

2016 Annual Preferred Processor Report for Washington State Department of Ecology

For:

E-Waste LLC
2424 Beverly Park Rd.
Lynnwood, WA 98087

Prepared by:

Bill Smith

Sustainable Solutions Consulting

www.SustainableSolutionsConsulting.com

253-232-3796

STANDARD	CONFORM (Yes/No)	COMMENTS
1. Responsible Management Priorities		

Minimum Performance Standards from WAC 173-900-650		
A direct processor must periodically evaluate its management strategies to assure it takes advantage of new more effective technologies and is otherwise continuously improving its practices and processes.	Y	e-Waste LLC (EWLLC) conducts annual management review meetings where new processes are discussed. The major change this year is that after the Total Reclaim story broke, EWLLC is getting more material from collectors.
Preferred Performance Standards		
No additional performance standards.		

2. Legal Requirements		
Minimum Performance Standards from WAC 173-900-650		
(a) A direct processor must comply with all federal, state, and local requirements and, if it exports, those of all transit and recipient countries that are applicable to the operations and transactions in which it engages related to the processing of CEPs, components, parts, and materials and disposal of residuals. These include but are not limited to applicable legal requirements relating to:	Y	Reviewed forklift inspection records, and monthly facility inspection records and determined they were being filled out daily and monthly as required. Forklift is sometimes down for repairs and inspection is not done on those days. Air permit not required based on current operations. Verified current "No Exposure" stormwater permit issued 2013 is still valid. No export of materials is occurring at this time.
(i) Waste and recyclables processing, storage, handling, and shipping; and	Y	Observed Universal Wastes being stored and labeled properly in intact gaylords. The gaylords were covered and lined with plastic.
(ii) Air emissions and waste water discharge, including storm water discharges; and	Y	Air permit NA and No Exposure Stormwater Permit verified

(iii) Worker health and safety; and	Y	EWLLC provides safety training for employees in stand up sessions. They have also begun doing monthly safety committee meetings and I reviewed the minutes from the May 31, 2016 meeting. Also reviewed annual training for Emergency Action Plan and Accident Prevention Plan and HazCom Refresher Training Quiz. The safety committee meeting included a discussion of WAC-296-800-16010 regarding PPE hazard assessments and specifically the voluntary use of respirators.
(iv) Transboundary movement of electronic equipment, components, materials, waste, or scrap for reuse, recycling, or disposal.	y	Scrap circuit boards are shipped to Hallmark Refining in Mount Vernon and then to Umicore in Belgium. CRT Tubes end up in Mexico and India, both OECD countries. Both downstream paths are very common in the e-waste industry.
(b) Upon request by a covered entity, a direct processor must make available information to that covered entity about any financial penalties, regulatory orders, or violations the direct processor received in the previous three years. If the direct processor receives subsequent penalties or regulatory orders, the direct processor must make that information available within sixty days after any subsequent penalties or regulatory orders are issued.	Y	L&I Inspection occurred April 19, 2016 under Inspection Number 317940033. 3 violations were found but no penalties were assessed. Verified that the abatements and corrections were still in effect at the time of the audit.
Preferred Performance Standards		
No additional performance standards		

3. EHSMS		
<i>Minimum Performance Standards from WAC 173-900-650</i>		
(a) A direct processor must develop, document, fully implement, and update at least annually a written EHSMS that includes all of the following:	Y	Facility has EHSMS in place that was written to conform to the ISO 14001 and OHSAS 18001 standards. The system procedures are reviewed annually.
(i) Written goals and procedures that require the direct processor to systematically manage its environmental, health, and safety matters.	Y	2016 Goals are zero accidents leading to medical attention (extended from 2014 and 2015) and to increase the amount of electronics processed through the e-Cycle program carried over from 2015.
(ii) Utilization of a "plan, do, check, act" model that identifies environmental aspects, implements operational controls, and provides corrective action procedures. Elements of this model must include:	Y	Safety hazards and environmental aspects and impacts were evaluated in 2016.
(A) Plan		
(I) Identification of environmental impacts, and legal and regulatory requirements;	Y	Facility updated 2016 Aspects/Impact Table.
(II) Establishment of environmental goals, objectives and targets;	Y	Facility evaluated EHS Policy statement and created goals for 2016.
(III) Plan actions that work toward achieving identified goals;	Y	Goals and work procedures are designed to reduce injuries and increase throughput.
(IV) Plan for emergency preparedness and response; and	Y	Facility has an Emergency Action plan and has conducted an evacuation drill. Reviewed drill record from 4/5/16 involving all employees. Facility maintains current evacuation route map which shows directions to the nearest exit from all locations in the warehouse.
(V) Commitment of management support.	Y	Management support is evident in the ongoing maintenance of records of the system.
(B) Do		
(I) Establish roles and responsibilities for the EHSMS and provide adequate resources;	Y	Procedure 5 Roles, Resources, Responsibility and Authority outlines the roles of President, EH&S Manager and EMS Champion. Sam Kim is the President, Paul Kim

