



JOHN ENGLER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



RUSSELL J. HARDING
DIRECTOR

September 30, 2002

TO: All Interested Parties
FROM: Roger Przybysz, Acting Chief, Waste and Hazardous Materials Division
SUBJECT: Regulation of Electronic Wastes

This memorandum clarifies the regulation of electronic waste under Part 111, Hazardous Waste Management, and Part 115, Solid Waste Management, of the Michigan's Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, (NREPA). Electronic waste (E-Waste) includes computer components, audio-visual equipment, and other home/office equipment (e.g., telephones, fax machines, video games) that contains complex circuitry, circuit boards, or signal processing capability.

Hazardous Waste

E-Waste generated from households and conditionally exempt small quantity generators are exempt from hazardous waste regulation under Part 111 (R 299.9204(2)(a) and R 299.9205(2), respectively).

Two other subcategories of E-Waste are also exempted from regulation as hazardous waste:

- 1) Cathode ray tubes from computers and televisions are categorized as electronic lamps and exempted as a "Universal Waste" provided certain conditions are met. See R 299.9228
- 2) The box containing the central processing unit of a computer is considered to be an exempted scrap metal provided it contains an economically significant percentage of metal, circuit boards, and other electronics and is being recycled. R 299.9204(1) (p)

Solid Waste

Part 115 of the NREPA regulates all E-Waste generated from a household and all E-Waste otherwise exempted from regulation as a hazardous waste pursuant to Part 111.

In order to allow for the appropriate recycling and reuse of E-Waste, the Michigan Department of Environmental Quality exempts from regulation as solid waste E-Waste that is managed in accordance with certain conditions. The attached Exemption describes those conditions and applies to all persons who collect, store, transport, process, use, or re-sell E-Waste.

Questions or comments relating to the regulation of E-Waste as hazardous waste can be directed to Mr. Jack Schinderle at 517-373-8410. Questions or comments relating to the regulation of E-Waste as solid waste can be directed to Mr. Duane Roskoskey at 517-335-4712.

Attachments



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



STEVEN E. CHESTER
DIRECTOR

ELECTRONIC WASTE EXEMPTION

Electronic waste is exempted from regulation as solid waste under Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), as a site/source separated material, pursuant to R 299.4119, subject to the following:

1. "Electronic waste" means computer components, audio-visual equipment, and other home/office equipment that contains complex circuitry, circuit boards, or signal processing capability. Examples include:
 - a. Computer components such as the central processing unit, monitor, keyboard, mouse, printer, and scanner.
 - b. Televisions
 - c. Video cassette recorders (VCRs)
 - d. Digital video disk players (DVD players)
 - e. Stereo equipment
 - f. Miscellaneous equipment such as telephones, electronic games, and fax machines.
2. The following electronic waste does not qualify for this Exemption:
 - a. Electronic waste that cannot be economically (1) recycled and used in its current state or as repaired or (2) processed to remove valuable components or materials that can be made into useable products.
 - b. Electronic waste that is a hazardous waste under Part 111, Hazardous Waste Management, of the NREPA, or is mixed with such hazardous waste.
 - c. Electronic waste mixed or collected with other wastes that are not inert as defined by Part 115.

3. The electronic waste shall not be speculatively accumulated. Electronic waste is not speculatively accumulated if the owner or operator of the facility can demonstrate that the amount of electronic waste used, delivered to another site for use or processing, or legally disposed of within a given year is at least 75 percent, by weight or volume, of the electronic waste at the facility at the beginning of a year. The Chief of the Waste and Hazardous Materials Division (WHMD) may approve, in writing, an extension of the time frame for determining whether speculative accumulation is occurring.
4. A facility cannot separate from the electronic waste more than a small quantity of solid waste. The volume of solid waste shall be considered a small quantity if it is less than 10 percent of the total volume of electronic waste received. A facility that separates more than a small quantity of solid waste from the electronic waste must be permitted and licensed as a processing plant under Part 115.
5. To qualify for this Exemption, the owner or operator of a facility that collects, stores, transports, processes, uses, or sells electronic wastes must:
 - a. Submit the attached Electronic Waste Activity Notification, Form EQP 5205, to the Department of Environmental Quality (DEQ), WHMD, if the facility has, or has the potential to have, in excess of 1,000 pounds of electronic waste on-site at any time.
 - b. Maintain the following records for a period of three years from the date of each delivery of electronic waste received at the facility:
 - 1) The date that the electronic waste was received at the facility.
 - 2) The total quantity of electronic waste in the delivery.
 - c. Maintain the following records for a period of three years from the date of each shipment of electronic waste or other waste from the facility.
 - 1) The date that the electronic waste or other waste was shipped off-site.
 - 2) The name and address of the person to whom the electronic waste or other waste was shipped.
 - 3) The total quantity of electronic waste and/or other waste in the shipment.
 - d. Make the records available to the DEQ upon request. Records must be sufficient to demonstrate compliance with Conditions 3 and 4, above.

6. The collection, transporting, storage, and processing of electronic wastes must be done in compliance with Part 31, Water Resources Protection; Part 55, Air Pollution Control; and Part 201, Environmental Remediation, of the NREPA.
7. Transportation of the electronic wastes must be done in compliance with all applicable United States Department of Transportation regulations, including having all shipments properly packaged, labeled, marked, placarded, and transported with proper shipping papers.

This approval shall immediately become void for either of the following reasons:

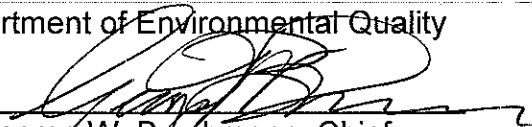
1. Additional information demonstrates that the Material is causing environmental contamination.
2. New state or federal regulations are promulgated that would cause this approval to be invalid.

