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Guidance Document: *Preparing for a DTSC Inspection of Your E-Waste Facility*



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The Department of Toxic Substances Control offers the following guidance to assist electronic waste handlers in preparing for a DTSC inspection. If you are an e-waste recycler participating in the Department of Resource Recycling Recovery's (CalRecycle's) Covered Electronic Waste (CEW) payment program, you know that CalRecycle cannot approve your payment claim(s) until DTSC has conducted an inspection of your facility and verified that you are canceling items. In order to maintain your approval in the CEW system, you must be inspected at least once annually and found to be in conformance. Even if you are **not** a recycler participating in the CEW program, or you only **collect** e-waste, you should be aware that DTSC is authorized to inspect your operation and plans routine site inspections of e-waste collectors and non-CEW recyclers.

What Can You Expect When DTSC Arrives at Your Facility?

The inspector(s) will identify themselves and ask you for **consent** to conduct the inspection. California Health and Safety Code section 25185 authorizes DTSC to conduct inspections, conduct sampling activities, inspect and copy documents, and take photographs at sites or establishments where hazardous wastes (including universal and electronic wastes) are stored, handled, processed, treated, or disposed. (For more information, access DTSC's Inspection Policy and Procedure at http://www.dtsc.ca.gov/LawsRegsPolicies/Policies/HazardousWaste/upload/DTSC-OP-0005_Conducting_Inspections.pdf.)

The inspector will evaluate your compliance using a standard e-waste **inspection checklist**. DTSC posts this checklist on its web site so that you know what is expected of you. You may even consider using the inspection checklist for **self-auditing purposes**. You can access the e-waste inspection checklist (which covers electronic devices, CRTs, and CRT glass) at: http://www.dtsc.ca.gov/HazardousWaste/EWaste/upload/Ewaste_Final_UW_Handlers_checklist.pdf.

To make the requirements as easy to understand as possible, DTSC has also prepared a one-page "List of Documents to Be Reviewed During Inspection of an E-Waste Facility" document that you may access at <http://www.dtsc.ca.gov/HazardousWaste/EWaste/upload/List-of-Docs-Final.pdf>. The guidance below greatly expands on the items described in that document.

During the site visit, the inspector will usually request a facility walkthrough **first**, and ask to review records during the second half of the inspection. Before starting the facility walkthrough, the inspector may provide you with the “List of Documents to Be Reviewed During Inspection of an E-Waste Facility” to give your staff time to pull all the needed files so they will be ready when the inspector completes the walkthrough. Remember, having records ready for review saves everyone time and minimizes stress during the inspection. Also, the inspector reserves the right to cite a violation for not having paperwork ready at the time of inspection.

When Can You Expect an Inspection?

It is DTSC’s official policy to conduct **unannounced** inspections. Because the DTSC inspector will arrive unannounced, there is a chance that you, or the owner/operator of the facility, may not be available that day to provide a facility walkthrough and to facilitate records review. Therefore, it is strongly recommended that you designate an employee or manager as an onsite **back-up person** who knows where compliance documents are kept (**and** can readily access them) and is knowledgeable enough of the facility’s operations to provide a facility walkthrough.

Operator Interview

While the facility walkthrough and records review are staple parts of the inspection, DTSC cannot fully evaluate compliance without conducting an **operator interview**. The representative who interacts with the inspector should be able to answer questions such as (but not limited to):

- The facility’s procedure for handling rejected shipments (California Code of Regulations, title 22, §66273.38)
- How items are tracked from the point of arrival, through the treatment process, until the time that residuals are shipped offsite
- The end disposition of ED residuals such as batteries, toner ink, etc.

What Documents Should You Have Ready?

1. Notification as Handler

To handle: California Code of Regulations, title 22, §66273.32(c)

To disassemble or treat: California Code of Regulations, title 22, §66273.74(a)

One of the most basic e-waste reporting requirements is to notify DTSC of your handling activities no later than 30 days prior to commencing your offsite collection and/or recycling activities. You should have notified online at <http://www.dtsc.ca.gov/database/UWED/index.cfm> or submitted a hard copy notification to the DTSC address cited in the regulatory sections directly above. If you are a handler who **collects** e-waste, DTSC recommends that you have a copy of your notification on file. If you are a handler who **dismantles, recycles, or treats** e-waste, then you are required to keep a copy of your notification on file for review.

