



Vermont State Standard Plan for the Collection and Recycling of Electronic Waste

Definitions

For purposes of this Plan, the terms shall have the meaning given in 10 V.S.A. § 7551, and as follows:

“Banned electronic devices” means an electronic device banned from disposal in a landfill pursuant to 10 V.S.A. § 6621a.

“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.

“Focus Materials” means electronic devices or components of electronic devices that include any of the following components:

- (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.

“Local reuse” means reuse within the United States of America.

“Manufacturer Opt-Out Individual Plan” (or “Manufacturer Opt-Out Plan”) refers to a plan approved by the Secretary under 10 V.S.A. § 7554.

“Non-local reuse” means reuse outside of the United States of America.

“Procedure” means the Procedure for the Environmental Sound Management of Electronic Devices for Collectors, Transporters, and Recyclers created by the Secretary pursuant to its authority under 10 V.S.A. § 7559(7).

“Primary recycler” means a recycler that receives electronic waste from collection locations, consolidation locations, or collection events.

“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 purchased.

I. Overview and Background

Title 10, chapter 166 of the Vermont statutes establishes a manufacturer-funded electronic waste (“e-waste”) collection and recycling program, which provides free collection and recycling services to households, charities, school districts, and businesses that employ 10 or fewer individuals (referred to as the “Vermont E-Cycles Program”). The statute also establishes that if seven or fewer covered electronic devices are delivered to a collector at any given time, those devices can be presumed to be from a covered entity. Section 7522 of Title 10 requires the Vermont Agency of Natural Resources (Agency) to adopt and administer a plan for the collection and recycling of e-waste in the State, referred to as the “State Standard Plan.”

Vermont’s e-waste law requires manufacturers that sell, offer, or deliver to retailers for sale in the State a covered electronic device to register with the Agency. These manufacturers must also participate in the state-administration of the State Standard Plan (referred to as the State Standard Program) for the collection and recycling of the covered electronic devices that are sold, offered, or delivered for sale in Vermont, or must alternatively develop and administer their own program, referred to as a Manufacturer Opt-Out Individual Program, for these services. The State Standard Plan may be administered by the State through a state contract, while manufacturers that wish to opt-out of the State Standard Plan requirements must submit for the approval by the Agency a Manufacturer Opt-Out Plan. The State Standard Program and any approved Manufacturer Opt-Out Program are implemented at the beginning of the program year, which is established by the Agency pursuant to 10 V.S.A. § 7551. The Agency has designated the program year to run from ~~October 1~~ January 1 through December 31.

The e-waste law establishes a statewide electronic waste recycling performance goal based on the U.S. Census Bureau’s population estimates for the state of Vermont. This performance goal will be satisfied if the requisite number of total pounds of electronic waste is collected statewide in the given program year. The total pounds collected during the program year will be used to determine whether the statewide goal has been achieved, and will also be used to assess whether an alternative Manufacturer Opt-Out program is collecting its equivalent share.

This Plan provides an outline of the services to be provided as a part of the State Standard Program.¹ This Plan also requires collectors, transporters, and recyclers participating in the State Standard Program to be in compliance with specific environmental management standards adopted by the Agency, which are defined in a

¹ The Agency has established a separate guidance document for manufacturers that choose to participate in an approved Manufacturer Opt-Out Plan (*Procedure for Manufacturer Opt-Out Programs*).

separate document entitled Procedure for the Environmentally Sound Management of Electronic Devices for Collectors, Transporters, and Recyclers (Procedure) (as may be amended).

Reporting and Registration Requirements

Manufacturers are required to register with the Agency annually by a date specified by the Agency. Manufacturers are required to report national sales data for the period of ~~October 1~~ January 1 through ~~September 30~~ December 31 of the prior program year.

All operator (collector, transporter, and recycler) registration requirements are due by the date specified by the Agency and will remain valid for a period of not more than five years. All operators are required to track and report annually by a date specified by the Agency on forms provided by the Agency.

Recycling goals are tallied based on 12-month totals from ~~January 1~~ October 1 through ~~September 30~~ December 31.