		is the EH&S Manager and EMS Champion.
(III) Establish a process for communicating about the EHSMS within the business.	Y	Communication Procedure 7 calls for communication between staff members. Standup safety meetings and safety committee are used to collect and transmit information.
(C) Check		
(I) Monitor key activities and track performance;	Y	Management is conducting facility monthly inspections and tracking injuries and throughput
(II) Identify and correct problems and prevent recurrence; and	Y	CPAN logs and forms are being used to track nonconformances with EHSMS and non-compliance with EHS regulations. Verified that the three violations from the L&I audit were entered into the system and properly processed and closed.
(III) I) Provide a measurement system that quantifies the application of the model.	Y	Goals and objectives are tracked and quantified.
(D) Act		
(I) Conduct annual progress reviews;	Y	Reviewed 2016 Management Review Meeting Minutes 6-2-16. Items discussed were internal audits, procedures, corrective actions from L&I inspection.
(II) Act to make necessary changes to the EHSMS; and	Y	EWLLC has a document revision process
(III) Create and implement an action plan for continual improvement.	Y	The maintenance of the management system and annual review allows for continual improvement
(iv) A plan for responding to and reporting exceptional releases that could pose a risk to worker safety, public health, or the environment. Such releases include emergencies such as accidents, spills, fires, and explosions. The direct processor must submit this plan to all appropriate emergency responders, e.g., police, fire department, hospitals.	Y	Spill response kits were stocked ready for use. Emergency contact number posted on wall.

(v) A plan is conformable with ISO 14001, Institute of Scrap Recycling Industries' Recycling Industry Operating Standards ("RIOS"), the International Association of Electronic Recyclers' ("IAERs") standard, or other standards designed at a level appropriate for processing at the facility.	Y	EWLLC has all of the procedures and records necessary to comply with ISO 14001:2004.
(b) A direct processor must ensure all employees understand and follow the portions of the EHSMS relevant to the activities they perform.	Y	EWLLC has a new hire training program as well as an annual training calendar showing the monthly trainings that occur throughout the year.
Preferred Performance Standards		
(c) The EHSMS must also include a procedure for:		
(i) Identifying and evaluating the environmental, health, and safety impacts of downstream vendors, and	Y	2016 Downstream Vendor worksheets and accompanied EHSMS documentation from downstream recyclers was reviewed.
(ii) Utilizing the information in (a) in the selection of downstream vendors.	Y	EWLLC has a worksheet form for each downstream vendor that contains information on their downstream vendors and how they process each focus material. Batteries go to Pacific Power Batteries then to Battery Solutions. Circuit Boards go to Hallmark then to Umicore. CRT Glass goes to Cali Resources to Mexico and to India. Mercury goes to Veolia.
4. Recordkeeping		
Minimum Performance Standards from WAC 173-900-650		
(a) A direct processor must maintain documentation such as commercial contracts, bills of lading, or other commercially accepted documentation for all transfers of CEPs, components, parts, materials, and residual into and out of its facilities.	Y	Reviewed WMMFA bill of ladings, CRT certificates of recycling and shipping documents to Cali Resources. EWLLC is averaging 3-4 shipments of glass per month. Reviewed shipments of circuit boards to Hallmark Refining for January and February of 2016.
(b) A direct processor must retain documents required for at least three years.	Y	Reviewed prior year shipping records to verify three years.
Preferred Performance Standards		

