

ENVIRONMENTAL PROTECTION COMMISSION[567]

Notice of Intended Action

**Proposing rule making related to cathode ray tube recycling
and providing an opportunity for public comment**

The Environmental Protection Commission hereby proposes to amend Chapter 100, “Scope of Title — Definitions — Forms — Rules of Practice,” to rescind Chapter 122, “Cathode Ray Tube Device Recycling,” and to adopt a new Chapter 122, “Cathode Ray Tube Recycling,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 455D.6(5).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 455D.6(5).

Purpose and Summary

Chapter 122 regulates the recycling of discarded cathode ray tubes (CRTs).

This proposed rule making reduces and simplifies Iowa’s CRT regulations by focusing on federal regulations found at 40 CFR Parts 260 and 261. The federal rules focus on the proper storage of CRTs and on the tracking of CRT recycling. The revised Chapter 122 will more effectively prevent the speculative accumulation of CRTs compared to Iowa’s current rules. Preventing the unlawful speculative accumulation of CRTs will be more protective of human health and the environment than cleaning up stockpiles after the fact.

Notably, the proposed amendments remove two current state requirements that are unnecessarily burdensome or redundant. First, the revision of the chapter removes the requirement that CRT recyclers carry financial assurance. The proposed chapter’s structure on more detailed tracking and reporting coupled with heightened standards on storage will more effectively prevent any speculative accumulation from occurring, rendering financial assurance unnecessary. Second, the proposed revision removes all requirements related to batteries, circuit boards, mercury-containing components, and polychlorinated biphenyl (PCB) capacitors. These components are not typically found in CRTs and are governed by other federal hazardous and universal waste regulations.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa. A copy of the fiscal impact statement is available from the Department of Natural Resources (Department) upon request.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 561—Chapter 10.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on April 12, 2022. Comments should be directed to:

Theresa Stiner
Iowa Department of Natural Resources
Wallace State Office Building
502 East Ninth Street
Des Moines, Iowa 50319
Email: theresa.stiner@dnr.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally will be held via conference call as follows. Persons who wish to attend the conference call should contact Theresa Stiner via email. A conference call number will be provided prior to the hearing. Persons who wish to make oral comments at the conference call public hearing must submit a request to Ms. Stiner prior to the hearing to facilitate an orderly hearing.

April 12, 2022
2 p.m.

Via video/conference call

Persons who wish to make oral comments at the public hearing will be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the hearing and have special requirements, such as those related to hearing impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Adopt the following **new** definitions of “Cathode ray tube,” “CFR,” “CRT collection,” “CRT collection facility,” “CRT glass,” “CRT recycling,” “CRT recycling facility,” “Discarded” and “Short-term CRT collection event” in rule **567—100.2(455B,455D)**:

“*Cathode ray tube*” or “*CRT*” means a vacuum tube composed primarily of leaded glass which is the visual or video display component of an electronic device. An intact CRT means a CRT whose vacuum has not been released. A broken CRT means glass removed from its housing or casing whose vacuum has been released.

“*CFR*” means Code of Federal Regulations.

“*CRT collection*” means any activity by a CRT recycling facility or CRT collection facility involving the collection of discarded CRTs that is not a short-term CRT collection event.

“*CRT collection facility*” means a property where ongoing CRT collection is the only CRT recycling activity performed.

“*CRT glass*” means any glass generated from CRTs.

“*CRT recycling*” means any process by which discarded CRTs that would otherwise become waste are collected, processed and returned to use in the form of raw materials or products. CRT recycling includes but is not limited to receiving broken or intact CRTs, intentionally breaking intact CRTs or

further breaking or separating broken CRTs, and sorting or otherwise managing glass removed from CRT monitors.

“*CRT recycling facility*” means a property where CRT recycling takes place. A CRT recycling facility may also collect CRTs.

“*Discarded*” means no longer to be used for the original intended purpose and means the letting go or throwing away of materials that have become useless or superfluous though often not intrinsically valueless. CRTs that are returned to the original owner are not “discarded.”

