



Linda S. Adams
Secretary for
Environmental Protection

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



Maziar Movassaghi,
Acting Director
Department of Toxic
Substances Control

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 California Integrated Waste Management Board's (CIWMB's) Covered Electronic Waste (CEW) payment program, you know that CIWMB 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 to increase 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/HWMP_eo-02-006-pp_Inspection.pdf.)

The inspector will evaluate your compliance using the standard e-waste **inspection checklist**. DTSC has posted this checklist on its web site at http://www.dtsc.ca.gov/HazardousWaste/EWaste/upload/Ewaste_Final_UW_Handlers_checklist.pdf so that you know what is expected of you. You may even consider using this inspection checklist for **self-auditing purposes**.

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 a list of documents that he/she will need to review; this will 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 and §66273.88)
- How items are tracked from the point of arrival, through the treatment process, until the time that residuals are shipped offsite (described more in item 5 below)
- The end disposition of UWED residuals such as batteries, toner ink, etc.

What Documents Should You Have Ready?

1. Notification as Handler

UWEDs: California Code of Regulations, title 22, §66273.33(d)(2)(A)

CRTs: California Code of Regulations, title 22, §66273.82(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. DTSC recommends that you have a copy of your notification on file.

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

UWEDs: California Code of Regulations, title 22, §66273.33(d)(2)(B)

CRTs: California Code of Regulations, title 22, §66273.82(b)(2)

If you 1) accept more than 100 kilograms or 220 pounds of UWEDs from any offsite source, 2) accept more than five CRTs or CRT devices, or 3) accept more than 100 kilograms of CRT glass per calendar year, 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. The inspector may ask to see annual reports for the last several years, depending on when the last inspection was conducted.

3. Training Records

UWEDs: Not currently required

CRTs: California Code of Regulations, title 22, §66273.86

If your facility collects or recycles CRT materials, you should train your employees on proper handling, emergency procedures, and hazards associated with handling CRT materials (i.e., leaded glass). You should document that **initial training** occurred and also document each **annual review** of the initial training. The inspector may ask to see records of employee 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.

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

UWEDs: California Code of Regulations, title 22, §66273.35

CRTs: California Code of Regulations, title 22, §66273.85

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

UWEDs: California Code of Regulations, title 22, §66273.33(d)(3)(F)6g

CRTs: California Code of Regulations, title 22, §§66273.83(c)(11) and (d)(13)

Almost all processors, and many facilities that conduct yoke removal and shred UWEDs 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.

6. Proof that You are Zoned by the Local Authorities to Conduct Your E-Waste Activity

UWEDs: California Code of Regulations, title 22, §66273.33(d)(3)(F)4

CRTs: California Code of Regulations, title 22, §§66273.83(c)(14) and (d)(16)

As an e-waste handler, 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. If you are a recycler, make sure you have checked with the city that you are zoned to conduct **recycling** activities – **not** just to **collect** e-waste.

7. Log of Both Incoming and Outgoing Shipments

UWEDs: California Code of Regulations, title 22, §66273.39

CRTs: California Code of Regulations, title 22, §66273.89

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 or 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 Notices

UWEDs: California Code of Regulations, title 22, §66273.40

CRTs: California Code of Regulations, title 22, §66273.90

The export notification process is complex since the final U.S. EPA CRT Rule has been incorporated into the Hazardous and Solid Waste Amendment (HSWA) requirements, but not into current DTSC regulations. If you have a specific export-related question, please refer to the contacts listed in the "Questions or Comments" section below.

9. Proper Classification and Management of Treatment Residuals

UWEDs: California Code of Regulations, title 22, §66273.33(d)(3)(F)5; Health and Safety Code §25143.9

CRTs: California Code of Regulations, title 22, §§66273.83(c)(13) and (d)(15); Health and Safety Code §25143.9

Once you dismantle or otherwise treat a UWED or CRT 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.

If you have determined that your UWED 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)

UWEDs and CRTs: California Code of Regulations, title 22, §66261.2(g)

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, §66261.2(g) that an item is **not** a waste. 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.

11. (Processors/Shredders only) Closure Cost Estimate, Financial Assurance, and Financial Responsibility Documents

UWEDs: California Code of Regulations, title 22, §66273.33(d)(3)(F)7

CRTs: California Code of Regulations, title 22, §66273.83(d)(3)

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 UWEDs should read more about the FA/FR/CCE requirements by referencing the citations listed directly above and by reviewing DTSC's November 2007 Fact Sheet at

http://www.dtsc.ca.gov/HazardousWaste/EWaste/upload/HWMP_FS_FA_Reg_1.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 UWEDs, and/or 3) produce only scrap metal from their treatment of UWEDs, **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.

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 specifically about submitting online notifications, annual reports or export notices, contact Andre Algazi at 324-3114 or aalgazi@dtsc.ca.gov. If you have questions about any other material presented in this document, contact DTSC's Electronic Waste Team Leader, Rita Hypnarowski, at (916) 255-3699 or rhypnaro@dtsc.ca.gov.