

00:00:24.120 --> 00:00:26.060

Hottinger, Janis [DEP]

Since it's just a few minutes after lunch,

00:00:26.270 --> 00:00:28.880

Hottinger, Janis [DEP]

we're going to give you a few more minutes to join the meeting.

00:00:30.600 --> 00:00:35.860

Kloo, Karen [DEP]

I would also suggest everybody mute themselves because there's quite a bit of background noise.

00:00:35.930 --> 00:00:36.300

Hottinger, Janis [DEP]

OK.

00:00:37.820 --> 00:00:39.470

Hottinger, Janis [DEP]

Would everyone mute themselves please

00:00:40.470 --> 00:00:41.720

Hottinger, Janis [DEP]

while everyone joins in?

00:00:52.470 --> 00:00:53.200

Hottinger, Janis [DEP]

OK.

00:00:55.240 --> 00:01:00.020

Hottinger, Janis [DEP]

Welcome everyone, we're going to begin now by going over the general disclaimer

00:01:00.670 --> 00:01:03.320

Hottinger, Janis [DEP]

slide, if you could please read the slide.

00:01:11.890 --> 00:01:19.360

Hottinger, Janis [DEP]

If we mentioned or show any pictures or trade names of equipment companies or services, they are not endorsements by DEP.

00:01:20.110 --> 00:01:34.370

Hottinger, Janis [DEP]

Also, the information in this presentation is meant for discussions about various existing and potential regulatory mechanisms. No final decision regarding the information in this meeting is expressed or implied by DEP.

00:01:37.220 --> 00:01:38.180

Hottinger, Janis [DEP]

Next slide please.

00:01:40.850 --> 00:01:44.970

Hottinger, Janis [DEP]

Good afternoon my name is Janis Hottinger supervisor of the E-waste unit.

00:01:45.720 --> 00:01:51.400

Hottinger, Janis [DEP]

Thank you for joining DEP today to discuss the revisions to electronic waste rule amendments.

00:01:53.590 --> 00:01:54.550

Hottinger, Janis [DEP]

Next slide please.

00:01:58.660 --> 00:02:10.150

Hottinger, Janis [DEP]

Amendments to the rules are necessary to accurately reflect the revisions to the E waste law, which was enacted in January of 2017 with full implementation beginning in 2018.

00:02:11.060 --> 00:02:14.780

Hottinger, Janis [DEP]

The rules are being rewritten to clarify and better enforce these revisions.

00:02:15.500 --> 00:02:22.030

Hottinger, Janis [DEP]

This slide presentation format is similar to the stakeholder meeting held in October of 2019.

00:02:22.650 --> 00:02:33.910

Hottinger, Janis [DEP]

After that meeting we took your concerns into account as we amended the rules therefore some of the information on the slides will be different today as we move closer to formally proposing the rules.

00:02:35.590 --> 00:02:40.030

Hottinger, Janis [DEP]

Definitions will be described and refined within each speaker's presentation.

00:02:40.870 --> 00:02:53.050

Hottinger, Janis [DEP]

The roles and responsibilities of original equipment manufacturers group plan administrators authorized recyclers and local government units have been clearly defined to ensure compliance.

00:02:53.860 --> 00:02:58.090

Hottinger, Janis [DEP]

The credit process of accumulation and trading will be clarified.

00:02:58.880 --> 00:03:05.520

Hottinger, Janis [DEP]

Compliance with and enforcement of the rules have been refined so that everyone is aware of the expectations.

00:03:06.580 --> 00:03:07.750

Hottinger, Janis [DEP]

Next slide please.

00:03:10.100 --> 00:03:19.900

Hottinger, Janis [DEP]

The goal of this meeting is to take what we hear from you, industry experts, environmental organizations and local and county partners and improve the existing rules.

00:03:20.590 --> 00:03:26.970

Hottinger, Janis [DEP]

The final rule would be reflective of the diverse perspectives we receive and how they fit into the framework of the law.

00:03:29.110 --> 00:03:29.990

Hottinger, Janis [DEP]

Next slide please.

00:03:34.110 --> 00:03:45.130

Hottinger, Janis [DEP]

The following are members of the rulemaking team assistant commissioner's office, site remediation and waste program, Judith Andrejko Esquire, regulatory officer and facilitator.

00:03:45.860 --> 00:03:53.240

Hottinger, Janis [DEP]

Bureau of recycling and hazardous waste management, Daniel Clark, PhD environmental specialist and rule manager.

00:03:53.870 --> 00:03:54.760

Hottinger, Janis [DEP]

Karen Kloo

00:03:55.480 --> 00:03:56.280

Hottinger, Janis [DEP]

Bureau chief.

00:03:57.770 --> 00:03:59.550

Hottinger, Janis [DEP]

Janis Hottinger Supervisor.

00:04:00.420 --> 00:04:02.900

Hottinger, Janis [DEP]

Scott Compton environmental specialist.

00:04:04.070 --> 00:04:06.160

Hottinger, Janis [DEP]

John Dickinson rule assistant.

00:04:07.990 --> 00:04:13.930

Hottinger, Janis [DEP]

And the Bureau of hazardous waste compliance and enforcement, Nick Baier environmental specialist.

00:04:16.150 --> 00:04:21.000

Hottinger, Janis [DEP]

Judy Andrejko will be facilitating the question-and-answer sessions for this meeting.

00:04:22.700 --> 00:04:23.630

Hottinger, Janis [DEP]

Next slide please.

00:04:26.460 --> 00:04:33.760

Hottinger, Janis [DEP]

DEP wants to ensure that all present have an opportunity to provide input and comments so I'm going to go over the meeting guidelines.

00:04:34.590 --> 00:04:40.930

Hottinger, Janis [DEP]

Please enter your first and last name and the organization you represent in the chat box in lieu of a sign in sheet.

00:04:42.100 --> 00:04:50.380

Hottinger, Janis [DEP]

Also, please use the chat box to enter questions about technical difficulties during the presentation such as you cannot hear or see someone.

00:04:51.250 --> 00:04:55.470

Hottinger, Janis [DEP]

Please ensure that your microphone is muted and that your camera is off when not speaking.

00:04:56.650 --> 00:05:06.240

Hottinger, Janis [DEP]

When called on to speak, please unmute your microphone and consider turning on your camera. When you have finished speaking, please re-mute your microphone and turn off your camera.

00:05:07.380 --> 00:05:11.410

Hottinger, Janis [DEP]

Please speak slowly and clearly and state your name and affiliation.

00:05:12.500 --> 00:05:17.480

Hottinger, Janis [DEP]

Question and answer sessions will be offered throughout the presentation and at the very end.

00:05:18.730 --> 00:05:23.700

Hottinger, Janis [DEP]

Please use the hand symbol to ask a question during the question-and-answer sessions.

00:05:24.350 --> 00:05:31.330

Hottinger, Janis [DEP]

For those unfamiliar with this feature, hover your cursor over the hand symbol and click it to effectively raise your hand.

00:05:32.650 --> 00:05:41.220

Hottinger, Janis [DEP]

If you have multiple questions about each topic, please allow others time to speak and direct your remaining questions to the panel at the end of the presentation.

00:05:42.510 --> 00:06:04.220

Hottinger, Janis [DEP]

You will notice that certain statements are in different colors. We were using orange to denote concepts that have not yet implemented but are proposed in the rules, yellow to denote concepts that DEP has begun implementing, and green to denote concepts that are in the law and had been in effect since 2018.

