

Sec. 22a-449(c)-113. Standards for universal waste management

(a) Incorporation by Reference

(1) 40 CFR 273 is incorporated by reference in its entirety except as provided in subdivision (2) of this subsection and except for the provision of this subdivision which is not incorporated: 40 CFR 273.32(a)(3) (regarding an exemption from notification requirements for large quantity handlers of recalled universal waste pesticides)

(2) 40 CFR 273 is incorporated by reference in its entirety except for the provisions of this subdivision which are incorporated by reference with the specified changes:

(A) 40 CFR 273.1(a)(3)

— delete “and”

(B) 40 CFR 273.1(a)(4)

— delete the period and replace with “; and”

— add a new paragraph (5) as follows: “(5) Used electronics as described in section 22a-449(c)-113(b) of the Regulations of Connecticut State Agencies.”

(C) 40 CFR 273.1(b)

— at the end of the paragraph add the following: “Universal wastes that are not managed in compliance with the requirements of section 22a-449(c)-113 of the Regulations of Connecticut State Agencies shall be managed in compliance with sections 22a-449(c)-100 to 110, inclusive, of the Regulations of Connecticut State Agencies.”

(D) 40 CFR 273.8(b)

— delete “the wastes” and replace with “the waste”

— delete “(a)(1) and (a)(2)” and replace with “(a)(1) or (a)(2)”

(E) 40 CFR 273.9

— add the following introductory sentence: “For purposes of 40 CFR 273, the terms below shall be defined as follows:

— in the definition of “Battery”, after “An electrochemical cell is a” insert “self-contained”

— in the definition of “lamp”, delete “is defined as” and replace with “means” and in the third sentence delete “common”

— in the definition of “Large Quantity Handler of Universal Waste”, delete “or lamps” and replace with “lamps, or used electronics”

— in the definition of “Pesticide”, delete “FFDCA section 201(w)” and replace with “21 USC 321(v), section 201(w) of the Federal Food, Drug, and Cosmetic Act”; and delete “FFDCA section 201(x)” and replace with “21 USC 321(w), section 201(x) of the Federal Food, Drug, and Cosmetic Act “

— in the definition of “Small Quantity Handler of Universal Waste” delete “or lamps” and replace with “lamps, or used electronics”

— in the definition of “Universal Waste”, after “273.4” delete “and”, and after “273.5” delete the period and replace with “; and (e) used electronics as described in subsection (b) of this section”

— in the definition of “Destination Facility” add the following after the last sentence: “for purposes of 22a-449(c)-113(b) of the Regulations of Connecticut State Agencies, a facility that engages in the disassembly or demanufacturing of used electronics: (1) For the purpose of marketing, reselling, reusing or recycling the components of a used electronic

device; (2) Without treating the device or any component thereof; and (3) Without breaking the cathode ray tube, if any, in any such device, shall not be considered a destination facility. A facility that shreds, crushes, heats, or otherwise treats a used electronic device or any component thereof, or that breaks the cathode ray tube in any used electronic device, shall be considered a destination facility.”

— add a new definition of “used electronics” as follows: “used electronics” or “a used electronic device” means a device or component thereof that contains one or more circuit boards or a cathode ray tube and is used primarily for communication, data transfer or storage, or entertainment purposes, including but not limited to, desk top and lap top computers, computer peripherals, monitors, copying machines, scanners, printers, radios, televisions, camcorders, video cassette recorders (“VCRS”), compact disc players, digital video disc players, MP3 players, telephones, including cellular and portable telephones, and stereos.”

(F) 40 CFR 273.13(c)(1)

— delete “contain” and replace with “place and keep”

— delete “that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions”

— delete “lack of evidence of” and replace with “be capable of preventing” — delete the second occurrence of “under reasonably foreseeable conditions”

(G) 40 CFR 273.13(d)(1)

— delete “lack of evidence” and replace with “be capable of preventing”

— delete “under reasonably foreseeable conditions”

(H) 40 CFR 273.13(d)(2)

— delete “that could cause the release of mercury or other hazardous constituents to the environment”

— delete “lack of evidence” and replace with “be capable of preventing”

— delete “under reasonably foreseeable conditions”

(I) 40 CFR 273.14(d)

— delete “Universal waste thermostats (i.e., each thermostat), or a” and replace with “Each”

(J) 40 CFR 273.15(c)(2)

— after “battery” add “, lamp”

(K) 40 CFR 273.17(b)

— Add to the beginning of the first sentence “Other than inadvertent breakage of small quantities of universal waste, including inadvertent breakage of small quantities during transportation, which must be handled as a universal waste,”

(L) 40 CFR 273.18(c)

— delete “;” and replace with “.”

