

Move the following definitions to chapter 100:

“*Cathode ray tube*” and its abbreviation “*CRT*” mean a vacuum tube composed primarily of leaded glass and used to convert an electrical signal into a visual image.

“*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 site 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 site 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, which is not on the premises of a CRT recycling facility or CRT collection facility.

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. It does not apply to CRT’s 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 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 site or CRT recycler, shall be managed in accordance with 40 CFR 261.39 and this chapter. If there is a conflict, DNR’s rules control.

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 done in a manner that complies with this rule 567—122.4. Short term collection events are not required to register as a collection facility.

122.4(1) All discarded CRTs and CRT glass shall be transported to a properly permitted CRT recycler or registered CRT collection facility within one week of collection.

122.4(2) During the period between collection and transport, all discarded CRTs and CRT glass must be either:

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

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 site or legal entitlement to use the site for CRT collection. If the facility is leased, a signed statement from the property owner stating that the property owner is aware that CRT collection is taking place at the site and that he or she may be held liable for wastes left at the site.

122.5(2) Initial registration will expire March 1 of the following year.

122.5(3) Annual registration renewal occurs by complying with the reporting requirements in 122.11. Once a complete report is received and confirmed complete by the department, the facility's registration will be automatically renewed until March 1 of the following year.

122.5(4) Denial or revocation of registration. The department may deny or revoke CRT collection facility registration if one or more of the following is determined:

- 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 122.11.
- c. There is 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 timeframe established in the agreed order.
- e. The permittee has lost legal entitlement to use the property identified in the registration.
- f. Upon notice 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, limit the length of, or place additional conditions on 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 567 – 122.11.
- 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 timeframe established in the agreed order,
- i. The permittee has lost legal entitlement to use the property identified in the permit.
- j. Upon notice that the permittee no longer wishes to retain the permit for future operation.

122.6(4) *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(5) *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.
 - (5) The agency to be served by the project, if any.
 - (6) The responsible official of the agency to be served, if any.
- b. The physical location of the site, and any collection sites if separate from the main facility.
- c. Proof of the applicant’s ownership of the site or legal entitlement to use the site for CRT recycling. If the facility is leased, a signed statement from the property owner stating that the property owner is aware that CRT collection or recycling is taking place at the site and that he or she may be held liable for wastes left at the site.
- 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 shall return the application materials to the applicant. The applicant may reapply without prejudice.

567—122.8(455D) 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. In addition,

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

122.8(2) CRTs and processed CRT glass shall be stored, labeled, and transported according to 40 CFR 261.39.

122.8(3) All processing of CRTs shall be done according to 40 CFR 261.39(b).

122.8(4) 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. All CRT

collection facilities shall maintain the following records, on a calendar-year basis. Records must be maintained at the facility, must be submitted to the DNR on demand, and may be destroyed after three years:

122.9(1) The name and address of the facility receiving a shipment that left the CRT collection facility, and contact information for that facility.

122.9(2) The type of service the receiving facility will provide to the CRT collection facility.

122.9(3) A description of the shipment contents.

122.9(4) All bills of lading.

122.9(5) All hazardous waste manifests.

567—122.10(455D) Record-keeping requirements for CRT recycling facilities. All CRT recycling facilities shall maintain the following records, on a calendar-year basis. Records must be maintained at the facility, must be submitted to the DNR on demand, and may be destroyed after three years:

122.10(1) 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.

122.10(2) The name, address and contact information for shipments reported in subrule 122.11(1).

122.10(3) The total aggregate weight and date of each shipment leaving the CRT recycling facility.

122.10(4) 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.

122.10(5) The type of service the receiving facility will provide to the CRT recycling facility.

122.10(6) All hazardous waste manifests.

567 122.11(455D) Reporting requirements. CRT collection facilities and CRT recycling facilities shall report the following information on a form 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 and the recycler(s) it was transferred to.

122.11(3) The amount, either by weight or 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 and department field office with jurisdiction over the facility 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 sections 455D.6(5).