00:06:06.270 --> 00:06:07.340

Hottinger, Janis [DEP]

Next slide please.

00:06:09.710 --> 00:06:20.080

Hottinger, Janis [DEP]

The following topics of discussions the following topics will be discussed by the E waste unit members program overview obligation collection plans.

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Hottinger, Janis [DEP]

Credit program, performance standards, record keeping, compliance and enforcement, fee schedule, and closing remarks.

00:06:30.050 --> 00:06:36.780

Hottinger, Janis [DEP]

I'm now going to hand the meeting over to Scott Compton, who will discuss the general overview of the program. Scott.

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Compton, Scott [DEP]

Yes, thanks Janis, I'm just going to give a brief overview of the program. The program year for New Jersey's electronics recycling law starts on January first. At this time, all registrations and registration fees are due. In the spring, the DEP calculates market share percentages and market share weight obligations for the following year. A market share percentage and estimated-market-share-in-weight is determined and issued to those manufacturers with the market share greater than 0.01%.

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Compton, Scott [DEP]

Once issued there is a window of 10 days whereby a manufacturer has an opportunity to dispute the market share or estimated-market-share-in-weight.

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Compton, Scott [DEP]

Sixty days from the estimated-market-share-in-weight notification, manufacturer collection plans are due. If a manufacturer chooses to work with a group plan administrator, the group plan administrator must submit a group plan designation form signed by the manufacturer 20 days prior to the collection plan due date. Collection plans are reviewed individually, and also as a whole, to evaluate the sufficiency of the entire collection network.

00:07:51.620 --> 00:08:14.950

Compton, Scott [DEP]

The next event in the annual cycle is the submission of a semiannual collection report. The purpose of the semiannual collection report is to show the progress of the collection plan. There are 2 semiannual reports required per program year. The first is due on August first for the January through June time period and the second is due February first for the July through December time period.

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Compton, Scott [DEP]

A thorough review and analysis of the semiannual reports is performed comparing total collections versus estimated obligations.

00:08:24.410 --> 00:08:30.840

Compton, Scott [DEP]

The final step is the credit accumulation and trading process. We will review this process a little bit later in the presentation.

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Compton, Scott [DEP]

Next slide please.

00:08:33.900 --> 00:08:36.490

Compton, Scott [DEP]

Determination of estimated-market-share-in-weight.

00:08:37.350 --> 00:09:08.500

Compton, Scott [DEP]

The New Jersey E waste law contains 3 categories of covered electronic devices or CEDs: Televisions; computers monitors and tablets; and desktop printers and desktop faxes. The DEP apportions estimated weight obligations based on the percent of national sales weight for each CED category using national sales data for the most recent 12-month period. Individual market shares by category are added together to determine a manufacturers overall market share for those manufacturers who sell CEDs in more than one category. Next slide.

00:09:17.510 --> 00:09:19.590

Compton, Scott [DEP]

Determination of estimated-market-share-in-weight.

00:09:20.320 --> 00:09:51.010

Compton, Scott [DEP]

The DEP determines the total weight of CEDs collected in the prior program year and multiplies that by the manufacturers program year market share to determine the manufacturers estimated-market-share-in-weight for a program year. The DEP then provides the manufacturer with its program year market share and its estimated-market-share-in-weight via an estimated-market-share-in-weight notice. A manufacturer receiving an estimated-market-share-in-weight...

00:09:51.070 --> 00:10:13.680

Compton, Scott [DEP]

...notice may comment on their program year market share, or their estimated-market-share-in-weight and propose a different program year market share or estimated-market-share-in-weight within 10 business days of receiving the notice. And now I will turn it over to Dan, who will be talking about things that will change or codification of how things have already been done.

00:10:14.400 --> 00:10:19.930

Clark, Daniel [DEP]

Thank you Scott.

00:10:20.630 --> 00:10:44.820

Clark, Daniel [DEP]

So manufacturers must submit a collection plan to the DEP within 60 days of receiving its estimated-market-share-in-weight. The plan must include the methods and services that would be used to collect CEDs, including identifying information about the collection sites and events, and a description of the processes and methods that would be used to recycle CEDs, including identifying information about

00:10:45.650 --> 00:11:11.180

Clark, Daniel [DEP]

authorized recyclers that'd be used or a description of the means that would be used to publicize collection services entered description of how the manufacturer intends to meet its collection obligation through its own operations. Additionally, this certification template must be included and manufacturers and group plan administrators are already familiar, this really hasn't changed substantively in the new rules. Next slide, please.

00:11:12.990 --> 00:11:43.760

Clark, Daniel [DEP]

And Scott touched on this briefly you know, there's not a whole lot that changed in terms of the semiannual reports. They are due by February first and August first of each year for every manufacturer or group plan administrator operator of a collection site or authorized recycler and if this submit you know each of those entities must submit semiannual report to DEP and to be clear, the February first report covers the July to December reporting period of the previous year, whereas the August first report

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Clark, Daniel [DEP]

covers the January to June period. Every manufacturer must report on its progress in collecting its estimated-market-share-in-weight, every group plan administrator must report for each of its manufacturers the total weight of CEDs collected for each manufacturer and certain information for each authorized recycler for whom the GPA purchased weight.

00:12:07.580 --> 00:12:12.770

Clark, Daniel [DEP]

Every GPA must also submit a report summarizing the information reported for its manufacturers.

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Clark, Daniel [DEP]

Every operator of a collection site must report the weight of CEDs collected at the site and certain information on CEDs transported from this site, and every authorized recycler must report on the collection, transportation, and sale of weight recycled at the facility, and the disposition of any recycled CED or residue from the recycling process. Next slide, please.

00:12:35.750 --> 00:12:58.620

Clark, Daniel [DEP]

And, this is just a heads up, that you know we are planning on making a small change to the authorized recyclers semiannual report, starting for the 2022 program here, so this will be the semiannual reports due on August first of 2022 that we're just going to add a tab for consolidated line by line.

00:12:59.220 --> 00:13:06.980

Clark, Daniel [DEP]

Total amounts of weight sold to each manufacturer GPA, and this is information already provided to DEP and aggregate, but just this way,

00:13:07.520 --> 00:13:18.240

Clark, Daniel [DEP]

it allows us to process the reports faster, which you know means getting back to everybody faster in terms of making sure we clear if any issues with their reports.

00:13:18.950 --> 00:13:19.900

Clark, Daniel [DEP]

Next slide please.

00:13:21.930 --> 00:13:37.570

Clark, Daniel [DEP]

And, so you know, this is some record keeping requirements for authorized recyclers and operators have collection sites and this lines up with what is already being done for, you know, R2 or E stewards that you know, are authorized recyclers are already subject to.

00:13:37.630 --> 00:14:09.470

Clark, Daniel [DEP]

So authorized recyclers would be required to maintain a covered electronic device receipt to be developed by DEP, which would contain information about the weight, type, place of origin and

transport of CEDs recycled at the facility and a record of each end user. Other recipient of recycled CEDs and a record of each load of residue transported for disposal and operator of a collection site would be required to maintain a record of CEDs transported to and from the site and an authorized recycler and operator of a collection site

00:14:09.520 --> 00:14:14.470

Clark, Daniel [DEP]

would be required to retain the records for a period of 3 years. Next slide, please.