“*Short-term CRT collection event*” means any temporary activity involving the collection of discarded CRTs for recycling that is not on the premises of a CRT recycling facility or CRT collection facility.

ITEM 2. Rescind 567—Chapter 122 and adopt the following **new** chapter in lieu thereof:

CHAPTER 122
CATHODE RAY TUBE RECYCLING

567—122.1(455D) Purpose. These rules are intended to satisfy the requirements of Iowa Code section 455D.6(5). The purpose of this chapter is to implement rules for the recycling of discarded CRTs and the disassembly and removal of toxic parts from discarded CRTs in a manner that is safe for human health and the environment.

567—122.2(455D) Applicability and compliance. This chapter applies to discarded CRTs that are collected for recycling and to CRT glass processed for recycling. This chapter does not apply to CRTs collected for disposal.

122.2(1) This chapter applies to facilities and short-term CRT collection events that perform CRT recycling functions including but not limited to the collection, demanufacturing, and processing of discarded CRTs.

122.2(2) This chapter does not apply to CRT reuse activities, CRT service and repair activities or CRT refurbishing activities that do not otherwise qualify as CRT recycling.

122.2(3) The issuance of a permit or registration by the department in no way relieves the applicant of the responsibility of complying with all other local, state, or federal statutes, ordinances, and rules or other requirements applicable to the construction, operation, and closure of a CRT collection facility or CRT recycling facility.

122.2(4) All discarded CRTs collected for recycling, including those generated by a household, once collected by a CRT collection facility or CRT recycling facility, shall be managed in accordance with 40 CFR 261.39 and this chapter. If there is a conflict, the more stringent regulation applies.

567—122.3(455D) Definitions. For the purposes of this chapter, the definitions found in 567—Chapter 100 shall apply.

567—122.4(455D) Short-term CRT collection events. All short-term CRT collection events shall be conducted in a manner that complies with this rule. Short-term CRT collection event organizers are not required to register the event as a CRT collection facility.

122.4(1) Within one week of collection, all discarded CRTs and CRT glass shall be transported to a properly permitted CRT recycling facility or registered CRT collection facility.

122.4(2) During the period between collection and transport, all broken CRTs and CRT glass shall be stored in one of the following ways:

- a. In a fully enclosed building with a roof, floor and walls, or
- b. In a container that is constructed, filled and closed to minimize releases to the environment of CRT glass (including fine solid materials).

122.4(3) During the period between collection and transport, intact discarded CRTs shall be stored in one of the following ways:

- a. In a fully enclosed building with a roof, floor and walls, or

b. In a secure container (e.g., package or vehicle) that is constructed and maintained to minimize breakage of electronic waste and to prevent releases of hazardous materials to the environment.

567—122.5(455D) Registration for CRT collection facilities. A CRT collection facility shall register with the department using Form 542-0060.

122.5(1) The registration application shall include proof of the applicant's ownership of the property or legal entitlement to use the property for CRT collection. If the facility is leased, the application shall also include a statement, signed by the property owner, stating that the property owner is aware that CRT collection is taking place at the site and that the property owner may be held liable for wastes abandoned at the property.

122.5(2) CRT collection facilities registered prior to [the effective date of these amendments] shall submit their first registration renewal by February 1 of the year following the first full calendar year after [the effective date of these amendments]. The registration will expire on March 1 of the same year if the renewal is not received, is incomplete, or shows noncompliance with this chapter. In addition to the reporting requirements in rule 567—122.11(455D), the first registration renewal shall include proof of the facility's ownership of the property or legal entitlement to use the property for CRT collection. If the facility is leased, the application shall also include a statement, signed by the property owner, stating that the property owner is aware that CRT collection is taking place at the site and that the property owner may be held liable for wastes abandoned at the site.

122.5(3) Registration will expire March 1 of each year if renewal has not been made and approved.