Violation of the conditions of this approval is subject to the enforcement provisions of Part 115 and any other applicable state and federal laws. This exemption amends and replaces the one issued on September 30, 2002.

STATE OF MICHIGAN

Department of Environmental Quality

By: _____


George W. Bruchmann, Chief
Waste and Hazardous Materials Division

Date: _____

4/16/03

Attachment



MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
WASTE AND HAZARDOUS MATERIALS DIVISION

ELECTRONIC WASTE ACTIVITY NOTIFICATION

Authorized by Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451 as amended
Completion of form is required pursuant to the Electronic Waste Exemption

FOR ADDITIONAL INFORMATION, CONTACT
STORAGE TANK AND SOLID WASTE SECTION 517-335-4035

INSTRUCTIONS: Each person that collects, stores, processes, or dismantles electronic materials, in excess of 1,000 pounds, on-site at any one time, must notify the DEQ of their activity at least two weeks prior to conducting the activity. Please see the back of this form for definitions.

NOTIFIER SITE INFORMATION			
NAME		TELEPHONE NUMBER () -	
MAILING ADDRESS			
<i>Street or P.O. Box</i>	<i>City</i>	<i>State</i>	<i>ZIP Code</i>
LOCATION ADDRESS (if different from mailing address)			
<i>Street</i>	<i>City</i>	<i>State</i>	<i>ZIP Code</i>
NOTIFIER CATEGORY			
Please indicate below the situation that best describes your status:			
<input type="checkbox"/> Government <input type="checkbox"/> Nonprofit Organization <input type="checkbox"/> Retailer <input type="checkbox"/> Scrap/metal/plastic processor <input type="checkbox"/> Other (please explain): _____			
NOTIFIER ACTIVITY			
Please indicate below all the situations that describe your activity:			
<input type="checkbox"/> Collection Site <input type="checkbox"/> Continuous Collection <input type="checkbox"/> Intermittent Collection <input type="checkbox"/> One-Time Collection – Date(s) _____ <input type="checkbox"/> Storage Site <input type="checkbox"/> Processor <input type="checkbox"/> Dismantler <input type="checkbox"/> End-User <input type="checkbox"/> Retailer <input type="checkbox"/> Disposal Site <input type="checkbox"/> Other: (Please Explain) - _____			
List electronic waste(s) managed: _____			
SHIPPING ACTIVITY			
If you send material off-site and you are not an end-user, retailer, or disposal site, list all locations where material is sent You may attach additional sheets if necessary Is the site a disposal area or incinerator? <input type="checkbox"/> Yes <input type="checkbox"/> No			
FACILITY NAME		TELEPHONE NUMBER	CONTACT PERSON
		() -	
MAILING ADDRESS			
<i>Street or P.O. Box</i>	<i>City</i>	<i>State</i>	<i>ZIP Code</i>
LOCATION ADDRESS (if different from mailing address)			
<i>Street</i>	<i>City</i>	<i>State</i>	<i>ZIP Code</i>
CERTIFICATION			
I CERTIFY, UNDER PENALTY OF LAW, THAT THE INFORMATION CONTAINED ON THIS FORM, TO THE BEST OF MY KNOWLEDGE AND BELIEF, IS TRUE, ACCURATE, AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF A FINE OR IMPRISONMENT.			
ELECTRONIC WASTE NOTIFIER AUTHORIZED SIGNATURE		DATE	
PRINT OR TYPE NAME OF PERSON SIGNING		SIGNER'S TITLE	

SEND COMPLETED FORM TO:
STORAGE TANK AND SOLID WASTE SECTION
WASTE AND HAZARDOUS MATERIALS DIVISION
MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
PO BOX 30241
LANSING MI 48909-7741

DEFINITIONS

Collection site – means any location that collects electronic waste (e-waste) from individuals, businesses, governmental agencies, or nonprofit organizations and sends all collected material off-site to be processed or sold as a usable product. These locations may be in operation for a one-time collection, usually one or two days but could be a longer period; intermittent collection, which would include any location where e-waste is collected from time to time (e.g., quarterly or semiannually operation); or a continuous operation where e-waste is collected on an ongoing basis.

Storage site – means any location where e-waste is stored, in an environmentally sound manner, for a period that may exceed one year for individual components. In order to be in compliance with the speculative accumulation requirements of the Electronic Waste Exemption, 75 percent of the e-waste that enters a storage site must be sent to another site for processing, use, or disposal.

Processor – means any person that separates usable components from the e-waste stream and directs them to an end-market. This would include a person who takes a working computer and sells it to an end-user or to a retailer, a person who assembles working components from many computers to make a useable system, or a person who is capable to fixing broken components to make a usable system.

Dismantler – means a person who disassembles the e-waste into its individual components to make it more amenable for reuse or recycling. This might include removing useable circuit boards from e-waste; removing CRTs from televisions or computer monitors; or dismantling a CPU and sending the plastic carcass to a plastics recycler, the useable circuit boards to someone who will use them, and the rest of the metal to a scrap yard where it will be remelted into new steel.

End-User – means any location that uses the individual components from the e-waste stream to produce a new consumer product. This might include such things as a steel mill that remelts scrap metal into new steel, a location that produces plastic lumber from the carcasses of electronic equipment, or a CRT manufacturer that uses the glass from a television or monitor to produce a new product.

Retailer – means any location whose primary business is to sell new or used workable products to consumers.

Disposal Site – means any licensed landfill, transfer facility, or processing plant licensed in Michigan pursuant to Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), or an incinerator licensed pursuant to Part 55, Air Pollution Control, of the NREPA, or licensed in another state according to its regulations.