If your business has hosted collection events, you should also have filed a notification for **each site** where an event was held and have a copy of each notification ready to show the inspector.

2. Annual Report

To handle: California Code of Regulations, title 22, §66273.32(d)

To disassemble or treat: California Code of Regulations, title 22, §66273.74(b)

If you 1) **accept** more than 100 kilograms or 220 pounds of EDs, CRTs, and CRT glass (collectively) from any offsite source, or 2) **generate** 5,000 kilograms or 11,000 pounds of EDs, CRTs, and CRT glass (collectively), then you should be sending an annual report to DTSC by **February 1st of every year**. You can complete your annual report by going to the web address listed in item 1 above (or submit a hard copy). DTSC recommends that you have a copy of your annual report(s) on file for the inspector to review.

If you are a handler who **collects** e-waste, the inspector may ask to see annual reports for the last several years, depending on when the last inspection was conducted. If you are a handler who **dismantles, recycles, or treats** e-waste, then you are required to keep a copy of your annual reports on file for review.

If your business has hosted many collection events, you may find it convenient to complete and mail in the “E-Waste Annual Report Form for Businesses with Many Collection Sites” located at

<http://www.dtsc.ca.gov/HazardousWaste/EWaste/upload/Final-mass-annual-report-form.pdf> in lieu of submitting an individual report for each event location.

3. EPA Identification Number

California Code of Regulations, title 22, §§66273.32(a) and (b)

If you accumulate 5,000 kilograms or more of e-waste at any one time (including EDs, CRTs, and CRT glass) you will need to obtain a permanent EPA ID number from DTSC. The inspector may ask to see a copy of the DTSC-issued document listing your EPA ID number. If you accumulate 5,000 kilograms or more of **federally-regulated** universal waste (such as fluorescent lamps, non-automotive batteries, and mercury switches) then you will need to obtain a permanent EPA ID number from the U.S. Environmental Protection Agency. If applicable, the inspector will ask to see proof of issuance of this number.

You should note that if you are required to obtain a permanent federal EPA ID number, then you are not also required to obtain a permanent California EPA ID number. To obtain a permanent California EPA ID number, go to http://www.dtsc.ca.gov/HazardousWaste/upload/GISS_FORM_1358.pdf. To obtain a permanent federal EPA ID number, go to <http://www.epa.gov/Region9/waste/epanums.html>.

4. Inventory Logs or Other Documents Used to Track Accumulation Times

California Code of Regulations, title 22, §66273.35

The inspector will ask you to demonstrate that your e-waste has not been onsite for more than a year. If you have a small operation, you should be able to make this demonstration simply by showing the inspector the accumulation start times on each pallet or box of EDs, CRTs, and/or CRT glass. If you have a larger operation, you may (as an alternative to marking accumulation times) maintain an inventory system that identifies the date each waste was received. You should have this inventory system or log ready to show the DTSC inspector. The inventory system should be designed to track specific items (or single boxes/pallets of small items) and should include dates and a brief description of how the items are tracked from one end of your warehouse to the other. The inspector may ask for a representative number of logs in order to confirm that no items are accumulated for more than one year.

5. Training Records

California Code of Regulations, title 22, §66273.36

E-waste handlers, regardless of whether they treat, dismantle, or only collect e-waste, are required to formally train their personnel on the proper management of electronic devices. The training must include guidelines on the proper UW **management** (that prevents release), the **hazards** associated with the management of e-waste (such as the risk of exposure to heavy metals) and **emergency response procedures** for responding to releases.

If you have just opened a new e-waste recycling facility, you may not know where to find appropriate training material to provide your personnel. DTSC does not publish standard e-waste training materials for businesses to use because each company handles and/or treats a wide variety of devices using any of a number of different collection, dismantling, or treatment methods; in other words, there is no “one size fits all” training.

