

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 they meet the following conditions:

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

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

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

(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 must be labeled or marked clearly with one of the following phrases: "Used cathode ray tube(s)- contains leaded glass" or "Leaded glass from televisions or computers." It must also be labeled "Do not mix with other glass materials."

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

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

(a) ~~Notify U.S. EPA of an intended export before the CRTs are scheduled to leave the United States. A complete notification should be submitted sixty days before the initial shipment is intended to be shipped off site. This notification may cover export activities extending over a twelve month or lesser period. The notification must be in writing, signed by the exporter, and include the following information:~~

(i) ~~Name, mailing address, telephone number, and U.S. EPA~~

- ~~identification number (if applicable) of the exporter of the CRTs.~~
- ~~(ii) The estimated frequency or rate at which the CRTs are to be exported, and the period of time over which they are to be exported.~~
  - ~~(iii) The estimated total quantity of CRTs specified in kilograms.~~
  - ~~(iv) All points of entry to and departure from each foreign country through which the CRTs will pass.~~
  - ~~(v) A description of the means by which each shipment of the CRTs will be transported [e.g., mode of transportation vehicle (air, highway, rail, water, etc.), type(s) of container (drums, boxes, tanks, etc.)].~~
  - ~~(vi) The name and address of the recycler and any alternate recycler.~~
  - ~~(vii) A description of the manner in which the CRTs will be recycled in the foreign country that will be receiving the CRTs.~~
  - ~~(viii) The name of any transit country through which the CRTs will be sent and a description of the approximate length of time the CRTs will remain in such country and the nature of their handling while there.~~
- ~~(b)~~
- ~~(i) Notifications submitted by mail should be sent to the following mailing address: "Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division, Mail Code 2254A, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460."~~
  - ~~(ii) Hand-delivered notifications should be sent to: "Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division, Mail Code 2254A, Environmental Protection Agency, Ariel Rios Bldg., Room 6144, 1200 Pennsylvania Ave., NW., Washington, DC."~~
  - ~~(iii) In both cases, the following must be prominently displayed on the front of the envelope: "Attention: Notification of Intent to Export CRTs."~~
- ~~(c) Upon request by U.S. EPA, the exporter must furnish to U.S. EPA any additional information which a receiving country requests in order to~~

~~respond to a notification.~~

- ~~(d) U.S. EPA will provide a complete notification to the receiving country and any transit countries. A notification is complete when U.S. EPA receives a notification which U.S. EPA determines satisfies the requirements of paragraph (A)(5)(a) of this rule. Where a claim of confidentiality is asserted with respect to any notification information required by paragraph (A)(5)(a) of this rule, U.S. EPA may find the notification not complete until any such claim is resolved in accordance with 40 CFR 260.2.~~
- ~~(e) The export of CRTs is prohibited unless the receiving country consents to the intended export. When the receiving country consents in writing to the receipt of the CRTs, U.S. EPA will forward an "Acknowledgment of Consent to Export CRTs" to the exporter. Where the receiving country objects to receipt of the CRTs or withdraws a prior consent, U.S. EPA will notify the exporter in writing. U.S. EPA will also notify the exporter of any responses from transit countries.~~
- ~~(f) When the conditions specified on the original notification change, the exporter must provide U.S. EPA with a written re-notification of the change, except for changes to the telephone number in paragraph (A)(5)(a)(i) of this rule and decreases in the quantity indicated pursuant to paragraph (A)(5)(a)(iii) of this rule. The shipment cannot take place until consent of the receiving country to the changes has been obtained [except for changes to information about points of entry and departure and transit countries pursuant to paragraphs (A)(5)(a)(iv) and (A)(5)(a)(viii) of this rule] and the exporter of CRTs receives from U.S. EPA a copy of the "Acknowledgment of Consent to Export CRTs" reflecting the receiving country's consent to the changes.~~
- ~~(g) A copy of the "Acknowledgment of Consent to Export CRTs" must accompany the shipment of CRTs. The shipment must conform to the terms of the acknowledgment.~~
- ~~(h) If a shipment of CRTs cannot be delivered for any reason to the recycler or the alternate recycler, the exporter of CRTs must re-notify U.S. EPA of a change in the conditions of the original notification to allow shipment to a new recycler in accordance with paragraph (A)(5)(f) of this rule and obtain another "Acknowledgment of Consent to Export CRTs."~~
- ~~(i) Exporters must keep copies of notifications and "Acknowledgments of Consent to Export CRTs" for a period of three years following receipt of the acknowledgment.~~

(5) Exports. In addition to the applicable conditions specified in paragraphs (A)(1) to (A)(4) of this rule, exporters of used, broken CRTs must notify U.S. EPA of an intended export before the CRTs are scheduled to leave the United States, and must comply with the notification requirements in 40 CFR 261.39 (a)(5)(i) to (a)(5)(ix). Notifications submitted by mail should be sent to "Office of Enforcement and Compliance Assurance, Mail Code 2254A, 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, Environmental Protection Agency, Ariel Rios Bldg., Room 6144, 1200 Pennsylvania Ave., NW., Washington, DC." In both cases, the following must 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 U.S. 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 they 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 must be performed within a building with a roof, floor, and walls; and
    - (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 it is speculatively "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 must comply with the requirements of rules 3745-266-20 to 3745-266-23 of the Administrative Code instead of the requirements 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: 03/17/2012

R.C. 119.032 review dates: 11/30/2011 and 08/25/2016

CERTIFIED ELECTRONICALLY

---

Certification

03/06/2012

---

Date

Promulgated Under: 119.03  
Statutory Authority: 3734.12  
Rule Amplifies: 3734.12  
Prior Effective Dates: 09/05/2010