ever on-site over the active life of the facility.
 - (B) a detailed description of the methods that will be used to remove all electronic devices and component parts from the facility site, including all methods related to removal, transportation, treatment, storage, and disposal;
 - (C) a detailed description of the methods that will be used to remove or decontaminate the facility of all residues and contaminated containment system components, equipment, structures and soils, including cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils, and criteria for determining the extent of decontamination necessary to satisfy the Secretary;
 - (3) Amendment. A closure plan may be amended prior to the notification of final closure of the facility under subdivision (e)(1) of this section. An amended closure plan shall be submitted for review and approval by the Secretary upon the following circumstances:
 - (A) changes are made to the recycling facility operations, design, or site conditions that will affect the work required by the approved closure plan;
 - (B) there is a change in the schedule/timeline of closure of the recycling facility; or
 - (C) in conducting closure activities (i.e., unexpected events require a modification of the closure plan).

(4) Review. A closure plan amendment shall be submitted to the Secretary within 30 days after a change or amendment is made to the closure plan. The Secretary shall review and approve an amendment if it meets the requirements of this section.

(g) Closure Cost Estimate.

(1) Cost Estimate Requirement. A recycling facility shall maintain a written estimate of total third-party costs of closing the facility in accordance with the facility closure plan. The closure cost estimate shall identify the costs required for a third-party contractor to complete the specified items and activities identified in the closure plan at the point in the life of the recycling facility when closure of the facility would be the most expensive, representing the worst-case-scenario for closure of the facility. For purposes of this section, a “third-party” is a party who is neither a corporate parent nor a subsidiary of the owner or operator of the recycling facility.

(2) Estimation of Closure.

(A) A closure cost estimate shall incorporate the average current market rates for activities required to close the facility as required to be specified pursuant to subsection (f)(2)(B) and (f)(2)(C) of this section, and shall be based on the maximum inventory of electronic devices managed on-site at any one time during the operation of the facility as required to be specified in subsection (f)(2)(A) of this section.

(B) A closure cost estimate may not incorporate any salvage value or zero cost that may be realized with the sale of electronic devices, facility structures, equipment, land, or other assets associated with the facility at the time of closure.

(3) Submission. A facility owner or operator shall submit a closure cost estimate to the Secretary for review and approval. An initial closure cost estimate shall be submitted as part of a closure plan submission under subsection (f) of this section. Any subsequent adjustments to the closure cost estimate that do not modify the closure plan may be submitted independently of the closure plan.

(4) Adjustments. A facility owner or operator shall review and adjust the closure cost estimate as follows:

(A) at least once every two years, the closure cost estimate shall be adjusted for changes in market conditions and changes to the approved closure plan;

(B) at least every year, the facility shall adjust the closure cost estimate for inflation by recalculating the closure cost estimate in current

dollars, or by using an inflation factor derived from the most recent Implicit Price Deflator for Gross National Product published by the U.S. Department of Commerce in its Survey of Current Business. The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year. The first adjustment is made by multiplying the closure cost estimate by the inflation factor. The result is the adjusted closure cost estimate; and subsequent adjustments are made by multiplying the latest adjusted closure cost estimate by the latest inflation factor.

- (5) Notice of Adjustment. Adjusted closure cost estimates shall be submitted to the Secretary for review and approval 30 days prior to any adjustment, or 60 days prior to the expiration date of the establishment of the financial instrument required by subsection (e) of this section (or 60 days prior to the earliest of the expiration dates of a combination of financial instruments). For owners and operators utilizing the financial test or corporate guarantee as financial instruments, notification of an updated cost estimate shall be provided 30 days prior to the end of the firm's fiscal year.
 - (6) Record Keeping. The facility owner or operator shall maintain a copy of the current closure cost estimate at the facility at all times, and shall make the copy available to the Secretary upon request.
- (h) Financial Assurance.
- (1) An owner or operator of a recycling facility shall obtain financial assurance pursuant to this section. Financial assurance shall be maintained in an amount equal or greater to the amount of the closure cost estimate for closure established by subsection (g) of this section. All financial instruments used to establish financial assurance pursuant to this section shall be provided to the Secretary.
 - (2) Financial assurance shall be established by one of the financial mechanisms or a combination of the financial mechanisms identified and in the applicable form(s) specified in the Vermont Solid Waste Management Rules, Appendix A, as amended. The financial mechanism or combination of financial mechanisms shall also be:
 - (A) valid and enforceable under Vermont law;
 - (B) not allow cancellation without first allowing the Secretary to draw funds; and
 - (C) be used only for facility closure activities, including all activities specified in the facility closure plan.
 - (3) An owner or operator shall notify the Secretary in writing of any anticipated change in or termination of the financial mechanism used to