(c) The direct processor must also maintain records for any brokering transactions for at least three years.	Y	NA to EWLLC
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5. On-site Requirements		
<i>Minimum Performance Standards from WAC 173-900-650</i>		
(a) General		
(i) Direct processors must take all practicable steps to maximize recycling.	Y	Facility recycles 99% of e-scrap they receive and process and has a goal to increase the amount of material recycled.
(ii) A direct processor must have the expertise and technical capability to process each type of CEP and component it accepts in a manner protective of worker safety, public health, and the environment.	Y	Based on my observations of operations at EWLLC, the staff are capable of safely performing the tasks they are assigned. All processing is occurring in the warehouse under a roof on a concrete floor.
(iii) A direct processor must use materials handling, storage and management practices, that assure that all work and storage areas are kept clean and orderly.	Y	During site visit, observed facility work and storage areas to be relatively clean. EWLLC has experienced a large increase in material coming through their facility after the recent events at Total Reclaim and the warehouse was much more full than I have observed in the past. EWLLC would benefit from establishing a 5S system.
(iv) Speculative accumulation:		
(A) "Speculative accumulation" means holding, storing or accumulating CEPs, components, parts, materials, or residual derived therefrom for more than one hundred eighty days.	Y	CRT glass is being shipped out on a regular basis (3-4 shipments per month). Batteries were last shipped on May 18, 2016 and Mercury was last shipped on June 7, 2016.
(B) Generators and facilities holding, storing, or accumulating CEPs, components, parts, materials, or residual derived therefrom for more than one hundred eighty days will be considered holding, storing, accumulating solid or hazardous waste and subject to applicable treatment, storage or disposal regulations or equivalent.	Y	Facility does not have accumulate any e-scrap, components, or universal wastes beyond 6 months. Batteries and lamps are shipped twice a year.
(v) A direct processor must use a certified scale to weigh CEPs and components counted towards a plan's equivalent share.	Y	Scale was certified in May of 2016.
(b) Storage		

A direct processor must store materials of concern removed from CEPs, components, parts, materials, or residuals in accordance with WAC 173-900-650(11) in a manner that:		
(i) Protects them from adverse atmospheric conditions and floods and, as warranted, includes a catchment system;	Y	All CEPs and components are store in-side. The only material stored outside is wooden pallets.
(ii) Is secure from unauthorized entrance; and	Y	EWLLC does business in a secure warehouse
(iii) Is in clearly labeled containers and/or storage areas.	Y	EWLLC labels containers after they are ready for shipment. I would recommend labeling containers after the material of concern has been placed in the gaylord.
(c) Exceptional releases posing risks		
A direct processor must be prepared to immediately implement the practices set forth in its EHSMS for responding to and reporting exceptional releases that could pose a risk to worker safety, public health, or the environment, including emergencies such as accidents, spills, fires, and explosions.	Y	Facility has response kits for broken CRT, broken lamps, and oil. Facility conducts annual evacuation drill. Facility has protocol for medical emergencies.
Preferred Performance Standards		
(d) Workforce and Environmental Protection	Y	EWLLC has a managed EHSMS that is well documented and managed.
(i) Hazards identification and assessment: A direct processor must conduct on an ongoing basis (as new types of CEPs, components, parts and materials are processed or new processes are utilized) a hazards identification and assessment of occupational and environmental risks that exist or could reasonably be expected to develop at the facility.	Y	EWLLC has evaluated their health and safety risks and identified significant aspects. They are using primarily PPE to mitigate health risks to individuals. They have also used waist height roller tables to process CRT Tubes. Ear plugs, gloves and dust masks are available to employees who desire to use them.
Such risks could result from any sources, including but not limited to:		
· Emissions of and/or exposure to substances *		
· Noise		
· Ergonomic factors		
· Thermal stress		
· Substandard machine guarding		
· Cuts and abrasions		

