

IOWA DEPARTMENT OF NATURAL RESOURCES

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Solid Waste Administrative Rule Review: 567 IAC 122

Cathode Ray Tube Device Recycling

This summary is an invitation for stakeholders to participate in the Iowa DNR's solid waste administrative rule review process. We would like your input and to discuss your concerns before developing draft rule revisions.

Why is the DNR seeking stakeholder input?

The Solid Waste Section is conducting a detailed review of Iowa's solid waste regulations in accordance with Iowa Code section 17A.7(2), which requires all state agencies perform ongoing comprehensive five-year reviews of all administrative rules. The intent of this review is to eliminate unnecessary regulations, remove duplication and confusion, and ensure statutory authority exists for each chapter. Our goal is to ensure all solid waste administrative rules meet present and future needs, are plain-spoken and logical, and carry out the laws of Iowa and federally-mandated programs without imposing unnecessary regulatory burdens upon stakeholders.

The purpose of 567 IAC 122

The intent of this administrative chapter was to provide a regulatory program for the recycling of discarded cathode ray tubes (CRTs), and the disassembly and removal of toxic parts from discarded CRTs in a manner that is protective of the human health and the environment.

DNR's legal authority

The provisions of this administrative chapter directly implement the statutory obligations expressed in Iowa Code section 455D.6(5), by establishing a permitting program for CRT collection and recycling facilities.

Improvement opportunities for discussion

- A more streamlined regulatory approach such as a general permit or permit-by-rule could be applied to the permitting of CRT recycling facilities. Also, given the U.S. EPA regulates certain components and contaminants contained in electronic goods, perhaps the need for a state-specific permitting program is not warranted. Instead, the DNR's role could focus on expanded education and outreach, and promoting take back programs to accomplish the required strategy expressed in Iowa Code.
- Many of this administrative chapter's permitting requirements are similar to those in other solid waste chapters, and therefore could possibly be consolidated to ensure consistency and ease of use for the regulated public.
- While the DNR has not been delegated authority by the U.S. EPA to implement the Resource Conservation and Recovery Act, Subtitle C program (i.e. hazardous waste), there are provisions within this administrative chapter

How can I provide input?

The DNR seeks stakeholder input on opportunities for improvement identified during the rule review process. When preparing your comments be sure to:

- Explain your views as clearly as possible;
- Describe assumptions used;
- Provide technical information and/or data used to support your views;
- Explain how you arrived at your estimate for potential burdens, benefits or costs; and
- Provide specific examples to illustrate your views and offer alternatives.

Please submit comments to:

Solid Waste Administrative Rule Review
Iowa Department of Natural Resources
Wallace State Office Building
502 East 9th Street
Des Moines, IA 50319
Fax: (515) 725-8202
Email: SWRR@dnr.iowa.gov

For more information

If you have questions about the DNR's solid waste administrative rule review process or information contained within this summary, please submit them to SWRR@dnr.iowa.gov.

that mirror federal requirements. This was done to assist CRT recycling facility operators in complying with applicable federal regulations. The inclusion of or reference to certain federal requirements within this administrative chapter could give the impression to permit holders that compliance with this administrative chapter ensures compliance with (or that the DNR is implementing) applicable federal hazardous waste regulations.

- Given the federal CRT exclusion, it's not just a revision to certain portions of this administrative chapter that may be warranted, but rather a re-evaluation of how the DNR is to meet the statutory mandate of developing a strategy for discarded electronics. Perhaps this administrative chapter should be expanded to all electronic goods, not just CRTs.
- The continued reference to Iowa Code chapter 455B throughout this administrative chapter implies the permits being issued are SDPs, even though they do not meet the statutory definition of an SDP (i.e. facilitate the final disposition of solid waste).

What input does the DNR seek?

- Should the DNR consider an alternative approach?
- How might the objectives of this chapter be better achieved?
- What considerations or information should the DNR take into account when developing rule revision language?

Rulemaking process

Because this review effort encompasses multiple chapters, spanning a broad range of complex issues, they will be divided into smaller groupings to facilitate a more manageable and phased rulemaking approach. All chapters will follow the process outlined below:

- **External Stakeholder Rule Review.** This step is intended to obtain input from external stakeholders in regard to the DNR's initial analysis of existing rules. To facilitate an open and collaborative dialogue, the DNR will host a series of stakeholder meetings and accept written stakeholder input on the preliminary rule reviews.
- **Discussion and Consensus Building.** This step entails continued dialogue with external stakeholders to build consensus regarding proposed changes and rule revisions. After the initial stakeholder review period, the DNR will evaluate feedback received and facilitate additional stakeholder engagement as needed, to further develop supported administrative rule revisions.
- **Draft Proposed Revisions.** This step will seek public input prior to submitting the proposed revisions to the Governor's Office for approval to proceed with formal rulemaking. All proposed rules will at this stage, go through an external stakeholder input process and be analyzed for fiscal and job impacts.
- **Begin formal rulemaking.** This process is set out in Iowa Code chapter 17A. All proposed revisions will be open for interested party review and comment prior to final adoption or repeal by the DNR, in accordance with the procedures expressed in Iowa Code chapter 17A. It should be noted that Iowa Code chapter 17A provides additional opportunities for public comment on draft rule revisions prior to any final agency action.

Throughout this process, further in-depth rule reviews, meeting summaries, and submitted comments will be available at www.iowadnr.gov/SWRR.

How can I track rules review and development progress?

Stakeholders are encouraged to sign up for the DNR's electronic mailing list, which provides automatic updates regarding the solid waste administrative rule review process. Registered users will receive periodic progress updates and be notified when information is posted to the rulemaking website. To subscribe, please send a blank e-mail to join-dnrswrr@lists.ia.gov. The subject line is left blank.

***Further in-depth rule reviews and supporting documents are available at www.iowadnr.gov/SWRR.**