00:14:16.850 --> 00:14:47.190

Clark, Daniel [DEP]

And these are, you know, some performance requirements that we're considering or have already been in place, that the operator of a collection site transporter authorized recyclers CEDs must be certified by the sustainable electronics recycling international's responsible recycling standard for electronics. Recyclers, which series R2 certification or the eSteward standard for responsible recycling and reuse of electronic equipment or another DEP approved accredited standard.

00:14:47.240 --> 00:14:56.860

Clark, Daniel [DEP]

We're not currently aware of any others that are, you know, active in North America. But if such a standard were to arise or be brought to our attention, we would certainly consider it.

00:14:57.550 --> 00:15:21.860

Clark, Daniel [DEP]

Additional performance requirements for operators of collection sites would include adequately staffing and securing the site and training staff to properly handle electronically stored personal information, and additional performance standards for ARs would include compliance with any state requirements for permits or approvals and that's, you know, not just New Jersey State requirements, but also that, you know, for those out-of-state recyclers that they need to be operating

00:15:22.430 --> 00:15:27.060

Clark, Daniel [DEP]

uh, within the law in whatever state they're operating in.

00:15:27.840 --> 00:15:28.860

Clark, Daniel [DEP]

Next slide please.

00:15:30.170 --> 00:16:00.900

Clark, Daniel [DEP]

So group plan administrators would be required to comply with the requirements of the rules for each of its participating manufacturers in the same manner. As a solo manufacturer during the program year group plan administrator may not sell any weight to manufacturers outside of its group or to another group plan administrator until it had collected each of its participating manufacturers estimated-market-share-in-weight for that year, and group plan administrators would be required to collect the actual-market-share-in-weight of each of its participating manufacturers

00:16:00.950 --> 00:16:03.840

Clark, Daniel [DEP]

in each program year. Next slide, please.

00:16:05.410 --> 00:16:38.040

Clark, Daniel [DEP]

And this slide specifically deals with authorized recyclers that also act as group plan administrators and you know, we're proposing that weight purchased from another authorized recycler would only be able to be sold to manufacturers within that group and not resold but weight collected transported and recycled from other sources that is weight collected transported recycled by the authorized recycler, acting as a GPA would be able to be sold to manufacturers outside their group or other manufacturers as well as manufacturers within the group.

00:16:38.980 --> 00:16:46.790

Clark, Daniel [DEP]

So that concludes my portion and I'm going to turn it over to Judy for our first Q&A.

00:16:48.820 --> 00:17:02.330

Andrejko, Judith [DEP]

Right, for any of you who may have questions about our prior presentations this afternoon, please raise your hand so that we can call on you and we can have direct communications with our speakers.

00:17:09.700 --> 00:17:11.140

Andrejko, Judith [DEP]

OK, first up.

00:17:12.160 --> 00:17:23.890

Andrejko, Judith [DEP]

Person that we've heard from is Andriana Kontovrakis. I don't know if I pronounced that correctly, but could you please turn on your audio and ask your question?

00:17:20.590 --> 00:17:20.890

Kontovrakis, Andriana

Yep.

00:17:24.440 --> 00:17:29.070

Kontovrakis, Andriana

Sure, hi. Just Dan could you walk through the last slide again hello I'm sorry.

00:17:34.390 --> 00:17:35.640

Kontovrakis, Andriana

You're on mute.

00:17:37.120 --> 00:17:45.070

Clark, Daniel [DEP]

Sorry. Yeah, the last slide what we are considering is that for those

00:17:45.770 --> 00:18:05.590

Clark, Daniel [DEP]

authorized recyclers that also act as a group plan administrator, so that are, you know, performing a dual role in New Jersey, that if those entities are purchasing weight, you know, that is weight that they are not processing as an AR, that is weight that they're buying from another authorized recycler

00:18:06.110 --> 00:18:11.660

Clark, Daniel [DEP]

that it would not be able to be resold outside of the group.

00:18:12.140 --> 00:18:19.310

Clark, Daniel [DEP]

Whereas weight, you know, processed by that authorized recycler that is also a group plan administrator

00:18:19.980 --> 00:18:36.270

Clark, Daniel [DEP]

could be sold ,you know, outside the group that is to say that, you know, if you have this AR that is also a group plan administrator and they're buying weight from another AR that they then should not be turning around and selling it to manufacturers outside of their group.

00:18:37.600 --> 00:18:39.570

Clark, Daniel [DEP]

Does that answer your question Andriana?

00:18:39.850 --> 00:18:40.730

Kontovrakis, Andriana

Yeah, thank you.

00:18:41.110 --> 00:18:41.910

Clark, Daniel [DEP]

You're welcome.

00:18:50.980 --> 00:18:52.260

Baier, Nicholas [DEP]

You are muted, Judy.

00:18:51.920 --> 00:18:52.860

Compton, Scott [DEP]

You're muted Judy.

00:18:53.860 --> 00:18:57.750

Andrejko, Judith [DEP]

Oh, good grief. Next up is Jaye Sims from Monmouth County.

00:18:59.340 --> 00:19:16.970

Jaye Sims-Monmouth County (Guest)

Thank you how you doing up just a quick question Dan we finally get to see each other face to face I talked to you a lot over emails and we just renewed our contract for electronics drop off and we're about to do the submission for the award letter. I just want I held off.

00:19:17.660 --> 00:19:30.020

Jaye Sims-Monmouth County (Guest)

Because of this stakeholders meeting. I just want to make sure I'm not missing anything and are there anything directly particular at you're looking for the drop off sites other than what you just covered in this past session.

00:19:31.260 --> 00:19:49.270

Clark, Daniel [DEP]

No and I mean, you know, I would say in terms of and I see, you know, Dawn also asked in the chat about expectations for training of staff, I mean, this is, you know, what we've been doing, you know, pretty much for the entirety of the program that, you know, it's expected that,

00:19:49.870 --> 00:19:55.430

Clark, Daniel [DEP]

you know, sites are staffed and secured is really the big thing that it can't be.

00:19:58.230 --> 00:20:06.120

Clark, Daniel [DEP]

I guess the biggest thing, you know, in terms of best practices and in terms of the, you know, certification schemes is that

00:20:07.220 --> 00:20:12.360

Clark, Daniel [DEP]

the collection sites should not be open in such a way that, you know, somebody

00:20:13.230 --> 00:20:32.600

Clark, Daniel [DEP]

could come in and, you know, be picking dropped off items out of there some outside person could be doing that. You know that it needs to be in some way staffed and secured so that way you're not having just random members of the public coming in and, you know, pulling

00:20:34.690 --> 00:20:36.430

Clark, Daniel [DEP]

items out of

00:20:37.280 --> 00:20:57.080

Clark, Daniel [DEP]

those drop off sites which is a standard that we've had in place I think for the entirety of the program, and, you know, if that's not the case I apologize. I've been with the Department a little over 2 and a half years, so I can't speak for the first couple years of the program, but I think, you know, at least since I've been here, that this is, you know, standard we've had.

00:20:58.820 --> 00:21:05.130

Clark, Daniel [DEP]

So I, you know, we don't, we're not really expecting any change in that way. Does that answer your question, Jaye.

