

310 CMR 16.00 is amended as follows:

16.02

~~Cathode Ray Tube, CRT or Intact CRT means an intact glass tube used to provide the visual display in televisions, computer monitors, oscilloscopes and similar scientific equipment, but does not include the other components of an electronic product containing a CRT even if the product and the CRT are disassembled.~~

~~CRT Operation means an area or works other than a household that is used for the collection, storage, transfer, containment, or handling of Non-commodity CRTs. The CRT Operation is the place where the determination of whether a CRT is a Non-commodity CRT is made. An operation only handling commodity CRTs is not a CRT Operation. An organization that accepts CRTs for resale is not regulated if it doesn't make the determination that a CRT is not a commodity CRT, but rather leaves that determination to its transferees.~~

~~Non-commodity CRT means a CRT that has been determined will not be returned to service as an operable CRT, and has not been disposed.² CRTs that are disposed of intact, and CRTs that are crushed or ground up (excluding monochrome CRTs) are subject to 310 CMR 30.000: Hazardous Waste. All CRTs are recyclable once they are determined not to be commodities as operable CRTs.~~

16.03(2)(a)1. hereby is amended as follows:

(2) The activities listed in this subsection at 310 CMR 16.03(2)(a) through (c) do not require a site assignment, a facility permit pursuant to 310 CMR 19.000: *Solid Waste Management*, a general permit pursuant to 310 CMR 16.04, or a recycling, composting or conversion permit pursuant to 310 CMR 16.05, provided that the owner and operator incorporates best management practices in a manner that prevents an unpermitted discharge of pollutants to air, water or other natural resources of the Commonwealth, does not create a public nuisance, and does not present a significant threat to public health, safety or the environment.

(a) Handling Solid Waste.

1. Temporary Solid Waste Storage. Temporary storage of solid waste in dumpsters, roll-offs, or other temporary storage containers for the collection of solid waste generated on-site.

~~This storage exemption shall not apply to a CRT operation.~~

2. Temporary Storage by a Public Works Department. Dumpsters, roll-offs,
or.....

16.03(2)(b)7.-8. is hereby deleted as follows:

~~7. Occasional Non-commodity CRT Vehicle Layover. Property owned or leased by a transporter of Non-commodity CRTs to hold Non-commodity CRTs prior to transportation to a CRT Operation, a CRT recycling facility, or a permitted hazardous waste treatment, storage or disposal facility, provided that Non-commodity CRTs are~~

held in a enclosed vehicle at the site for no longer than ten days.

8. CRT Operation. A CRT Operation, provided that the owner and operator of the CRT Operation complies with the following additional conditions:

- a. The owner and operator of the CRT Operation collect, store, handle and transport CRTs in a manner that prevents and minimizes breakage, and immediately contain all releases resulting from inadvertent breakage of CRTs, clean up any broken material and safely package any broken material in containers resistant to puncture by glass pieces;
- b. The owner and operator of the CRT Operation store and maintain CRTs segregated from any solid waste (in other words, do not put CRTs in a dumpster);
- c. When shipping a Non-commodity CRT to foreign countries, the owner and operator of a CRT Operation meet the requirements at 310 CMR 30.1039: *Exports*;
- d. The owner and operator of a CRT Operation transfer Non-commodity CRTs only to another CRT Operation, a CRT recycling facility, or a permitted hazardous waste treatment, storage and disposal facility (a CRT recycling facility includes out-of-state smelters and facilities that conduct glass-to-glass recycling.);
- e. The owner and operator of a CRT Operation label Non-commodity CRTs as follows: "Non-commodity Cathode Ray Tubes" or "Non-commodity CRTs";
- f. The owner and operator of a CRT Operation hold a CRT for no longer than one year from its date of receipt. A CRT stored for more than one year is presumed to be a Non-commodity CRT. Such presumption may be rebutted if the owner or operator has documentation demonstrating that the CRT is intended to be returned to service as an operable CRT. The owner and operator of a CRT Operation may store CRTs for longer than one year from the date of receipt solely for the purpose of accumulating such quantity of CRTs as is necessary to facilitate proper shipment (*e.g.* economically viable load), recovery, treatment or disposal. The owner and operator of a CRT Operation bear the burden of demonstrating the need for any such additional period of accumulation;
- g. If the owner or operator of a CRT Operation accumulates more than 40 tons of Non-commodity CRTs on-site for more than 21 calendar days, then the owner or operator of the CRT Operation shall:
 - i. Notify the Department in writing of the activity within ten days of the first occurrence. Once the threshold is exceeded during a calendar year, a CRT Operation shall retain its regulated status under this provision for the remainder of the calendar year. The owner or operator of a CRT Operation that has not already notified the Department of its CRT activities and anticipates accumulating 40 tons or more of Non-commodity CRTs shall send written notification to the Department, before meeting or exceeding the 40-ton/21-day limit;
 - ii. Maintain records of incoming and outgoing CRTs, including from where each shipment was received and where each shipment was sent;
 - iii. Maintain a system that demonstrates the duration of CRT accumulation; and
 - iv. Maintain records for three years. This period shall extend automatically for the duration of any enforcement action;
- h. The owner and operator of a CRT Operation allow DEP to enter the facility to conduct inspections;
- i. An owner or operator of a CRT Operation that violates any of the conditions in 310 CMR 16.03(2)(b)8.g.i. through iv. may be subject to enforcement pursuant to

310 CMR 16.05; and

~~j. The owner or operator of a CRT Operation maintains accurate records and annually submits by February 15th to the Department a report on a form provided by the Department that includes, at a minimum, the amounts and types of materials recycled and the amount of residuals sent for disposal.~~