

3745-51-39

Conditional exclusion for used, broken CRTs and processed CRT glass undergoing recycling.

Used, broken cathode ray tubes (CRTs) are not wastes if the CRTs meet the following conditions:

(A) Prior to processing. These materials are not wastes if the materials are destined for recycling and if the materials meet the following requirements:

(1) Storage. The broken CRTs shall be either:

(a) Stored in a building with a roof, floor, and walls.

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

(2) Labeling. Each container in which the used, broken CRT is contained shall be labeled or marked clearly with one of the following phrases: "Used cathode ray tubes- contain leaded glass" or "Leaded glass from televisions or computers." The container also shall be labeled "Do not mix with other glass materials."

(3) Transportation. The used, broken CRTs shall be transported in a container that meets the requirements of paragraphs (A)(1)(b) and (A)(2) of this rule.

(4) Accumulating speculatively and use constituting disposal. The used, broken CRTs are subject to the limitations on being "accumulated speculatively" as provided in paragraph (C)(8) of rule 3745-51-01 of the Administrative Code. If the used, broken CRTs are used in a manner constituting disposal, the used, broken CRTs shall comply with the applicable requirements of rules 3745-266-20 to 3745-266-23 of the Administrative Code instead of this rule.

(5) Exports. In addition to the applicable conditions specified in paragraphs (A) (1) to (A)(4) of this rule, exporters of used, broken CRTs shall notify U.S. EPA of an intended export before the CRTs are scheduled to leave the United States, and shall comply with the notification requirements in 40 ~~CFR~~C.F.R. 261.39 (a)(5)(i) to (a)(5)(xi). ~~Notifications submitted by mail should be sent to "Office of Enforcement and Compliance Assurance, Mail Code 2254A, United States Environmental Protection Agency, 1200 Pennsylvania Avenue, N.W., Washington, DC," 20460. Hand-delivered notifications should be sent to "Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division, Mail Code 2254A, United States Environmental Protection Agency, Ariel Rios Bldg., Room 6144, 1200 Pennsylvania Ave., NW., Washington, DC." In both cases, the following~~

~~shall be prominently displayed on the front of the envelope: "Attention: Notification of Intent to Export CRTs."~~

[Comment: The exercise of foreign relations and international commerce powers is reserved to the federal government under the Constitution. These responsibilities are not delegable to the states. Therefore, the importation and exportation of hazardous waste into and out of the United States is solely regulated by the federal government.]

(B) Requirements for used CRT processing. Used, broken CRTs undergoing "CRT processing" as defined in rule 3745-50-10 of the Administrative Code are not wastes if such wastes meet the following requirements:

(1) Storage. Used, broken CRTs undergoing processing are subject to the requirement of paragraph (A)(4) of this rule.

(2) Processing.

(a) All activities specified in subparagraphs (b) and (c) of the definition of "CRT processing" in rule 3745-50-10 of the Administrative Code shall be performed within a building with a roof, floor, and walls.

(b) No activities may be performed that use temperatures high enough to volatilize lead from CRTs.

(C) Processed CRT glass sent to CRT glass making or lead smelting. Glass from used CRTs that is destined for recycling at a CRT glass manufacturer or a lead smelter after processing is not a waste unless such glass is "accumulated speculatively" as defined in paragraph (C)(8) of rule 3745-51-01 of the Administrative Code.

(D) Use constituting disposal. Glass from used CRTs that is used in a manner constituting disposal shall comply with rules 3745-266-20 to 3745-266-23 of the Administrative Code instead of this rule.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]

Effective: 10/5/2020
Five Year Review (FYR) Dates: 7/13/2020 and Exempt

CERTIFIED ELECTRONICALLY

Certification

09/21/2020

Date

Promulgated Under: 119.03
Statutory Authority: 3734.12
Rule Amplifies: 3734.12
Prior Effective Dates: 09/05/2010, 03/17/2012, 02/12/2018