Outreach

A public information and outreach campaign must be implemented to inform consumers about how to recycle their electronic waste at the end of the product's life and of the consumer's obligation to remove personal data from materials prior to collection of electronic products for recycling or reuse.

Resources:

The Agency has developed a web site (vtecycles.org) that contains information about the Vermont electronic waste recycling (E-Cycles) program. The Agency has also established a toll free E-Cycles hotline (1-855-6ECYCLE).

II. Collection Locations and Events

Minimum Plan Requirements

- **The Agency has determined that the State Standard Program must maintain a minimum of 52 permanent collection locations that satisfy the ~~geographic dispersion requirements~~ minimum number of locations per county as identified in Attachment A (Required Minimum Program Collection Locations).** A contractor administering the State Standard Plan ("contractor") ~~is encouraged to utilize~~ must also service as many additional collection sites ~~as possible based on program costs and convenience~~ that are participating in the program as identified in the list provided in the RFP, unless a collection location chooses to no longer participate in the State Standard Program. If a collection location chooses to leave the program, the contractor would not be required to replace that location unless (1) it was the only location in a municipality of 10,000 people or more or (2) the number of locations in that county would be reduced below the minimum required. For instances where (2) is the case, then the replacement location could be located anywhere in that county. If a collection location chooses to no longer participate in the State Standard Program, the contractor is not obligated to service that location for the remainder of the contract term.

~~If a contractor is unable to satisfy the collection location requirements outlined in Attachment A, the contractor may request to secure an alternative location from those identified in Attachment A. Requests for a~~

~~variance shall be made in writing to the Secretary and shall document the following:~~

~~That the location proposed to be replaced is not located in a municipality with a population greater than 10,000;~~

~~That the replacement location is located within a bordering town;~~

~~That the replacement collection location is at least as convenient as the collection location proposed to be replaced. This shall include consideration of:~~

- ~~a. Local population densities;~~
- ~~b. Geographic features;~~
- ~~c. Traffic and commuting patterns;~~
- ~~d. Facility accessibility (hours and days of operation of the collection location); and~~
- ~~e. Location of other collection locations that are not part of the program that provide collection services within the same geographic area.~~

- ~~2. Upon request by the Secretary, the contractor shall provide an adequate rationale supporting the utilization of an alternative collection location to meet the collection location requirements of Attachment A. The rationale may include an assessment of the factors for convenience as provided in item 3 of this section.~~

~~The Agency will continually monitor and evaluate the program locations to help sustain and improve the level of convenience and cost effectiveness of the State Standard Program, as well as to help ensure the achievement of the program's goals.~~

Collection Events

A contractor may also conduct events to collect electronic waste ("collection events"), provided that the event is properly registered with the Agency~~approval from the Agency is obtained prior to the event (i.e., registration and an Insignificant Waste Management Event Approval [IWMEA])~~, and provided that the event is conducted in compliance with the Procedure. Collection events will not be allowed as a substitution for any of the required permanent collection locations identified in Attachment A.

Shared Collection Locations

A contractor may share collection locations with other approved manufacturer opt-out programs, provided that:

1. The collection location and the program all agree to the sharing of that location;
2. Each program provides the Secretary with a list of shared locations along with documentation demonstrating that the program meets the minimum collection location requirements, and shall provide the Secretary with an updated list of shared locations within 5 days of any changes to the list;

2.3. Each program will allocate pounds collected from shared locations based on the market share percentages of participating manufacturers of each program; and

3.4. The programs agree upon, document, and provide ~~that written~~ documentation to the Secretary on how the following will be addressed at shared locations:

- a. How collection programs will ensure that double-counting of e-waste will not occur;
- b. How the collection programs will prevent preferential selection of high-value material by any program;
- c. How the collection programs will coordinate collection equipment and storage units for the collection and allocation of material from shared locations;
- d. How the collection programs will coordinate site visits and desk audits of collection locations;
- e. How the pickup, transportation, and recycling of e-waste from all collection locations will be coordinated;
- f. How the programs will allocate, based on the market share of the participating manufacturers, the pounds of covered electronic devices managed and the associated costs, including payments made to collectors for collecting covered electronic devices;
- g. How payments will be provided to collectors, and
- e-h. How the collection programs will verify compliance with the requirements of 10 V.S.A. Chapter 166 and any approval issued by the Secretary.