(M) 40 CFR 273.18(h)

— delete “may” and replace with “shall”

— delete “any way that is in”

(N) 40 CFR 273.32(a)(1)

— delete “paragraphs (a)(2) and (3)” and replace with “paragraph (a)(2)”

(O) 40 CFR 273.32(b)(4)

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- after “lamps” add “, and used electronics”
- (P) 40 CFR 273.32(b)(5)
 - delete “(e.g., batteries, pesticides, thermostats, and lamps)”
- (Q) 40 CFR 273.33(c)(1)
 - delete delete “contain” and replace with “place and keep”
 - delete “that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions”
 - delete “lack evidence of” and replace with “be capable of preventing”
 - delete the second occurrence of “under reasonably foreseeable conditions”
- (R) 40 CFR 273.33(d)(1)
 - delete “lack evidence of” and replace with “be capable of preventing”
 - delete “under reasonably foreseeable conditions”
- (S) 40 CFR 273.33(d)(2)
 - delete “that could cause the release of mercury or other hazardous constituents to the environment”
 - delete “lack evidence of” and replace with “be capable of preventing”
 - delete “under reasonably foreseeable conditions”
- (T) 40 CFR 273.34(d)
 - delete “Universal waste thermostats (i.e., each thermostat), or a” and replace with “Each”
- (U) 40 CFR 273.35(c)(2)
 - after “battery” add “, lamp,”
- (V) 40 CFR 273.37(b)
 - Add to the beginning of the first sentence “Other than inadvertent breakage of small quantities of universal waste, including inadvertent breakage of small quantities during transportation, which must be handled as a universal waste,”
- (W) 40 CFR 273.38(c)
 - delete “;” and replace with “.”
- (X) 40 CFR 273.38(h)
 - delete “may” and replace with “shall”
 - delete “any way that it is in”
- (Y) 40 CFR 273.39(a)(2)
 - after “thermostats” add “, lamps, used electronics”
- (Z) 40 CFR 273.39(b)(2)
 - after “thermostats” add “, lamps, used electronics”
- (AA) 40 CFR 273.60(a)
 - after “3010 of RCRA” add the following: “and all applicable provisions of the Connecticut General Statutes, including but not limited to, section 22a-209e of the Connecticut General Statutes,”
- (BB) 40 CFR 273.61(d)
 - delete “may” and replace with “shall”
 - delete “any way that it is in”
- (CC) 40 CFR 273.62(a)(2)
 - after “thermostats” add “, lamps, used electronics”

(DD) 40 CFR 273.80(a)

— delete “and 40 CFR 260.20 and 260.23” and replace with “. In addition, the commissioner may on his own, initiate rulemaking in accordance with chapter 54 of the Connecticut General Statutes, to add a hazardous waste or category of hazardous waste to the wastes regulated as a universal waste under section 22a-449(c)-113 of the Regulations of Connecticut State Agencies.”

(EE) 40 CFR 273.80(b)

— after “40 CFR 260.20(b)” add “and section 22a-3a-3(c) of the Regulations of Connecticut State Agencies. The petitioner shall provide any additional information the commissioner deems necessary to evaluate the petition.”

(FF) 40 CFR 273.80(c)

— after “grant or deny a petition” add “, as provided for in section 4-174 of the Connecticut General Statutes,”

(3) In addition to the provisions incorporated by reference in subdivision (1) of this subsection, the provisions in subsection (b) to (f), inclusive, of this section shall apply.

(b) **Applicability—used electronics.**

(1) Used electronics subject to regulation. The requirements of this section shall apply to persons managing those used electronics as described in subdivision (4) of this subsection, except used electronics listed in subdivision (2) of this subsection.

