

Minutes from the E-Waste Conference Call
October 10, 2007

“Establishing a Process for Approving Recyclers”

Participants/Affiliation:

Tom Metzner – CT DEP – Moderator
Kevin Sullivan – CT DEP
Gabrielle Frigon – CT DEP
Valerie Bodner – CT DEP
Mark Latham – CT DEP
Carey Hurlburt – CT DEP
Ed Campbell - Supreme Computer Recycling
Gina Chiarella - We Recycle
Chris Cleet – ITI
Valerie Rickman - ITI
Michael Conklin - Town of Wilton, CT
Mike Bysdera - CRRA
Peter Egan - CRRA
Janice Ehlemeyer - CRERPA
Meggan Ehret - Thomson
Ric Erdheim - Philips Electronics
Joseph Fainer - Environmental Management Consulting
Ray Graczyk - North East Lamp Recycling
Peg Hall - Town of Branford, CT & CRC
Carroll Hughes - Hughes & Cronin
Larry King - HP
Peter Kopczyk - CRT Recycling
Jeff Kuyprys - HP
Jason Linnell - NCER
Joseph Nardone - Amandi Services
Kim O'Rourke - City of Middletown, CT & CRC
Irene Rodrigues - Robinson & Cole
Cheryl Thibeault - Covanta Energy
David Thompson - Panasonic
Amy Velasquez - Metropolitan District Commission
Joe Walkovich - Walkovich Associates
Mike Watson - Dell
Karen Weeks - The Kowalski Group LLC
Doreen Zaback - Town of Wallingford, CT

The DEP Moderator opened the call with Introductions, explained call protocol and referred everyone to: Chapter 415, Maine’s E-Waste Law, Section B on pages 3-4 entitled “Consolidator demonstration of technical ability and financial capacity”.

The DEP Moderator explained that in Connecticut we would not have “consolidators” like Maine, but only “Approved Recyclers”. In order to acquire CT DEP Approval, Recyclers would submit an application to the Department with the following information (section B: 1-9):

- (1) A description of the company's qualifications and experience in managing electronic waste, universal waste, specifically including CRTs. (No comments received)
- (2) Evidence of the technical ability to comply with Approved Recyclers responsibilities in CT's proposed E-waste Law. (No comments received)
- (3) A listing and explanation of any adjudicated civil violations and criminal convictions of, and administrative agreements or consent decrees or administrative orders, for violations of any applicable state or federal laws.
 - Questions: a) Would this be a company's compliance history? Would it include non-adjudicated or pending violations?
 - Answer: Yes to both.
- (4) A copy of the standard operating procedures for handling, tracking, data collection (municipal/brands etc) of TVs and computer monitors.
 - Question: a) Would peripherals be included?
 - Answer: No, only CEDs will be included at this time. Although CT DEP regulations may include other items in the future. This issue will be addressed in a subsequent conference call.
- (5) A description of capacity including location and description of facilities and service areas.
 - Question: a) How will capacity be defined? Weight or Volume?
 - Answer: It is dependent on the size of the storage facility and/or based on processing capacity.
 - Comments: a) Do not limit volume. It would affect new small businesses that collect and market. The market will drive success or not. b) There are many downstream concerns, for example, where and how the material will be processed? c) CT DEP wants to promote recycling and would not limit size in the permitting process. d) Small players are possible but DEP will only require approvals for companies who will actually bill the manufacturers; approvals are not required for the brokers or the little guy with a truck who collects. e) Do not destroy minor infrastructure that already exists, their ability to participate in this is diminished. Similar to what happened in California, you were either in-or-out of the system. We must minimize the number of bills to the manufacturers. Furthermore, there are still many devices being thrown away that are reusable. f) CT DEP should still keep information about these small players, transporters/brokers though. g) There is a very small number of reusable devices from municipal collections, remember most are TVs. h) Maine asked for reports on the number of units that would go for resale; very seldom are units from municipal collections reusable; weekend re-furbishers are not targeted for doing this volume of material. i) DEP will not preclude anyone from participating or refurbishing but will need and keep information of all who are involved. Send DEP an email with your specific concerns.
- (6) A description and disclosure of all business relationships etc.
 - Question: Will proprietary information be protected by confidential agreements?
 - Answer: Yes, there is a mechanism, DEP will confirm with attorneys and will rewrite this section accordingly.
 - Comment: We should watch the current lawsuit regarding product rights and confidentiality with DAS very closely; it may be FOI -able.

- (7) Evidence of financial capacity.
- Questions: Define financial capacity. How will DEP measure this? Evidence of pollution liability, insurance, solvency and/or closure? Must be in business three years?
 - Answer: Financial capacity information is actually more specific, must be in business for one year; submit tax records, it is a high standard. Any comments?
 - Comments: a) There is more information on Maine's application, page 2, section 2, in checklist. b) Pollution liability is too low, it should be financial capacity to ensure business is viable; financial assurance is a must: one million dollar minimum. c) No way with CRTs. d) Ask Carol from Maine for clarification. e) A sliding scale could be used; small businesses would have higher limits of liability; One million dollars would not be enough for a large recycler. f) Set the bar high for recyclers, who may be held liable later for mismanagement. g) Do not lower regulatory requirements. h) Keep financial assurance separate from insurance. i) DEP will look at what other States require; please submit written comments for further consideration.
- (8) Fee schedules for one-day collections and year-round at municipal transfer stations; Reasonable costs, price per pound for transport, staffing and storage.
- Comments: a) Do not limit to two-collection scenarios. b) House-to-house collections can be effective. c) Municipalities must "provide for" collection, not "providing." d) Maine does not address collections. e) Fees for staffing one-day collections are covered. f) Fee schedules are too complex, will provide via e-mail. g) Recyclers will provide containers to towns; the cost of purchasing a storage container is not covered. h) Costs may be fixed high. i) DEP will accept a median range and will reject the extreme highs and lows in order to drive competitive costs. j) A maximum price for hauling is good, but not a minimum. k) DEP wants the process not prices and the Department has a mechanism for companies to request confidentiality; DEP wants to know what is happening with the material especially for the low bidders. l) In fact confidential information has been found in public files; Come visit facilities but do not require submittal of proprietary information; Difficult to submit one fee schedules, must define quote, there are various scenarios. m) Delineate pricing based on various collection scenarios. n) no geographical limits, even rural areas. o) Private programs like Staples collection held to same standards as long as they do not charge the resident a fee; Submit comments anytime directly to Tom via email. Application form will be similar to Maine's; will use Trade Associations to distribute information; DEP E-Waste web page should be up soon; Proposed schedule for draft regulations NOI – April 2008.
- (9) One-million dollar insurance minimum.(see comments under #7)

Next Conference Call - October 24, 2007
1:30 – 3:00 pm
Topic: Reimbursement Costs