122.5(4) Annual registration renewal occurs by complying with the reporting requirements in rule 567—122.11(455D). Once a complete report is received and confirmed complete in writing by the department, the facility's registration will be renewed until March 1 of the following year.

122.5(5) The department may deny or revoke CRT collection facility registration if one or more of the following is determined by the department:

- a. The registration application is incomplete.
- b. There is a violation of a requirement of this chapter, including but not limited to failing to submit accurate and timely reports as required in rule 567—122.11(455D).
- c. There is or was a misrepresentation made in obtaining a registration or registration renewal under this chapter.
- d. The registrant fails to correct a condition as agreed to in an agreed order with the department or fails to come into compliance with this chapter within the time frame established in the agreed order.
- e. The permittee has lost legal entitlement to use the property identified in the registration.
- f. Upon notice to the department by the permittee that the permittee no longer wishes to retain the registration for future operation.

567—122.6(455D) CRT recycling facility permits.

122.6(1) Permit required. A CRT recycling facility shall not be operated without a permit from the department.

122.6(2) Notification of change in status. CRT recycling facilities must notify the department 30 days prior to any significant change of status of the operation, including any change in the ownership or operation of the facility or location of the facility.

122.6(3) Denial or revocation of permit. The department may deny, revoke, or limit the length of a permit if one or more of the following is determined:

- a. The department has revoked the applicant's previous permit under this chapter.
- b. The application form is incomplete.
- c. There is a violation of a requirement of this chapter or a condition of the permit.
- d. There is a failure to disclose all relevant facts in obtaining a permit under this chapter.
- e. There is a misrepresentation made in obtaining a permit under this chapter.
- f. There is a misrepresentation in the annual report required in rule 567—122.11(455D).
- g. The permittee fails to meet the requirements for a permit.

h. The permittee fails to correct a condition as agreed to in an agreed order with the department or fails to come into compliance with the permit or this chapter within the time frame established in the agreed order.

i. The permittee has lost legal entitlement to use the property identified in the permit.

j. Upon notice to the department by the permittee that the permittee no longer wishes to retain the permit for future operation.

122.6(4) *Permit conditions.* The department may place conditions on any permit deemed necessary by the department to ensure compliance with this chapter and to protect human health and the environment.

122.6(5) *Effect of revocation.* If a permit held by any public or private agency is revoked by the director, then no new permit shall be issued to that agency for that CRT recycling facility for a period of one year from the date of revocation. Such revocation shall not prohibit the issuance of a permit for the facility to another public or private agency.

122.6(6) *Duration and renewal of permits.* A permit shall be issued for the life of the facility, unless otherwise authorized by the department.

567—122.7(455D) CRT recycling facility permit application requirements.

122.7(1) A CRT recycling facility permit applicant shall submit the following permit application information to the department:

a. The name, address, and telephone number of:

- (1) The owner of the site where the project will be located.
- (2) The permit applicant.
- (3) The individual responsible for the operation of the project.
- (4) The agency to be served by the project, if any.
- (5) The responsible official of the agency to be served, if any.

b. The physical location of the facility, and any collection sites if separate from the main facility.

c. Proof of the applicant's ownership of the property or legal entitlement to use the property for CRT recycling. If the facility is leased, the applicant shall submit a signed statement from the property owner stating that the property owner is aware that CRT collection or recycling is taking place at the property and that the property owner may be held liable for wastes left at the property.

d. Documentation that the facility meets local zoning requirements.

e. A brief description of the facility and the CRT processing that will take place.

122.7(2) If the department finds the permit application information to be incomplete, it shall notify the applicant of that fact and of the specific deficiencies. If the deficiencies are not corrected within 30 days, the department may deny the application. The applicant may reapply without prejudice.

567—122.8(455D) Discarded CRT management requirements. CRT collection facilities and CRT recycling facilities shall manage all discarded CRTs in accordance with 40 CFR 261.39 and 40 CFR 260.43.

122.8(1) Discarded CRTs and processed CRT glass shall not be speculatively accumulated pursuant to 40 CFR 261.1(c)(8).