00:21:05.430 --> 00:21:12.770

Jaye Sims-Monmouth County (Guest)

It does thank you. I just wanted to make sure I wasn't missing anything else before I give her purchasing the thumbs up with everything else. Thank you.

00:21:13.170 --> 00:21:21.190

Clark, Daniel [DEP]

Thank you and Dawn does that, you know, if that doesn't answer your question, please let me know too. I think that was also questioned you'd put in the chat.

00:21:22.980 --> 00:21:32.090

Dawn Latincsics

Yes, good afternoon, I just want to make sure the about the training, though staffing and securing is one thing would you expect the staff to have certain training other than?

00:21:32.810 --> 00:21:36.910

Dawn Latincsics

Covered versus non covered you know is there anything else that you were hoping for.

00:21:37.540 --> 00:21:44.630

Clark, Daniel [DEP]

No, no, I mean, really, you know, essentially what we've been doing no substantive changes in that way.

00:21:46.140 --> 00:21:46.590

Dawn Latincsics

Thank you.

00:21:46.860 --> 00:21:47.350

Clark, Daniel [DEP]

Uh-huh.

00:21:47.600 --> 00:21:50.470

Andrejko, Judith [DEP]

Next question is from David Hirschler.

00:21:53.140 --> 00:22:22.110

David Hirschler

Hi thanks, so yeah, I'm curious about a couple of things, so first of all the forms that you'd like the AR 's and collectors to use you said that that's going to be something that DEP develops or will it be something that we can use in equivalent or is it a requirement to use the DEPs form that you'll develop and if so can you walk through what's on going to be on that form?

00:22:25.300 --> 00:22:34.010

David Hirschler

Uh I think 3 slides earlier you have a requirement that CEDs receipts. Here it can go.

00:22:35.620 --> 00:22:38.920

David Hirschler

One more yeah, ah that was next one.

00:22:39.450 --> 00:22:39.820

Clark, Daniel [DEP]

Yeah.

00:22:41.000 --> 00:22:49.100

David Hirschler

So uh covered electronic device receipt so as you said that that was going to be developed by DEP can you walk through? What's on that form?

00:22:50.140 --> 00:22:56.090

Clark, Daniel [DEP]

No, we haven't developed that yet Dave and I mean, I think we would be that is something that we would

00:22:57.560 --> 00:23:02.230

Clark, Daniel [DEP]

approach that we would certainly be

00:23:03.010 --> 00:23:10.990

Clark, Daniel [DEP]

soliciting input and feedback from, you know, recyclers and collection sites to make that something,

00:23:11.840 --> 00:23:13.460

Clark, Daniel [DEP]

you know, that would probably

00:23:14.820 --> 00:23:35.650

Clark, Daniel [DEP]

And, you know, like I said, we, we haven't really this is not something that's been developed that also so I, I don't know, but it would be certainly something that we would be soliciting feedback from collection sites and recyclers for so it would be something that would be not adding documentation.

00:23:36.390 --> 00:23:42.220

Clark, Daniel [DEP]

Uh, you know, it is not our goal to be adding a

00:23:42.940 --> 00:23:46.740

Clark, Daniel [DEP]

documentation burden on anybody and

00:23:47.350 --> 00:23:51.250

Clark, Daniel [DEP]

I could certainly see this being something that would,

00:23:52.020 --> 00:24:03.650

Clark, Daniel [DEP]

you know, interact with whatever type of system people are working off of to make it easy. You know that is something we, we appreciate that, you know, everybody does

00:24:05.110 --> 00:24:20.220

Clark, Daniel [DEP]

keep records and that this is something that takes time and effort to do so. It's certainly something that if we were going to develop something new for record keeping we would it be in everybody's interest to do it in a way that made sense and was easy.

00:24:21.290 --> 00:24:27.320

David Hirschler

OK then my next question was you have a requirement that some

00:24:28.820 --> 00:24:33.340

David Hirschler

group administrators cannot sell weight outside of their

00:24:33.970 --> 00:24:38.390

David Hirschler

group until they met the obligation within their group.

00:24:39.250 --> 00:24:50.900

David Hirschler

Uhm I guess in the event that that's previously agreed upon and included in the plan is that something that.

00:24:51.610 --> 00:25:03.830

David Hirschler

And you know is there an exception to that, if it's been previously discussed as part of our group submission that. In addition to what we're collecting within the group. There will be weight that's sold outside of the group.

00:25:07.960 --> 00:25:14.630

Clark, Daniel [DEP]

Sorry I'm writing this down because this, you know, we're trying to keep track of your comments so that way as we move forward

00:25:15.580 --> 00:25:28.090

Clark, Daniel [DEP]

A man and, you know, so this is under consideration, and I think in particular, you know, ERI is in an interesting position in terms of, you know, you are one of our actors that is

00:25:28.750 --> 00:25:34.740

Clark, Daniel [DEP]

a group plan administrator that is also an AR up so,

00:25:35.890 --> 00:25:40.990

Clark, Daniel [DEP]

you know, along with the 18th slides so Tyrone 2 forward please.

00:25:41.620 --> 00:25:48.420

Clark, Daniel [DEP]

With the 17th sorry this one, yeah, so weight processed by ERI could be sold

00:25:49.310 --> 00:26:00.110

Clark, Daniel [DEP]

outside of the group prior to hitting their obligation, but not weight bought from other recyclers could then not re travel outside of the group would.

00:26:00.680 --> 00:26:03.700

Clark, Daniel [DEP]

Is that, does that sound right to everybody? Who's worked on this with me?

00:26:07.130 --> 00:26:09.410

Clark, Daniel [DEP]

Judy, Scott looks like you're nodding your head.

00:26:09.080 --> 00:26:11.350

Compton, Scott [DEP]

Yes, I was, but I was on mute yes.

00:26:10.090 --> 00:26:10.730

Clark, Daniel [DEP]

Yes.

00:26:13.080 --> 00:26:15.770

David Hirschler

OK, that makes more sense understood.

00:26:19.220 --> 00:26:20.960

Clark, Daniel [DEP]

Does that answer your question, Dave?

00:26:21.620 --> 00:26:22.520

David Hirschler

I think so.

00:26:23.470 --> 00:26:24.160

David Hirschler

Thank you.

00:26:25.400 --> 00:26:29.110

Andrejko, Judith [DEP]

Andriana, do you have an additional question your hand was still up?

00:26:33.540 --> 00:26:37.970

Kontovrakis, Andriana

I typed it in I just said. What is the rule implement implementation timeline.

00:26:38.680 --> 00:27:08.510

Andrejko, Judith [DEP]

Schedule wise we're hoping to propose in the New Jersey Register early next year, which then we would have a 60 day comment period and public hearing to receive additional feedback and comments from the regulated community and we would intend to adopt within one year of the publication of the proposal. So the actual adoption date and effective date of the rules would ideally be early 2023.

00:27:09.360 --> 00:27:11.130

Kontovrakis, Andriana

OK, OK, thank you.

00:27:11.380 --> 00:27:11.940

Andrejko, Judith [DEP]

Sure.

00:27:12.760 --> 00:27:16.430

Andrejko, Judith [DEP]

Uhm David Hirschler, you have a question your hand is up.

00:27:18.730 --> 00:27:20.870

David Hirschler

No, I just went I think I lowered my hand.