If you are unsure of what kind of training records to prepare, you may

- 1) Do an assessment of all your personnel handling activities onsite and identify what personnel need to know to protect themselves and the environment;
- 2) Go to <http://www.dtsc.ca.gov/HazardousWaste/EWaste/MoreInfo.cfm> and review the many informational documents available, and extract information as appropriate for your own use; and/or
- 3) Check with your downstream recycler to see what types of training materials they have that you may incorporate into your training materials.

You should document that **initial training** was provided to your personnel and also document each **annual review** of the initial training. The inspector may ask to see records of personnel training for the last **three years**.

Training sign-in sheets and **class syllabi** (a description of the training topics discussed), taken together, may prove compliance with the written training records requirement.

6. Proof that You Have Contacted the Local Air District to Check if You Need a Permit

California Code of Regulations, title 22, §66273.74(c)(1)A3

Almost all recyclers who treat, as well as some facilities that conduct yoke removal and shred EDs to scrap-metal sized particles, will require an air permit from the local air pollution control district or air quality management district. Facilities can access the Air Resource Board's (ARB) Local Air District Directory at <http://www.arb.ca.gov/capcoa/roster.htm> to obtain the appropriate contact to see if they need an air permit.

File any and all permit paperwork where it can be readily retrieved. If the local air district decides you do not need a permit but will not issue you a statement as such, make a note of who you contacted, when, and the basis for not needing a permit. File this information where it can be readily located to show to the DTSC inspector.

7. Log of Both Incoming and Outgoing Shipments

California Code of Regulations, title 22, §66273.39 and §66273.38

The inspector will ask to see a log, invoice, manifest, bill of lading, or other shipping document that shows the names and addresses of handlers that you receive e-waste from and ship e-waste to, along with the quantity of each type of e-waste received or shipped and the date of shipment. You may be asked to provide **three years' worth** of both incoming and outgoing shipment documents. Pricing and other sensitive information on these documents can, of course, be blacked out. Please be sure to keep your shipment logs in reasonable order so that the inspector can review them with no difficulty.

8. Export Notification(s) and Acknowledgement of Consent (AOC) Documents

California Code of Regulations, title 22, §66273.40

The inspector may ask to see **three years' worth** of all applicable documents and notification(s) listed directly below.

If you plan to send e-waste (but not **components** of e-waste such as circuit boards, wires, or mother boards) directly to a facility in another country, you must provide a complete export notification to DTSC at least **60 days** prior to export. You can access the notification form at http://www.dtsc.ca.gov/HazardousWaste/EWaste/upload/Export-form-1478_final.pdf.

Whether you must submit **additional** export notification paperwork depends on the **type** of e-waste you will export, as well as its intended **disposition** when it reaches its

ultimate foreign destination. You will need to notify the U.S. Environmental Protection Agency (EPA) if you will export CRT devices, CRTs, or unprocessed CRT glass. A one-time notification to U.S. EPA Headquarters is sufficient if the CRTs will be **reused**, but an **Acknowledgment of Consent (AOC)** must be secured with the U.S. EPA Region IX office in San Francisco if the CRTs or CRT glass will be **recycled** (see 40 CFR § 261.39(a)(5), 40 CFR §261.41, and <http://www.epa.gov/waste/hazard/international/crts/recycling.htm> for more information). DTSC must receive a **copy** of any notification(s) and AOC(s) filed with U.S. EPA.

Finally, if you export **Covered Electronic Devices (CEDs)** as defined in Public Resources Code § 42476.5, you must comply with the notification and demonstration requirements described in detail at http://www.dtsc.ca.gov/HazardousWaste/EWaste/upload/FAQ_Elec_Devices_Export.pdf. Covered Electronic Devices include CRT devices, CRTs, CRT monitors, CRT TVs, LCD monitors or televisions, plasma TVs, portable DVD players with LCD screens, and laptop computers with LCDs screens.

To help distinguish the DTSC, U.S. EPA, and Public Resources Code export requirements, please see <http://www.dtsc.ca.gov/PollutionPrevention/upload/Table.pdf>.

9. Proper Classification and Management of Treatment Residuals

California Code of Regulations, title 22, §66273.72(a)(2)B; Health and Safety Code §25143.9

Once you dismantle or treat an electronic device onsite, you generate residuals which may be HW (such as PCB oil), universal waste (such as button batteries), scrap metal (such as circuit boards) or non-hazardous waste (such as plastic). If you relied on analytical test results to make your determination that a residual was non-hazardous, you should have these test results ready to show the DTSC inspector. If you relied on your generator knowledge to determine that a residual was non-hazardous, you should be ready to explain your determination to the inspector.