- demonstrate financial assurance at least 60 days prior to the date of the anticipated change and at least 120 days prior to termination.
- (4) Within 30 days of submission of certification of closure pursuant to subdivision (e)(5) of this section, the Secretary shall notify the facility owner or operator in writing that the facility is no longer required to maintain financial assurance for closure activities.
 - (5) A facility shall maintain documentation of all financial mechanisms being used to maintain financial assurance as required by this section for a period of three years.
- (i) **Materials Management Standards.** All electronic devices or components of electronic devices containing focus materials (as defined by this document), shall be managed under the standards established in this section in a way that prevents releases to the environment. Recyclers shall:
- (1) Store electronic devices and components of electronic devices that contain focus materials on a surface that prevents any materials or contents of materials stored thereon from migrating to the soil, groundwater, or surface water. Soil, aggregate stone, gravel, or any earthen material is not acceptable as a storage surface. All storage surfaces shall be properly maintained to sustain the integrity of the surface area and allow for clean-up of any broken devices.
 - (2) Store electronic devices within a structure or transportation unit such that the electronic devices are protected from precipitation. Outdoor storage for any length of time of electronic devices is prohibited.
 - (3) Maintain adequate storage space to accommodate periods of peak deliveries.
 - (4) Package electronic devices and components of electronic devices that contain focus materials in a manner adequate to prevent breakage during transportation and storage. Such packaging must lack evidence of damage that could cause breakage under reasonably foreseeable conditions. Storage containers must be adequate to prevent breakage. This section does not apply to electronic devices during handling and disassembly.
 - (5) Broken electronic devices or broken components parts received by the recycler must be dismantled so that any focus materials or component parts with potentially hazardous constituents can be sorted and/or consolidated by hazard and placed in a closed container. Storage containers must be marked with the words “broken electronic waste” or “broken used electronics”, and kept closed except when adding items. Storage containers must be structurally sound, compatible with the waste,

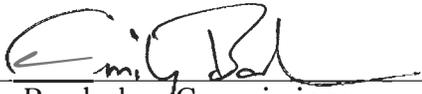
and capable of preventing further leakage, spillage, or releases to the environment.

- (6) Management of CRTs: In no case shall CRTs remain on site for longer than one year from the date the electronic device is delivered to the facility, unless approved by the Secretary. A recycler must be able to demonstrate the length of time that the electronic devices or components of electronic devices that contain focus materials have been on site since the date received. This section does not apply to devices removed for domestic reuse, provided the devices, containers, or storage areas are marked for domestic reuse. Any Cathode Ray Tubes (CRTs) or devices containing (CRTs) that remain onsite after one year shall be managed as Universal Waste under the Vermont Hazardous Waste Management Regulations (VHWMR) Subchapter 9: Universal Waste Management Standards. Other focus materials may also be subject to VHWMR requirements (i.e., as hazardous waste or universal waste).
- (7) For focus materials other than CRTs, a recycler must utilize one of two management methods for tracking electronic devices:
 - (A) A recycler shall maintain an inventory record of the total weight of electronic devices and components that are within the facility and all contiguous property at any one time. The inventory record shall be up-to-date within 14 calendar days of the receipt or shipment of materials, and shall include the weight of materials for reuse as well as for recycling. A copy of the inventory record shall be submitted to the Secretary upon request. The inventory shall not exceed the maximum weight that is the basis of the closure plan (per section f(2)(a)) at any time; or
 - (B) Not accumulate electronic devices or components of electronic devices that contain focus materials for longer than one year from the date the electronic device is delivered to the facility, unless approved by the Secretary. A recycler must be able to demonstrate the length of time that the electronic devices or components of electronic devices that contain focus materials have been on site since the date received. This section does not apply to devices removed for domestic reuse, provided the devices, containers, or storage areas are marked for domestic reuse.
- (j) Recordkeeping and reporting requirements. Reporting shall be due annually by a date specified by the Secretary. The following shall be reported to the Secretary on a form provided by the Secretary:
 - (1) The types of electronic waste managed;

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- (2) The total weight of electronic waste recycled during the preceding program year (and if any waste was collected directly from a covered entity at the recycling location that weight identified separately);
 - (3) The amount of electronic waste, by weight, that was collected under the State Standard Plan, an approved Manufacturer Opt-Out Plan, or that was collected outside of an approved plan;
 - (4) The amount of electronic waste, by weight, that was removed for foreign reuse; and
 - (5) The amount of electronic waste, by weight or by number of devices, that was removed for domestic reuse.
- (k) Record retention. A recycling facility must retain records for shipments, export, and records identified in subsection (f) of this section for at least three years from the date a shipment of electronic devices, electronic devices for reuse, electronic devices or components containing Focus Materials received by, or shipped from, the facility and provide them to the Secretary upon request.

This Procedure for the Environmentally Sound Management of Electronic Devices is effective upon date of signature.

By: 
Emily Boedecker, Commissioner
Department of Environmental Conservation
Agency of Natural Resources

Date: 09/05/17