00:27:21.170 --> 00:27:27.320

Andrejko, Judith [DEP]

You know like maybe my system is a little bit slow, Patrick Santelli your question please.

00:27:27.920 --> 00:27:46.650

Patrick Santelli

Alright thanks this is Patrick Santelli with MRM. Dan this is in regards to slide 16 and I think Dave was asking the same question you know. MRM is a group plan administrator and do I read this correctly that the proposal is group plans cannot sell to manufacturers outside of their of their plan and that's correct, correct?

00:27:52.050 --> 00:27:53.480

Patrick Santelli

During the program year.

00:27:58.920 --> 00:28:03.440

Clark, Daniel [DEP]

Yes, I think if I'm understanding your question. Yes, that is the proposal.

00:28:04.120 --> 00:28:10.610

Patrick Santelli

And then would that apply to authorize recyclers as well would have MRM be able to sell to authorized recyclers during the program year.

00:28:15.000 --> 00:28:21.580

Clark, Daniel [DEP]

You know, I think in that case, I mean that should it be and you know this is a,

00:28:24.180 --> 00:28:26.570

Clark, Daniel [DEP]

you know, some of this is this comes down to

00:28:29.930 --> 00:28:30.990

Clark, Daniel [DEP]

record keeping.

00:28:32.060 --> 00:28:33.280

Clark, Daniel [DEP]

and I mean, I think

00:28:34.220 --> 00:28:36.500

Clark, Daniel [DEP]

that weight then should appear

00:28:37.520 --> 00:28:48.610

Clark, Daniel [DEP]

as a recycler-to-recycler transaction if it's being sold. You know, presumably MRM would be getting that weight from a recycler and it would then be being sold to another recycler.

00:28:49.240 --> 00:28:54.350

Clark, Daniel [DEP]

Uh so recycler-to-recycler transactions during the program year are allowable.

00:28:57.490 --> 00:28:58.360

Patrick Santelli

OK, thank you.

00:29:01.400 --> 00:29:07.050

Andrejko, Judith [DEP]

Does anyone have any other oral questions up Trisha Conroy?

00:29:12.700 --> 00:29:13.150

Andrejko, Judith [DEP]

Trisha.

00:29:15.590 --> 00:29:25.840

Tricia Conroy (Guest)

Thank you. I'm just going to follow up on Patrick 's question for MRM 'cause. We are in 2 different locations. So we I just want to follow up with one question if.

00:29:25.950 --> 00:29:37.930

Tricia Conroy (Guest)

Did on Dave 's and Patrick questions if in a plan the sail to another manufacturer is already denoted in the plan that's submitted and the collection network.

00:29:38.580 --> 00:29:51.550

Tricia Conroy (Guest)

Uhm is that's proposed collects the volume that is adequate to cover both the plan and the additional individual manufacturer to which the plan is selling is that prohibited.

00:29:52.170 --> 00:30:02.590

Tricia Conroy (Guest)

So you would get a plan with the proposed network that had enough pounds to sell to someone else and to supply the group plan is that it's prohibited from selling to that manufacturer.

00:30:03.250 --> 00:30:05.110

Tricia Conroy (Guest)

Or would that plan not be approved.

00:30:10.920 --> 00:30:16.430

Clark, Daniel [DEP]

I'm not entirely sure I'm catching the drift of what you're saying Trisha.

00:30:17.270 --> 00:30:19.950

Clark, Daniel [DEP]

And I think you know if this is something,

00:30:22.490 --> 00:30:32.070

Clark, Daniel [DEP]

you know, maybe you and I could talk or, you know, we could set up a meeting with the team to talk through this. But just in terms of, you know a hypothetical like that I think I'm not.

00:30:33.760 --> 00:31:00.820

Tricia Conroy (Guest)

Ohh, I'd argue that it's broader Daniel I think it's kind of group plan supporter manufacturer outside of its plan. And if the plan presents that to you up front, then is it prohibited and I think that that's broader than just MRM. I think that's any group plan may also support individual manufacturers that want to do their own plan, but work with the same entity that has a group plan, but don't want to be under it, I think that's broader.

00:31:02.520 --> 00:31:03.510

Clark, Daniel [DEP]

I mean, I think.

00:31:02.590 --> 00:31:07.600

Tricia Conroy (Guest)

And we can follow up that's kind of detailed we can follow up later but I think it's a broader question then just MRM.

00:31:07.610 --> 00:31:22.070

Clark, Daniel [DEP]

Yeah, and we certainly could, you know, follow up on that I think I'm not, you know, at this moment I think that is something we would really need to get into the specifics a bit of to make sure that we were on the same page in terms of answering that.

00:31:23.380 --> 00:31:26.220

Tricia Conroy (Guest)

Sounds good. Thank you so much for considering that question.

00:31:28.230 --> 00:31:30.780

Andrejko, Judith [DEP]

On next hand raises Patrick Santelli.

00:31:35.290 --> 00:31:39.420

Patrick Santelli

Sorry I thought my hand was lowered I already asked my question.

00:31:39.780 --> 00:31:41.870

Andrejko, Judith [DEP]

OK, next, Amanda.

00:31:47.490 --> 00:32:00.490

Amanda Tischer-Buros

Thank you, yeah, Tischer-Buros with dynamic. I just wanted to echo off of Trisha, some comments. I think that this is I think there's a lot of implications with this proposal when it comes to.

00:32:00.880 --> 00:32:13.780

Amanda Tischer-Buros

Uhm how this is going to affect the kind of the support of the different group plans on the authorized recyclers within state so if there is going to be conversation taken offline to dive into this.

00:32:13.830 --> 00:32:31.500

Amanda Tischer-Buros

Uhm, I don't know a little bit further. I would maybe like to propose that maybe the group plans could connect with the state collectively so that we could discuss the issues and kind of how it all applies to the different areas, and how we work together and work separately to support manufacturers within the program.

00:32:43.560 --> 00:32:44.230

Andrejko, Judith [DEP]

OK.

00:32:46.080 --> 00:32:53.310

Andrejko, Judith [DEP]

I think that's completely feasible, and I presume that Dan and a member of the team would be following up with you guys.

00:32:48.350 --> 00:32:48.830

Amanda Tischer-Buros

Thank you.

00:32:57.240 --> 00:32:59.960

Andrejko, Judith [DEP]

OK any other hands raised.

00:33:03.990 --> 00:33:04.960

Andrejko, Judith [DEP]

Trisha Conroy.

00:33:12.090 --> 00:33:13.070

Andrejko, Judith [DEP]

You're muted.

00:33:13.030 --> 00:33:15.850

Tricia Conroy (Guest)

Nope, I had lowered my hand sorry.

00:33:14.170 --> 00:33:14.750

Andrejko, Judith [DEP]

Thank you.

00:33:16.740 --> 00:33:18.520

Tricia Conroy (Guest)

The delay is something in there thanks.

00:33:16.940 --> 00:33:17.410

Andrejko, Judith [DEP]

OK.

00:33:18.370 --> 00:33:20.660

Andrejko, Judith [DEP]

No worries, I want to make sure I'm not missing anybody.

00:33:21.330 --> 00:33:24.490

Andrejko, Judith [DEP]

Anymore hand raises, going once,

00:33:25.480 --> 00:33:26.520

Andrejko, Judith [DEP]

going twice.