You may find DTSC's "Electronic Devices and Electronic Device Dismantling" Q&A helpful during this process: http://www.dtsc.ca.gov/HazardousWaste/EWaste/upload/E-Waste_Q-A.pdf.

If you have determined that your residual (such as shredder baghouse dust) is an **excluded recyclable material**, you should provide the inspector with lab results, bills of lading and/or manifests, and whatever other records are required to demonstrate that you meet the recycling exclusions described in statute. Recycling exclusions are complex and compliance with such exclusions may be evaluated on a case-by-case basis. Documents typically requested by DTSC include those that prove the composition of the waste and demonstrate that the waste will be effectively recycled.

10. Demonstration of Reuse (Refurbishment)

California Code of Regulations, title 22, §66273.3(d)

Once you notify DTSC of your e-waste handling activities, DTSC will consider the electronic devices that you accept from offsite to be **wastes, unless and until** you make the demonstration required by California Code of Regulations, title 22, §66273.3(d) that there is a **known market** or **disposition** for the items as electronic devices. This applies to refurbishers of electronic waste. The demonstration must be based upon appropriate documentation, such as a **record** that there is a known market or disposition for the device. DTSC shall determine what constitutes appropriate documentation on a case-by-case basis.

For more guidance on refurbishment and reuse of electronic devices, go to <http://www.dtsc.ca.gov/HazardousWaste/EWaste/MoreInfo.cfm>.

11. (Treatment facilities only) Proof that You are Zoned by the Local Authorities to Conduct Your E-Waste Activity

California Code of Regulations, title 22, §66273.75(e)(1)

If you generate hazardous waste treatment residuals from the shredding of electronic devices, and/or break CRT glass, you must ensure that your activities are consistent with local zoning and land use requirements. DTSC suggests that you contact your local city planning/building department to verify that you are in conformance with their zoning ordinances. If a city says you are not zoned for a particular activity, DTSC cannot intervene and preempt the city's decision, regardless of whether you've already notified DTSC or not.

Keep a record of your city's zoning determination (which may be in the lease agreement, business license, or other document) available to show the DTSC inspector.

12. (Treatment facilities only) Closure Plan, Closure Cost Estimate, Financial Assurance, and Financial Responsibility Documents

California Code of Regulations, title 22, §66273.76

The Closure Cost Estimate (CCE), Financial Assurance (FA), and Financial Responsibility (FR) documentation requirements are complex and apply to a relatively small proportion of the regulated e-waste community. E-waste recyclers who crush glass and/or shred EDs should read more about the FA/FR/CCE requirements by reading the regulatory section listed directly above and by reviewing DTSC's July 2009 Fact Sheet at <http://www.dtsc.ca.gov/HazardousWaste/EWaste/upload/Closure-and-Financial-Requirements-for-Recyclers.pdf>.

FA/FR/CCE documentation requirements do not apply to e-waste collectors, and those e-waste recyclers who only 1) remove yokes, 2) dismantle EDs, and/or 3) produce only scrap metal from their treatment of EDs, **and** who do not practice any hazardous waste activity outside the scope of the California Code of Regulations, title 22, chapter 23 e-waste regulations.

DTSC maintains a detailed guidance document on how to prepare a Closure Plan and Closure Cost Estimate; this document is available upon request by contacting DTSC's Electronic Waste Team Leader, Rita Hynarowski (see below).

Disclaimer:

This document is not intended to be a comprehensive reference and is not meant to supersede the regulations and requirements governing the management of electronic waste. **This document does not preclude DTSC from requesting other documents to verify compliance.** For complete information on how to manage electronic wastes, please refer to California Code of Regulations, title 22, chapter 23.

Questions or Comments:

If you have questions about the material presented in this document, contact DTSC's Regulatory Assistance Office at 1-800-728-6942 or RAO@dtsc.ca.gov, or DTSC's Consumer Products Section at (916) 322-0348 or electronicwaste@dtsc.ca.gov.