III. Plan Requirements for Collectors, Transporters, and Recyclers

All electronic waste collectors, transporters, and recyclers are required to register with the Agency prior to operating within the State of Vermont. Registration must be amended within 10 days after a change to any information in the registration submitted by the operator under this section. Forms and guidance on collector, transporter, and recycler registration are posted on the website.

In addition to these registration requirements, all collectors, transporters, and recyclers are subject to the requirements of the Procedure. Collectors, transporters, or recyclers who are a part of the State Standard Program are furthermore subject to the requirements within this Plan.

The Vermont State Standard Plan will only reimburse for the collection, transport, and recycling of electronic waste and non-local reuse and refurbishment. The State Standard Plan will not reimburse for local reuse and refurbishment.

Collectors and recyclers must report the quantity of electronic waste managed to the Agency in accordance with the requirements of the Procedure.

A. Collector Requirements

1. When providing services for the State Standard Program, the collector shall:
 - a. Be a registered collector;
 - b. Provide service throughout the program year;
 - c. Not refuse to accept electronic waste from covered entities. Electronic waste shall be collected:
 - i. Free of charge from covered entities from Vermont;
 - ii. Regardless of whether the covered entity is outside of their municipality, county or waste management district;
 - iii. Collectors may require appointments be made to deliver large volumes of electronic waste to ensure sufficient storage is available for such deliveries; and
 - iv. Collectors may consolidate and sort banned electronic devices and provide data security services, but neither of these services can be paid for under the State Standard Plan;
 - d. Staff the collection site during operating hours. The facility shall offer collection services during the hours the facility is open for operation. Each county shall have at least one collection facility that is open on Saturdays;
 - e. Allow access by the Agency for inspections to determine compliance with the requirements in 10 V.S.A. Chapter 166, as well as any other applicable environmental laws;
 - f. Report annually to the Agency on a form prescribed by the Agency, the type of electronic waste collected, the total weight of electronic waste recycled during the preceding program year, and whether electronic waste was collected under the State Standard Plan or any approved Manufacturer Opt-Out Plan. In addition, the collector shall report electronic waste that was removed for local reuse. Reports shall be submitted to the Agency by the date specified by the Agency;
 - g. Shall not receive reimbursement under the State Standard Plan for local reuse of electronic waste or data security services; and
 - h. Comply with the Procedure for the Environmentally Sound Management of Electronic Devices for Collectors, Transporters, and Recyclers (Procedure).
2. When providing collection services for the State Standard Program, the collector may offer premium services to covered entities for a fee. Premium services may include:
 - a. Special curb-side services.
 - b. Pick up and transport from covered entities.
 - c. Data security services.
 - d. Other services authorized in advance by the Agency.

B. Transporter Requirements

When providing transport services for the State Standard Program, the transporter shall:

1. When operating in the state, be a registered transporter.
2. Comply with the Procedure for the Environmentally Sound Management of Electronic Devices for Collectors, Transporters, and Recyclers (Procedure).

C. Recycler Requirements

When providing recycling services for the State Standard Program, primary recyclers operating within the State shall:

1. Be a registered as a recycler with the Agency.
2. Be either Environmental Protection Agency's (EPA) Responsible Recycling (R2) or e-Stewards certified by accredited certifying body. Recyclers shall also be able to document that any downstream vendors comply with US EPA R2 or e-Stewards Standards.
3. Comply with the Procedure for the Environmentally Sound Management of Electronic Devices for Collectors, Transporters, and Recyclers (Procedure).
4. Comply with all applicable federal, state, and local laws.
5. Be able to document that the recycler and its downstream vendors do not use prison or child labor to recycle electronic waste.
6. Allow access by the Agency for inspections to determine compliance with requirements in 10 V.S.A. Chapter 166 as well as any other applicable environmental laws.
7. Report annually to the Agency pounds of electronic waste collected as identified under the Procedure for the Environmentally Sound Management of Electronic Devices for Collectors, Transporters, and Recyclers (Procedure).

