

September 17, 2019

Oreo's Refining  
Shelly Mitchell  
PO Box 1195  
Missoula, MT 59802

Dear Ms. Mitchell

Thank you for submitting your comments regarding the 2018 Integrated Waste Management Plan (IWMP). Thank you for taking the time to read the document and supply us with your comments. Below you will find our response. We have provided the wording from the IWMP in bold followed by your corresponding comment and our response.

**“There are no processors of e-waste in Montana, but several recycling businesses collect, consolidate, and prepare e-waste for shipment to processors elsewhere.”**

Comment:

Montana does, in fact, have at least one processor of e-waste that operates in-state: my company Oreo's Refining. Oreo's launched May of 2017 after registering with the Secretary of State's Office for the State of Montana on April 18, 2017. Oreo's also received Montana DEQ approval to operate as a Class II Recycling Facility on April 5, 2017. In contrast with the other recycling businesses referenced which “collect, consolidate, and prepare e-waste for shipment to processors elsewhere,” Oreo's dismantles e-waste in Montana and recycles locally. Customers of Oreo's can feel confident that their e-waste receives proper disposal and does not wind up illegally shipped out of country or disposed of in landfills.

Response:

Many other E-waste recyclers in the state break down the components and separate based on their end destinations where they are processed into new materials. These end destinations are what the DEQ considers processors. There are many recyclers of e-waste throughout the state but no processors.

**“EPA states that 80% of the recycling operations in the U.S. operate within the confines of national and international laws regarding the shipment of hazardous waste.”**

Comment:

Could you please provide a reference to the specific report by the EPA from which this statement was drawn? What is the estimated weight or volume of hazardous waste that is recycled outside “the confines of national and international laws?”

Balanced Small Business reported in March 2018 that only 20% of e-waste gets recycled.<sup>1</sup>

Response:

I apologize, this information was a holdover from the 2013 IWMP that we thought still applied. Since the EPA has made significant changes to their website and archived and even deactivated many links we are unable to provide you with that link.

**“EPA has issued enforcement actions and fines to a small number of e-waste recyclers caught in violation of federal law and international laws and treaties.”**

Comment:

Can you please provide a reference for the source of this information?

Response:

Again, due to the changes made by the EPA website we can no longer access this information.

Comment:

Are the e-waste recyclers that have been caught “in violation of federal law and international laws and treaties” allowed to operate within the State of Montana?” If so, what additional compliance procedures are in place to ensure that they do not violate the law while operating within the State of Montana? Should these businesses be banned from operation within Montana?

Response:

The State of Montana performs routine compliance inspections at a range of facilities. Sometimes there are issues that are found regarding the facility with respect to their adherence with their set of rules that they operate under. If any areas of non-compliance are observed with a facility we document these issues and alert the facility on what need to be corrected to come back into compliance.

Comment:

What recommendations could be published by the Integrated Waste Management Committee to guide Montanans on how to choose to work with e-waste recyclers operating in compliance with federal and international law so that they can avoid contributing to illegal out-of-country e-waste dumping?

Response:

The purpose of the IWMP is to provide a snapshot of the past 5 years with regards to materials management in the State of Montana. It is essentially a guidance document for communities.

**“Import bans may also slow the recycling rates as more countries that the U.S. has traditionally sent e-waste to are strengthening their environmental regulations.”**

Comment:

Thank you for pointing out that countries outside of the U.S. are taking note of the toxic and deadly effects e-waste has on their environment and their people and are now banning imports of e-waste into their countries. The countries that have stepped up to ban e-waste dumping first are also the countries that have been recipients of most of the illegally dumped e-waste such as China, Taiwan, Pakistan, and parts of Africa.

This is an opportunity for increased activity and innovation in this sector as the U.S. must learn how to process its own waste. Additionally, it may be important to strengthen Montana’s regulations regarding the disposal of e-waste to encourage proper e-waste recycling and deter individuals and businesses from dumping toxic debris in landfills which is currently allowed and is

happening.

It is important for e-waste to be properly recycled because it contains the same heavy metals and mutagenic components as found in the Super Fund site in Butte, Montana.

What recommendations could the Integrated Waste Management Committee to guide Montana lawmakers who might consider updating Montana e-waste disposal regulations? How will the Integrated Waste Management Committee be communicating the 2018 Integrated Waste Management Plan and recommendations to the public?

Response:

The IWMP is not intended to guide legislation. The IWMP is available for viewing on our website: <http://deg.mt.gov/Portals/112/Land/SolidWaste/Documents/docs/IWMP2018.pdf>

Comment:

Does a landfill have a right to go beyond the minimum regulations set by legislation and refuse to accept potentially toxic-leaching materials like e-waste? Or are landfills legally required to accept all materials brought for disposal unless specifically prohibited by legislation? Can landfill operators choose to operate on higher standards?

Response:

Landfills are required to follow all rules and statues that pertain to them. They can go above and beyond those rules with respect to refusing to accept certain materials.

Sincerely,



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