



## State of New Jersey

JON S. CORZINE  
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
COUNTY ENVIRONMENTAL AND WASTE ENFORCEMENT  
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LISA P. JACKSON  
Commissioner

August 26, 2008

Mr. Dan Bayha Vice President  
Back Thru The Future Technology Disposal  
150 Main Street  
Ogdensburg, NJ 07439

**Re: Regulatory Clarification - Permissibility of shredding hard drives in a mobile shredding truck**

Dear Mr. Bayha ,

Pursuant to your request as to whether or not it is permissible to shred CPU hard drives in a mobile shredding truck, please be advised of the following:

In your initial request, you wrote "I would like a letter from the DEP stating whether mobile hard drive shredding is a permissible activity in NJ. Shredders are mounted in trucks and hard drives are carried from an office building and shred onsite inside a truck. A hard drive consists of a metal drive mechanism and an attached electronic board. As such, it is identified as a "consumer electronic" within NJ DEP's universal waste definition. If the electronic board is shred it is considered an act of "processing" and processing of universal waste can only occur within a "D" licensed facility."

Upon a request for additional information, you also provided the below information:

"The service of secure physical destruction of data storage devices is in its infancy and the services being offered are changing rapidly. The specific service we are looking for an interpretation on is for the mobile destruction of hard drives that have been removed from the computers by the customers technical staff. Boxes of hard drives are brought out to the shredding truck and the hard drives are placed in the shredder unit. The shredded material is collected in gaylord boxes within the truck body and returned to the shredders home facility. In all cases the shredders offering these services to NJ based customers are currently located out of the State of NJ. We are aware of (2) companies located in Eastern PA, (1) in CT and (1) in MA. The shredded hard drive material is valuable recycling stock so I'm sure they send it to metals refiners for metals recapture. The nature of rmobile shredding would preclude separation of the materials prior to shipping to a smelting facility. Many of the entities offering mobile shredding

are mobile paper shredders and don't realize the difference between a regulated solid waste and paper. We regularly get requests to quote on "onsite" hard drive destruction within the State of NJ including State and Local government facilities. The purpose of the letter of interpretation is to send to such requesting entities explaining the NJ electronic recycling regulations as they apply to consumer electronic processing as universal waste."

A review of current regulatory requirements determines the following:

Pursuant to N.J.A.C. 7:26A-1.3 Definitions,

"Consumer electronics" means any appliance used in the home or business that includes circuitry. **Consumer electronics includes the components and sub-assemblies that collectively make up the electronic products** and may, when individually broken down, include batteries, mercury switches, capacitors containing PCBs, cadmium plated parts and lead or cadmium containing plastics. Examples of consumer electronics include, but are not limited to, **computers**, printers, copiers, telefacsimiles, VCRs, stereos, televisions, and telecommunication devices.

"**Class D recyclable material**" means, but is not limited to, the following:

1. Used oil, as defined in this section, which is subject to Department approval prior to the receipt, storage or processing at a Class D recycling center in accordance with N.J.S.A. 13:1E-99.34b, and which includes, but is not limited to, the following:
  - i. Used lubricant oil;
  - ii. Used coolant oil (non-contact heat transfer fluids);
  - iii. Used emulsion oil; and
  - iv. Any other synthetic oil or oil refined from crude oil, which has been used, and as a result of such use is contaminated by physical or chemical impurities;
2. Antifreeze;
3. Latex paints;
4. Thermostats;
5. Lamps (light bulbs);
6. Oil-based finishes;
7. Batteries;
8. Mercury-containing devices; and
- 9. Consumer electronics.**

"Universal waste" means any of the following hazardous wastes that are subject to the universal waste requirements of N.J.A.C. 7:26A-7, whether incorporated by reference from 40 C.F.R. Part 273 or listed additionally by the Department:

1. Batteries;
2. Pesticides;
3. Thermostats;
4. Lamps;
5. Mercury-containing devices;
6. Oil-based finishes; and
- 7. Consumer electronics.**

Thus, a hard drive is considered a Consumer electronic, a Class D recyclable material and a Universal Waste.

Also pursuant to N.J.A.C. 7:26A -1.3 Definitions,

"Processing" means the treatment of source separated recyclable materials so as to conform to end-market specifications, including, but not limited to, separating material by type, grade or color, crushing, grinding, shredding or bailing or removing contaminants.

"Mobile recycling equipment" is equipment which processes Class B, Class C or Class D recyclable material and which does not operate from a permanent location but which is capable of being transported from site to site.

Pursuant to N.J.A.C. 7:26A -3.3 Mobile recycling equipment,

(a) Persons operating mobile recycling processing equipment for Class B, Class C or Class D recyclable material shall operate such equipment only as follows:

1. At a site which possesses a general or limited approval from the Department and in manner which conforms to the approval for the site; or
2. Pursuant to an exemption at N.J.A.C. 7:26A-1.4(a) and in a manner which conforms to the criteria of the exemption.

Pursuant to N.J.A.C. 7:26A -1.4 Exemptions

(a) The activities listed below are exempted from the requirement to obtain a general or limited approval pursuant to N.J.A.C. 7:26A-3 and, unless otherwise specified, the solid waste planning requirements at N.J.A.C. 7:26-6.10 or 6.11. The specific criteria applicable to these activities are as follows: .....

14. The collection, consolidation and transfer for recycling, treatment or disposal of universal waste and the collection, consolidation and transfer for recycling of other source separated Class D recyclable materials, except for used oil, latex paints and antifreeze, managed by small quantity handlers of universal waste provided the operation is in compliance with the standards for small quantity handlers of universal waste as incorporated by reference at N.J.A.C. 7:26A-7.1(a) and 7.4;

15. The collection, consolidation and transfer for recycling, treatment or disposal of universal waste and the collection, consolidation and transfer for recycling of other source separated Class D recyclable materials, except for used oil, latex paints and antifreeze, managed by large quantity handlers of universal waste provided the operation is in compliance with the standards for large quantity handlers of universal waste as incorporated by reference at N.J.A.C. 7:26A-7.1(a) and 7.5;

16. The transportation of universal waste and the transportation for recycling of other source separated Class D recyclable materials, except for used oil, managed by universal waste transporters, provided the transportation is in compliance with the standards for transportation of universal waste as incorporated by reference at N.J.A.C. 7:26A-7.1(a);

17. The collection, consolidation and transfer for recycling of source separated Class D recyclable materials, except for used oil and those Class D recyclable materials that are also universal waste, provided that the operation is in compliance with N.J.A.C. 7:26A-4.6(d), (e) and (f);

Based on the above regulations, the only Class D - Consumer electronics recycling activities that currently are exempt from having to obtain a general or limited approval pursuant to N.J.A.C. 7:26A-3 are collection, consolidation, transfer and transportation. Processing of Consumer electronics whether at a permanent site or via a mobile shredding operation requires a general or limited Class D Recycling Center Approval.

Should you require additional information on this regulatory clarification, please contact me at (609) 588-3716.

Sincerely,

A handwritten signature in black ink that reads "Michael R. Hastry". The signature is written in a cursive style with a large initial "M".

Michael Hastry - Chief, Hazardous Waste Enforcement  
New Jersey Department of Environmental Protection

c: R. Confer, Chief  
Z. Billah, Section Chief  
J. Sterling, Supv.  
J. Mirabella, Supv.  
P. Taylor, Supv.