IV. Environmental Management Standards

All facilities operating within the State are required to comply with the Agency's Procedure for the Environmental Sound Management of Electronic Devices for Collectors, Transporters, and Recyclers.

The Contractor for the State Standard Plan shall ensure that primary recyclers operating under the State Standard Program comply with the following with respect to State Standard Program materials:

1. A primary recycler is prohibited from disposing of any electronic waste. A primary recycler may initiate a shipment of parts that are not recyclable to a facility that is permitted or certified to accept those materials.
2. A primary recycler shall submit a copy of a current certification by an accredited certifying body demonstrating that the primary recycler to be used in the State Standard Program is certified as compliant with either the Responsible Recycling (R2) or e-Stewards Standard. Notwithstanding the

requirements of either the e-Stewards Standard 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.

3. A third-party compliance audit of any recycler to be used by the State Standard Program shall be conducted. An audit shall be performed at least annually and shall provide a report to the Secretary outlining the recycler's compliance and any non-compliance with ~~the recycler's third-party certification (R2 or e-Stewards) and with~~ applicable state and federal laws and regulations pertaining to the storage and speculative accumulation of electronic waste in the state where the recycler is located.
4. Provide documentation of certification from the Vermont Agency of Agriculture, Food, and Markets (AAFM), Consumer Protection Section, for any scale used for weighing electronic waste materials to be recycled or shipped for export, and the date of the most recent calibration or inspection of the scales performed by the AAFM. For any out-of-state facilities to be used by the program, the contractor shall provide documentation of the out-of-state facility's compliance with respective state's weights and measures laws, regulations, and standards.
5. Complete all reporting requirements under the State Standard Program as established by the Secretary.
6. Record retention. A recycling facility must retain records for shipments, export, and records identified in subsection (6) of this section for at least three years from the date a shipment of electronic devices, electronic devices for reuse, or components containing Focus Materials was received by, or were shipped from, the facility.
7. Recycling facilities shall be in compliance with all applicable federal, state, and local laws.
8. Recycling facilities should be able to document that the facility and its downstream vendors do not use prison or child labor to recycler electronic waste.
9. Recycling facilities shall allow access by the Agency for inspections to determine compliance with the requirements of 10 V.S.A. Chapter 166, as well as any other applicable environmental laws.

V. **Effective Date**

This State Standard Plan is effective upon date of signature.

Signature

~~David K. Mears~~ Alyssa B. Schuren, Commissioner
Department of Environmental Conservation
Agency of Natural Resources

Signed this Date

ATTACHMENT A **HAS BEEN REPLACED**

REQUIRED MINIMUM PROGRAM COLLECTION LOCATIONS

The Secretary has determined that a collection program must maintain a minimum of 52 permanent collection locations that satisfy the minimum number per county as identified below. Any municipality with a population of 10,000 people or more, must have at least one collection location. Programs are encouraged to utilize as many additional collection locations as possible based on program costs and convenience.

County	Census Estimate July 1, 2009	% of Total State Population	Towns with population >10,000	Minimum number of collection facilities required per county
Addison	36,760	6%	None	at least 3
Bennington	36,411	6%	Bennington	at least 3
Caledonia	30,252	5%	None	at least 3
Chittenden	152,313	24%	Burlington Colchester Essex Milton South Burlington	at least 10
Essex	6,394	1%	None	at least 3
Franklin	48,182	8%	None	at least 3
Grand Isle	7,560	1%	None	at least 1
Lamoille	25,958	4%	None	at least 3
Orange	28,896	5%	None	at least 2
Orleans	27,301	4%	None	at least 3
Rutland	63,014	10%	Rutland City	at least 5
Washington	58,696	9%	None	at least 4
Windham	43,471	7%	Brattleboro	at least 4
Windsor	56,552	9%	Hartford	at least 5