

30 §328.149 Sound Environmental Management.

EDITORIAL NOTE: This section has been added according to a final rule published in the Texas Register. The new text and any effective date information are presented in red.

EFFECTIVE DATE NOTE: This section becomes effective June 12, 2008.

(a) All computer equipment collected under this subchapter must be recycled or reused in a manner that complies with federal, state, and local law.

(b) The commission adopts, as standards for recycling or reuse of computer equipment under this subchapter, the following portions of the standards in "Electronics Recycling Operating Practices" as approved by the board of directors of the Institute of Scrap Recycling Industries (ISRI), Inc., April 25, 2006. The remaining portions are voluntary unless required by other law. The adopted standards apply to computer equipment used by an individual primarily for personal or home business use and returned to the manufacturer by a consumer in this state and do not impose any obligation on an owner or operator of a solid waste facility. If at any time the United States Environmental Protection Agency (EPA) adopts standards for recycling or reuse of computer equipment that are determined by the commission to be an acceptable substitute, the commission may, by rule, revoke the ISRI standards and adopt the EPA standards.

(b)(1) General requirements for recyclers:

(b)(1)(A) Following all efforts to refurbish or reuse computer equipment, the remaining computer equipment shall be manually dismantled for re-useable components or processed for recycling either in accordance with [§328.4\(b\)](#) of this title (relating to Limitations on Storage of Recyclable Materials) for those facilities subject to and not exempted from that section, or in accordance with the following conditions for those facilities exempt from or not subject to [§328.4\(b\)](#) of this title.

(b)(1)(A)(i) The facility can show that the material is potentially recyclable and has an economically feasible means of being recycled.

(b)(1)(A)(ii) Every six months, the amount of material that is processed for recycling (as defined in [§328.2](#) of this title (relating to Definitions)), or transferred to a different site for recycling, equals at least 50% by weight or volume of the material accumulated at the beginning of the six-month period. "Every six months" starts, for a new recycling facility, 180 days after opening; for an existing recycling facility, 180 days after the facility, under this subchapter, starts providing services to a manufacturer. In calculating the percentage or turnover, the percentage requirements shall be applied to each material of the same type.

(b)(1)(B) Recyclers shall only dispose of computer-equipment that cannot be refurbished; reused; or, in accordance with [Chapter 335](#) of this title (relating to Industrial Solid Waste and Municipal Hazardous Waste), [§330.11\(e\)](#) of this title (relating to Notification Required) and Subchapter A of this chapter (relating to Purpose and General Information), recycled.

(b)(1)(C) For all transfers of computer equipment intended for recycling, recyclers shall maintain commercial contracts, or equivalent commercial arrangements, that shall include:

(b)(1)(C)(i) computer-equipment quantity and type;

(b)(1)(C)(ii) packaging requirements; and

(b)(1)(C)(iii) recycling methods and specifications.

(b)(1)(D) Recyclers shall maintain records for a minimum of three years; or longer if required by local, state, or federal law; including any of the following which are applicable:

(b)(1)(D)(i) manifests;

(b)(1)(D)(ii) bills of lading;

(b)(1)(D)(iii) waste disposal records; and

(b)(1)(D)(iv) records that document:

(b)(1)(D)(iv)(I) if the computer equipment is sent to a facility affiliated with (as defined in [§328.2](#) of this title) the recycler, the facility's location and the condition of the computer equipment (refurbished, reuseable, recyclable, or to be determined); and

(b)(1)(D)(iv)(II) if the computer equipment is sent to a facility not affiliated with (as defined in [§328.2](#) of this title) the recycler, the location of the first unaffiliated facility to which the computer equipment is sent and the condition of the computer equipment (refurbished, reuseable, recyclable, or to be determined).

(b)(1)(E) Recyclers shall maintain and possess a written work practice that specifically addresses, at least, the following:

(b)(1)(E)(i) lead;

(b)(1)(E)(ii) mercury;

(b)(1)(E)(iii) beryllium;

(b)(1)(E)(iv) cadmium;

(b)(1)(E)(v) batteries;

(b)(1)(E)(vi) polychlorinated biphenyls; and

(b)(1)(E)(vii) free-flowing fluids such as oils and lubricants.

(b)(1)(F) Recyclers shall ensure that computer equipment is stored and processed in a manner that minimizes the potential release of any hazardous substance into the environment.

(b)(1)(G) Recyclers shall package all computer equipment designated for reuse in a manner that protects against damage and minimizes the potential for releases of hazardous substances during storage and transportation. Recyclers must package all computer equipment designated for processing in a manner that minimizes the potential for releases of hazardous substances during storage and transportation.

(b)(1)(H) The computer-equipment recycling facility shall operate in accordance with the closure and financial-assurance requirements of [§328.5](#) of this title (relating to Reporting and Recordkeeping Requirements), unless exempted under [§328.5](#) of this title.

(b)(2) Manual dismantling and mechanical processing at a computer-equipment recycling facility.

(b)(2)(A) Following all efforts to refurbish or reuse computer equipment, the remaining computer equipment should be dismantled for useable components or commodities; processed for recycling in accordance with the following conditions; or properly disposed of per subsection (b)(1)(B) of this section.

(b)(2)(A)(i) The facility can show that the material is potentially recyclable and has an economically feasible means of being recycled.

(b)(2)(A)(ii) Every six months, the amount of material that is processed for recycling (as defined in [§328.2](#) of this title), or transferred to a different site for recycling, equals at least 50% by weight or volume of the material accumulated at the beginning of the six-month period. "Every six months" starts, for a new recycling facility, 180 days after opening; for an existing recycling facility, 180 days after the facility, under this subchapter, starts providing services to a manufacturer. In calculating the percentage of turnover, the percentage requirements shall be applied to each material of the same type.

(b)(2)(B) Recyclers shall have a written, up-to-date plan for responding to and reporting pollutant releases, including accidents, spills, fires, or explosions.

(b)(2)(C) Hazardous waste shall be managed, recycled, and disposed of in accordance with [Chapter 335](#) of this title.

[33 TexReg 4506, June 6, 2008]