00:33:27.890 --> 00:33:47.150

Andrejko, Judith [DEP]

OK, no more hand raises now I'm going to check the chat and see if there are any questions that are outstanding there. There's a question from Dawn Latinsics. Please forgive me if I'm not pronouncing last names correctly. What are the expectations for training of staff at collection sites?

00:33:47.310 --> 00:33:50.530

Clark, Daniel [DEP]

We got to that Judy, yeah?

00:33:48.520 --> 00:33:49.110

Andrejko, Judith [DEP]

No, we did.

00:33:50.110 --> 00:33:50.580

Andrejko, Judith [DEP]

OK.

00:33:51.390 --> 00:34:08.810

Andrejko, Judith [DEP]

OK, we did the color coding, and we discussed the implementation timeline OK. I think everything is covered. This Q&A will be closed. For now, we'll move on to the next topic, which will be brought to you by Scott Compton. Take it away, Scott.

00:34:08.820 --> 00:34:09.770

Compton, Scott [DEP]

Yeah, thanks Judy.

00:34:11.040 --> 00:34:14.850

Compton, Scott [DEP]

I'm going to do a program year analysis and explain that a little bit.

00:34:16.460 --> 00:34:46.860

Compton, Scott [DEP]

The program year analysis formally, known as the true up process, is the process by which the Department verifies and calculates the total weight collected in a program year and then compares that total with previous estimates. There are 4 steps to the program year analysis step. One is to calculate the total amount of CEDs collected in the program year based on the semiannual reporting data from manufacturers, collection site locations, and authorized recyclers.

00:34:47.510 --> 00:34:52.710

Compton, Scott [DEP]

This also includes determining in-system and out-of-system weight for the program year.

00:34:53.470 --> 00:34:58.690

Compton, Scott [DEP]

Step 2 is to compare the total actual weight collected to the estimated obligation.

00:34:59.660 --> 00:35:29.510

Compton, Scott [DEP]

Step 3 is to adjust the overall obligation based on collections by all manufacturers, if necessary, and is done at DEP discretion. DEP 's mission is to guarantee that sufficient collection and recycling of E-waste takes place first and foremost about how much overall is collected and then that each manufacturer collected it's assigned share. Please note that the DEP has and does adjust down this has been for the benefit

00:35:29.560 --> 00:35:59.550

Compton, Scott [DEP]

of the regulated community to adjust actual obligation down. The statute has given us a safety valve. DEP is not expecting to revise estimated obligations every year. It is done based on unusual or extenuating circumstances. Step 4 is to calculate the manufacturers actual obligation using the total weight collected during the program year, then determine whether manufacturers under collected, exceeded, or met their obligation.

00:35:59.600 --> 00:36:01.630

Compton, Scott [DEP]

Next slide.

00:36:02.980 --> 00:36:09.110

Compton, Scott [DEP]

Credit accumulation and trading, the process. I'm sorry, I'm going to head back when credit communication and trading.

00:36:10.310 --> 00:36:37.700

Compton, Scott [DEP]

DEP did this for the 2020 program year in the spring of 2021. DEP largely views this as a success for the first time the credit trading period was run in that the DEP was able to track the movement of credits and that at least some credits transferred among manufacturers and allowed them to cure a shortfall, which is the ultimate goal. That said, DEP would welcome feedback on how to make this easier.

00:36:40.260 --> 00:37:10.320

Compton, Scott [DEP]

How credits are determined - the process. DEP calculates a manufacturer's actual-market-share-in-weight for a completed program year after receipt of the semiannual reports due February first of the following year by determining the total weight of CEDs collected from consumers during the completed program year, including weight that was not program eligible and multiplying that weight by the manufacturers market share for the completed year.

00:37:10.370 --> 00:37:40.460

Compton, Scott [DEP]

A manufacturer whose actual-market-share-in-weight for the completed program year was greater than its estimated-market-share-in-weight for that year will receive a single credit for each pound of excess weight collected. A manufacturer whose actual-market-share-in-weight was less than its estimated-market-share-in-weight will have a shortfall. A credit equals one pound of program eligible weight collected by a manufacturer in excess of its actual-market-share-in-weight.

00:37:40.510 --> 00:37:54.540

Compton, Scott [DEP]

Program eligible weight is weight recycled in compliance with the ACT by an authorized recycler, who is certified under the R2 or e-steward standards and compliant with the E waste rules, performance standards. Next slide.

00:37:56.060 --> 00:38:27.130

Compton, Scott [DEP]

Step 2 DEP notifies a manufacturer of its actual-market-share-in-weight for its completed program year

and any increase or decrease in its collection obligation for that year. This notification will include the number of any credits earned or the amount of the shortfall weight. Step 3 credit trading. A manufacturer awarded credits for a completed program year may apply up to 25% of the credits to its collection obligation for the following year

00:38:27.390 --> 00:38:47.540

Compton, Scott [DEP]

or sell the credits to other manufacturers with a shortfall during a 45 day credit trading period to be established by DEP. A manufacturer with a shortfall will be required to cure the shortfall during the credit rated period through the purchase of credits from other manufacturers. Next slide.

00:38:49.090 --> 00:39:13.340

Compton, Scott [DEP]

Credit trading and group plan administrators. A group plan administrator may transfer or apply credits earned by one or more of its members to other members if the GPA 's contract with its members authorizes it to do so and the group plan administrator collects transports and recycles CEDs in excess of the combined actual-market-share-in-weight of its members.

00:39:14.460 --> 00:39:44.200

Compton, Scott [DEP]

If a group plan administrator meets the above criteria that group plan administrator may transfer credits to one or more of its members with a shortfall in an amount not to exceed the actual member shortfall, apply credits to one or more of its members with an actual-market-share-in-weight surplus to satisfy up to 25% of that members estimated-market-share-in-weight for the following program year provided the member collected its entire estimated-market-share-in-weight for the preceding

00:39:44.250 --> 00:39:54.160

Compton, Scott [DEP]

program year, and the weight collected was equal to or exceeded the members actual-market-share-in-weight for that year, or both, if sufficient credits are available.

00:39:54.960 --> 00:39:55.550

Compton, Scott [DEP]

Next slide.

00:39:57.110 --> 00:39:59.200

Compton, Scott [DEP]

Credit trading reporting and record keeping.

00:39:59.850 --> 00:40:30.410

Compton, Scott [DEP]

Within 5 business days of the close of the credit trading period a manufacturer awarded credits, including a manufacturer whose credits were transferred or applied by a group planned administrator will be required to submit a report to the Department detailing the disposition of the credits. A group plan administrator would be required to maintain records on the transfer or application of credits between and among its members for a period of 3 years following the conclusion of the credit

00:40:30.460 --> 00:40:41.990

Compton, Scott [DEP]

trading report, which records shall be made available to the Department upon request. And now I will turn it over to John Dickinson to review failure to cure a shortfall.

00:40:44.400 --> 00:40:52.710

John (Guest)

Thank you, Scott. Good afternoon. My name is John Dickinson. I am assisting in the development of the E waste amendments.

00:40:53.430 --> 00:41:06.160

John (Guest)

As you can see this slide addresses a manufacturer's failure to cure a shortfall. As indicated earlier any manufacturer notified of a shortfall for program year, must cure that shortfall within the credit rating period.