(2) The requirements of section 22a-449(c)-113 of the Regulations of Connecticut State Agencies do not apply to persons managing the following used electronics:

(A) Used electronics that are not yet wastes under 40 CFR 261. Subdivision (4) of this subsection describes when a used electronic device becomes a waste.

(B) Used electronics that are not hazardous waste. A used electronic device is a hazardous waste if it exhibits one or more of the characteristics identified in 40 CFR 261, Subpart C.

(3) Generation of waste used electronics.

(A) A used electronic device becomes a waste on the date it is discarded.

(B) An electronic device of a type described in the definition of used electronics that has not been used becomes a waste on the date the handler decides to discard it.

(4) The requirements of section 22a-449(c)-113 of the Regulations of Connecticut State Agencies apply to persons managing used electronics that have become a waste and that exhibit one or more of the characteristics identified in 40 CFR 261, subpart C.

(c) **Used Electronics – Standards for Small Quantity Handlers.**

(1) A small quantity handler of used electronics shall comply with the applicable provisions of 40 CFR 273, subparts B and F. In addition, a small quantity handler of used electronics shall:

(A) manage used electronics in a way that prevents the release of any universal waste, component of a universal waste, or constituent of a universal waste to the environment;

(B) store all used electronics inside a building with a roof and four walls or in the cargo-carrying portion of a truck, such as in a trailer, in a manner that prevents used electronics from being exposed to the environment and shall ensure that all used electronics are handled, stored and transported in a manner that maintains the reuse or recyclability of any such used electronic or component thereof;

(C) immediately clean up and place in a container any broken cathode ray tube(s) from

a used electronic device and shall place all such waste in a container. Any such container shall be closed, structurally sound, and compatible with the cathode ray tube(s) and shall be capable of preventing leakage, spillage or releases of broken cathode ray tubes, glass particles or other hazardous constituents from such broken tubes to the environment;

(D) not shred, crush, heat or otherwise treat used electronics or any component thereof and shall not break the cathode ray tube in any used electronic device. Provided no treatment is occurring, a small quantity handler of used electronics may disassemble used electronics for the sole purpose of marketing, reselling, reusing, or recycling components thereof; and

(E) clearly label or mark each used electronic device or container, package or pallet containing used electronics, with one of the following phrases: “universal waste – used electronics”, or “waste used electronics”, or “used electronics.”

(d) Used Electronics – Standards for Large Quantity Handlers.

(1) A large quantity handler of used electronics shall comply with the applicable provisions of 40 CFR 273, subparts C and F. In addition, a large quantity handler of used electronics shall:

(A) manage used electronics in a way that prevents the release of any universal waste, component of a universal waste, or constituent of a universal waste to the environment;

(B) store all used electronics inside a building with a roof and four walls or in the cargo-carrying portion of a truck, such as in a trailer, in a manner that prevents used electronics from being exposed to the environment and shall ensure that all used electronics are handled, stored and transported in a manner that maintains the reuse or recyclability of any such used electronic or component thereof;

(C) immediately clean up and place in a container any broken cathode ray tube(s) from a used electronic and shall place all such waste in a container. Any such container shall be closed, structurally sound, and compatible with the cathode ray tube(s) and shall be capable of preventing leakage, spillage or releases of broken cathode ray tubes, glass particles or other hazardous constituents from such broken tubes to the environment;

(D) not shred, crush, heat or otherwise treat used electronics or any component thereof and shall not break the cathode ray tube in any used electronic device. In addition, a large quantity handler shall not disassemble used electronics without first obtaining a permit issued by the commissioner; and

(E) clearly label or mark each used electronic device or container, package or pallet containing used electronics, with one of the following phrases: “universal waste – used electronics”, or “waste used electronics”, or “used electronics.”

(e) Used Electronics – Standards for Transporters.

A universal waste transporter of used electronics shall comply with 40 CFR 273, subparts D and F.

(f) Used Electronics – Standards for Destination Facilities.

The owner or operator of a destination facility that treats, disposes of or recycles used electronics, except for those management activities described in 40 CFR 273.13(a) and (c) and 40 CFR 273.33(a) and (c), shall comply with 40 CFR 273, subparts E and F.

(Adopted effective October 31, 2001; Amended June 27, 2002)