122.8(2) Broken CRTs and processed CRT glass shall be stored either:

a. In a building with a roof, floor and walls, or

b. In a container (e.g., a package or a vehicle) that is constructed, filled, and closed to minimize releases to the environment of CRT glass (including fine solid materials).

122.8(3) Intact discarded CRTs shall be stored either:

a. In a building with a roof, floor, and walls, or

b. In a secure container (e.g., package or vehicle) that is constructed and maintained to minimize breakage of electronic waste and to prevent releases of hazardous materials to the environment.

122.8(4) Each container of broken CRTs or CRT glass must be labeled or marked clearly with one of the following phrases: "Used cathode ray tube(s)-contains leaded glass. Do not mix with other glass

materials” or “Leaded glass from televisions or computers. Do not mix with other glass materials.” Each container shall also be labeled with the first date that material began to be accumulated in the container.

122.8(5) Each container or pallet of intact discarded CRTs shall be labeled with the first date that any material began to accumulate in the container or on the pallet.

122.8(6) Broken CRTs must be transported in a container meeting the requirements of subrule 122.8(2).

122.8(7) CRT collection facilities or CRT recycling facilities that export broken CRTs shall also comply with 40 CFR 261.39(a)(5).

122.8(8) All processing of CRTs shall be processed according to 40 CFR 261.39(b).

122.8(9) Failure to comply with this rule and the CFR sections referenced is grounds for termination of any permit or registration authorized by this rule.

567—122.9(455B,455D) Record-keeping requirements for CRT collection facilities.

122.9(1) All CRT collection facilities shall maintain the following records on a calendar-year basis:

a. The name and address of the facility receiving a shipment that left the CRT collection facility, and contact information for the receiving facility.

b. The type of service the receiving facility will provide to the CRT collection facility.

c. A description of the shipment contents.

d. All bills of lading.

e. All hazardous waste manifests.

122.9(2) Records must be maintained at the facility, must be submitted to the department upon request, and may be destroyed after three years.

567—122.10(455D) Record-keeping requirements for CRT recycling facilities.

122.10(1) All CRT recycling facilities shall maintain the following records on a calendar-year basis:

a. The total aggregate weight and receipt date of each shipment of discarded CRTs received from businesses, institutions, CRT collection facilities, short-term CRT collection events, and other permitted CRT recycling facilities.

b. The name, address, and contact information for shipments reported pursuant to subrule 122.11(1).

c. The total aggregate weight and date of each shipment leaving the CRT recycling facility.

d. The name and address of the facility receiving a shipment that left the CRT recycling facility, contact information for the receiving facility and a description of the shipment contents including all applicable bills of lading.

e. The type of service the receiving facility will provide to the CRT recycling facility.

f. All hazardous waste manifests.

122.10(2) Records must be maintained at the facility, must be available for review by the department on demand, and may be destroyed after three years.

567—122.11(455D) Reporting requirements. CRT collection facilities and CRT recycling facilities shall report the following information on Form 542-8131, provided by the department, to the department by February 1 of each year for the previous calendar year.

122.11(1) The amount, either by weight or volume, of discarded CRTs and processed CRT glass on site on January 1.

122.11(2) The amount, either by weight or by volume, of discarded CRTs and CRT glass recycled or transferred for recycling during the calendar year.

122.11(3) The amount, either by weight or by volume, of discarded CRTs and processed CRT glass on site on December 31.

122.11(4) Indication of whether the CRTs received over the past year were generated by households, businesses, or both households and businesses.

567—122.12(455D) Closure requirements for CRT recycling facilities. A CRT recycling facility and CRT collection facility shall submit to the department written notice of intent to permanently close at least 60 days before closure. Closure shall not be official until the department field office with jurisdiction over the facility has given written certification of the proper disposal of all solid waste, discarded CRTs, and materials derived from discarded CRTs at the site.

These rules are intended to implement Iowa Code section 455D.6(5).