00:41:06.980 --> 00:41:18.850

John (Guest)

In instances where manufacturer fails to cure a shortfall the Department may assess a civil administrative penalty and noncompliance fee or both subject to the Department 's enforcement discretion.

00:41:20.140 --> 00:41:27.920

John (Guest)

In determining whether and how to exercise its enforcement discretion that Department reviews all relevant information in its possession.

00:41:28.930 --> 00:41:57.960

John (Guest)

To that end, in short fall situations manufacturers would be provided an opportunity to explain the circumstances surrounding the shortfall through a written submission. In that submission a manufacture would address the following: 1, the amount of the shortfall, 2, whether the manufacturer met its estimated-market-share-in-weight for the year of the shortfall, or if not, the reasons therefore; 3, the steps taken to cure the shortfall; and 4, the steps taken to prevent.

00:41:59.520 --> 00:42:09.560

John (Guest)

The Department will consider the collective weight and all of those factors in considering its enforcement options and the fact that will be set forth in more detail in the proposed rule.

00:42:10.530 --> 00:42:25.060

John (Guest)

I should note there is no guarantee of a particular result, only that the Department will consider all information submitted by the manufacturer in enforcing and exercising its enforcement discretion. Now I'll pass this back to Judy for questions.

00:42:27.560 --> 00:42:28.170

Andrejko, Judith [DEP]

Thanks, John.

00:42:29.060 --> 00:42:39.250

Andrejko, Judith [DEP]

Are there anyone any of you have questions regarding the presentation from both Scott and John?
Please raise your hand and will call upon you in the order that you raised your hand.

00:42:43.350 --> 00:42:45.170

Andrejko, Judith [DEP]

First up is David Herschler.

00:42:47.030 --> 00:42:47.710

David Hirschler

Thanks, Judy.

00:42:48.100 --> 00:43:05.590

David Hirschler

Uh so 2 questions first of all just to understand the group administrators can transfer credits if they meet their criteria only to their members and not, outside of their group is that correct.

00:43:13.400 --> 00:43:14.750

Andrejko, Judith [DEP]

John and Scott you're muted.

00:43:15.230 --> 00:43:16.170

John (Guest)

Scott muted.

00:43:17.510 --> 00:43:19.850

Compton, Scott [DEP]

And I answered it, so sorry, yeah that's correct Dave.

00:43:20.050 --> 00:43:20.370

Compton, Scott [DEP]

Right.

00:43:23.400 --> 00:43:32.610

Compton, Scott [DEP]

Yes, that's what we're proposing right now, yes and I think it sounds like this is going to roll into that other conversation we just had and might have to set up you know a separate little

00:43:26.250 --> 00:43:26.660

David Hirschler

OK.

00:43:33.580 --> 00:43:34.000

Compton, Scott [DEP]

Meeting.

00:43:34.710 --> 00:43:39.850

David Hirschler

Yeah, agreed upon and then the second question is.

00:43:41.500 --> 00:43:50.050

David Hirschler

So, in terms of the credit process. I'd first of all I would say I agree that you guys did a great job of managing that.

00:43:50.540 --> 00:43:57.930

David Hirschler

Uhm the one challenge that it doesn't look like this rule addresses is the.

00:43:59.450 --> 00:44:03.910

David Hirschler

The credit process with the ability to retain overages.

00:44:03.960 --> 00:44:23.650

David Hirschler

This uh in only one direction kind of gives an incentive to not sell additional credits and so I was curious if there is any thoughts in the rules to addressing that kind of discrepancy, where there's an incentive for a manufacturer to choose not to sell their overage.

00:44:24.400 --> 00:44:25.150

David Hirschler

Uhm.

00:44:26.170 --> 00:44:33.520

David Hirschler

Because of the way the system is only one sided there's a shortfall, but no over urban no challenges with overages.

00:44:40.590 --> 00:44:51.280

Compton, Scott [DEP]

I'm not sure we have talked about that, but I mean, it will be noted down and then come back and discuss that anything that we do decide you would see in the proposal?

00:44:52.060 --> 00:45:00.750

Clark, Daniel [DEP]

If I might, Dave just to address your comment again to add on to what Scott said. That's not,

00:44:54.820 --> 00:44:55.360

Compton, Scott [DEP]

Sure Dan.

00:45:01.390 --> 00:45:19.340

Clark, Daniel [DEP]

not something we've addressed but, you know, it is in this statute in terms of the 25% overage. You know that is something that's statutory so that's not something that we would have the power to,

00:45:20.380 --> 00:45:30.630

Clark, Daniel [DEP]

not that we didn't have any power, but in terms of in in rule writing we'd be pretty limited in terms of what we could do to try to address that from that angle.

00:45:31.820 --> 00:45:35.070

Clark, Daniel [DEP]

I guess in terms of providing disincentives for that.

00:45:38.270 --> 00:45:39.670

David Hirschler

Understood thanks.

00:45:44.370 --> 00:45:48.170

Andrejko, Judith [DEP]

Do we have any other questions any hand raisings?

00:45:48.970 --> 00:45:49.810

Andrejko, Judith [DEP]

Going once.

00:45:51.000 --> 00:45:52.070

Andrejko, Judith [DEP]

Going twice.

00:45:53.980 --> 00:45:56.810

Andrejko, Judith [DEP]

OK, we don't have any more hands. Let me double check the chat.

00:45:57.560 --> 00:46:05.940

Andrejko, Judith [DEP]

We don't have additional questions in the chat so at this point. I'm going to toss the presentation over to Nick Baier for compliance and enforcement.

00:46:09.010 --> 00:46:34.110

Baier, Nicholas [DEP]

Hello everyone, so I'm Nick. I'm an inspector with the Bureau of hazardous waste compliance and enforcement. I figured we discuss some of the Department 's compliance tools. So, we'll start with the compliance list. DEP is going to maintain it on this website, a list of all the manufacturers that are currently in compliance with all the rules and regulations, and this is going to bleed into the next point, which is the sale band.

00:46:34.560 --> 00:46:43.810

Baier, Nicholas [DEP]

and retailers are expected to consult with this list and restrict the sale of products from manufacturers that are not on the list because presumably they're not compliant.

00:46:44.440 --> 00:46:48.360

Baier, Nicholas [DEP]

And then finally, of course, the dreaded noncompliance fee

00:46:48.850 --> 00:47:03.300

Baier, Nicholas [DEP]

for not collecting the entire obligation. I'll stress that the noncompliance fee is not a shortfall fee, it's a fee on the entire obligation. Unfortunately, this is outlined in the statute. So there would need to be a legislative change for this to be modified.

00:47:03.650 --> 00:47:18.940

Baier, Nicholas [DEP]

We have some discretion as to whether or not to assess it, but once it's assessed how we calculate it really there's not much flexibility. It's going to have to be a higher fee on the entire obligation instead of a shortfall fate and next slide, please.

00:47:20.970 --> 00:47:22.710

Baier, Nicholas [DEP]

Next up, we have penalties.

00:47:23.290 --> 00:47:46.340

Baier, Nicholas [DEP]

A little background, the past couple years DPS provided an extensive compliance assistance service as we started to roll out some of these newer rules were still planning on moving more into enforcement-oriented approach at this point we're expecting that. Everybody is more or less familiar with the new law and how we're going about this.

00:47:47.430 --> 00:47:55.750

Baier, Nicholas [DEP]

And we'll continue to use compliance history to determine how we will assess penalties and negotiate them.

00:47:56.420 --> 00:48:23.140

Baier, Nicholas [DEP]

DEP does have a statutory framework for enforcing violations of the Electronic Waste Management Act. That's going to be codified in the new rules and this slide's kind of a brief summary of those changes.

First is the law kind of bisects the violations into 2 lanes. One is panel violations with penalties from \$500 to \$1000 and the second is penalties with the maximum dollar amount of \$25,000.

00:48:24.010 --> 00:48:40.280

Baier, Nicholas [DEP]

We're planning on implementing a set of base penalties in the rules, so penalties with an explicit dollar amount lined out for them or violations. I should say with a dollar amount lined out for them, that DEP can then adjust based on past compliance history repeat violations etc.

00:48:40.860 --> 00:49:05.380

Baier, Nicholas [DEP]

Maybe some more complicated violations that maybe will arise due to various different circumstances wouldn't have a based penalty for those the DEP will default to a matrix penalty assessment like we do for some of our other rules and the matrix is a method we use that factors the conduct of the violator and the seriousness of the violation to scale a penalty to the scenario that is involved with the violation.

00:49:07.850 --> 00:49:36.760

Baier, Nicholas [DEP]

DEP can also choose to forgo a base penalty in the event that the conduct or seriousness of the violation is so extreme that the base penalty is not deemed a large enough and then of course violations and penalties typically come with a notice of penalty, and along with that an opportunity to contest it. I'm just going to note, of course, that the lot lines at 35-day time frame for getting a hearing quest in on the 36-day if it's not in

00:49:37.420 --> 00:49:51.890

Baier, Nicholas [DEP]

its final order and DEP doesn't have an obligation to conduct a settlement or lower the penalty so make sure that if you hopefully will have no violations. But hopefully if you have one, we will make sure you get the hearing question if that is your desire.

00:49:52.380 --> 00:49:54.350

Baier, Nicholas [DEP]

Next page, please.

00:50:05.270 --> 00:50:08.390

Baier, Nicholas [DEP]

There it goes, I'm sorry we lost the slides.

00:50:16.100 --> 00:50:29.720

Baier, Nicholas [DEP]

OK so we're going to discuss the grace period really quickly. For many of its programs, DEP offers this grace period rule violations are split into 2 categories non minors or minors.

00:50:30.180 --> 00:50:53.380

Baier, Nicholas [DEP]

All violations have, regardless of whether they're minor minor, are going to be given a time frame for which the violators expected to come back into compliance the grace period allows for minor violations in which the manufacturer comes back into compliance within the time frame. That penalty is waived whereas for non-minor violations, the penalty is mandatory.

00:50:53.960 --> 00:51:06.750

Baier, Nicholas [DEP]

A compliance history can preclude the grace period from applying so repeat violator may not be given the opportunity of a grace period. If this is something that's been problematic in the past.

00:51:07.340 --> 00:51:19.290

Baier, Nicholas [DEP]

And then, of course, if anybody is unable or unwilling to regain compliance, DEP typically administers an administrative order to order the return to compliance.

00:51:21.310 --> 00:51:25.500

Baier, Nicholas [DEP]

And that's what I have here. I'm going to pass it back to John, for his section.

00:51:28.820 --> 00:51:29.480

John (Guest)

Thanks, Nick.

00:51:30.920 --> 00:51:38.000

John (Guest)

As you can see from this slide the Department's working on a fee schedule for inclusion into the proposed rules.

00:51:38.960 --> 00:51:58.810

John (Guest)

The Electronic Waste Management Act authorizes the Department to charge reasonable fees for any of the services to be performed in connection with the act. Consistent with data authority, the fee schedule would establish fees to cover the costs of reviewing collection plans and semiannual reports, as well as other program activities.

00:51:59.640 --> 00:52:11.230

John (Guest)

The fees would supplement other funding sources available to the Department, as necessary, and ensure the continued and efficient operation of the waste program for the years to come.

00:52:12.280 --> 00:52:23.610

John (Guest)

While the exact structure of the fee schedule remains to be determined, the fee schedule will be available for public review and comment during the proposed Rule 60-day comment period.

00:52:24.260 --> 00:52:27.290

John (Guest)

I'll now turn this back to Judy for questions.

00:52:29.650 --> 00:52:44.230

Andrejko, Judith [DEP]

Thanks John. Do we have any questions from the attendees first if you have any questions about the compliance and enforcement grace period and fee schedule issues. Please raise your hand and we'll call upon you in the order in which you raised.

00:52:51.310 --> 00:52:52.080

Andrejko, Judith [DEP]

Going once.

00:52:53.630 --> 00:52:54.310

Andrejko, Judith [DEP]

Going twice.

00:52:55.600 --> 00:52:57.370

Andrejko, Judith [DEP]

We have one, David Hirschler.

00:52:58.390 --> 00:53:16.290

David Hirschler

I feel like I'm the only one who speaks up just I guess the fee schedule to understand so in addition to the registration fees for manufacturers and the registration fees for authorized recyclers, there would be additional fees on.

00:53:16.920 --> 00:53:25.110

David Hirschler

Uh added to allow the Department to review the various reports and do you know which entities that fee would be based on?

00:53:28.180 --> 00:53:29.510

David Hirschler

who do they apply to?

00:53:31.640 --> 00:53:40.040

John (Guest)

I think the fees would relate to the entity generating in the case of the reports and the

00:53:40.840 --> 00:53:50.530

John (Guest)

Collection Plans, the entity generating the document. We don't have yet a fee structure in place and it's still a work in progress.

00:53:51.280 --> 00:54:06.310

John (Guest)

So, we're trying to develop something that would be fair and equitably applied across the board, but I would think in terms of who has to pay the fee, its going to be the entity generating the work that's necessary.

00:54:11.270 --> 00:54:12.200

David Hirschler

OK, thank you.

00:54:15.620 --> 00:54:20.770

Andrejko, Judith [DEP]

OK do we have any other questions on the compliance and enforcement grace period and fee schedule issues.

00:54:25.220 --> 00:54:44.160

Andrejko, Judith [DEP]

OK, I don't see any hands. I double checked the chat, and I would just like to give all of you another opportunity. Do you have any other questions that you'd like to ask the panelists today regarding any of the information topics that we have discussed since the beginning of this meeting.

00:54:51.140 --> 00:54:58.550

Andrejko, Judith [DEP]

OK, we haven't received any additional questions or comments so I'm going to toss the action over to Janis.

00:54:59.810 --> 00:55:00.890

Hottinger, Janis [DEP]

Alright, thank you.

00:55:02.280 --> 00:55:06.330

Hottinger, Janis [DEP]

Thank you all for participating in our stakeholder meeting and providing your comments.

00:55:07.350 --> 00:55:30.140

Hottinger, Janis [DEP]

Summaries of the topic, and the relevant information covered in this meeting, will be made available following the meeting in the link you see at A on the screen. Following publication of the rule in the New Jersey Register, written comments on the rule can be made by anyone during the 60-day comment period. Comments on the rule proposal shall be submitted as stated in C on the slide.

00:55:31.890 --> 00:55:44.240

Hottinger, Janis [DEP]

And if you would have any additional comments related to this meeting, you may send them to the email address you see at D on the slide. Thank you so much for coming. We appreciate your input, thank you.