* Risks posed by exposure to substances may arise in a variety of situations – sometimes involving substances that do not under ordinary conditions pose a risk to worker safety or the environment. Such substances may include mercury, lead, beryllium, cadmium, PCBs, some phosphor compounds, certain brominated flame retardants (i.e., polybrominated biphenyls, pentabrominated diphenyl ether, and octabrominated diphenyl ether), silica dust, chlorinated or brominated dibenzodioxins and dibenzofurans, and hexavalent chromium.		
Preferred Performance Standards		
(ii) The hazards identification and assessment is captured in writing and incorporated as a component of the direct processor’s EHSMS.	Y	Reviewed 2016 <i>Safety Hazard Assessment Table</i>
(iii) A direct processor must manage the hazards and minimize the releases it identifies using an appropriate combination of strategies in the following order of priority:	Y	Reviewed <i>SMS-02 Safety Hazard ID</i> procedure.
· Engineering controls		
· Administrative and work practice controls		
· Personal protection equipment		
(A) Engineering controls:		
(I) A direct processor must use at least one of the following:		
· Substitution (e.g., replacing a toxic solvent with one less toxic),		
· Isolation (e.g., automating a process to avoid employee exposure), or		
· Ventilation and, if appropriate, capture (e.g., fume hood),		
(II) AND ALL of the following:		
· Dust control, capture, and clean up, and	NA	EWLLC is not using shredders or other dust generating processes. Workers wear PPE for dust protection as needed
· Emergency shut-off systems, and	Y	Baler has emergency shut off
· Fire suppression systems.	y	Multiple fire extinguishers onsite
(B) Administrative and work practice controls:		
A direct processor must use administrative and work practice controls including appropriate combinations of:		
(I) Regular, documented health and safety training that covers information from the hazardous assessment, safe management handling, spill prevention, engineering controls, equipment safety, and use and care of personal protection equipment; with training for new hires and refresher courses for all employees that is understandable	Y	EWLLC has regularly scheduled safety meetings and ongoing training for both new hires and existing employees

to them given language and level-of-education considerations,		
(II) Job rotation, as feasible, given workforce size,	Y	EWLLC does cross train employees at times
(III) Safe work practices,	Y	Employees are trained in safe work procedures
(IV) Medical monitoring,	NA	EWLLC has no processes requiring medical monitoring including noise testing
(V) Safety meetings.	Y	Safety meetings are being held
(C) Personal protective equipment, including respirators, protective eyewear, cut- resistant gloves, etc. as appropriate for the risks involved in the tasks being performed.	Y	During site visit observed several employees wearing dust masks, gloves
(iv) A direct processor must use and document monitoring and sampling protocols according to state and federal standards and provide assurances that the practices it employs are effective and continuously managing the risks it has identified. This includes complying with all applicable Federal or State (Occupational Safety and Health Administration) OSHA standards and sampling and/or monitoring protocols.	Y	Lead testing was done in 2010 at the CRT line to determine if the amount of glass breakage was exposing workers to higher levels of lead. Test results showed a level of less than .002 against a PEL of .5. The method of dismantling CRT tubes has not changed in the meantime.
(v) A direct processor must treat anyone performing activities in its facilities, using the standard of care established in this section. Direct processors are not required to provide medical monitoring for short-term, temporary and volunteer workers.	Y	Process has not changed, so air sampling results is indicative of current operations.
(vi) A direct processor must designate a qualified employee or consultant to coordinate its efforts to promote worker health and safety. This individual is identified to all employees and two-way communication is encouraged between employees and this individual regarding potential hazards and how best to address them.	Y	Sydney C. Randell, former EHS Manager for E-Waste LLC, has been retained the past 3 years and serves as their EH&S consultant.
6. Materials of Concern		
<i>Minimum Performance Standards from WAC 173-900-650</i>		
Materials of concern must be handled according to the standards in this section. "Materials of concern" are any of the following:	Y	Reviewed Focus Material (FM) downstream vendor binder.

(a) Any devices, including fluorescent tubes, containing mercury or PCBs;	Y	Reviewed 2016 DSV worksheet and accompanied documentation for FMs, also known as MOCs. Note that State MOCs does not include toners. (see green folder). Mercury lamps are going to Veolia
(b) Batteries;	Y	Reviewed 2016 DSV worksheet for used batteries Pacific Power Batteries
(c) CRTs and leaded glass; and	Y	Reviewed 2016 DSV worksheet for recycled glass-to-glass CRTs) Cali Resources
(d) Whole circuit boards.	Y	Reviewed 2016 DSV worksheet for recycled circuit boards Hallmark Refining.
Preferred Performance Standards		
No additional performance standards.		

7. Recycling		
Minimum Performance Standards from WAC 173-900-650		
(a) Recycling		
(i) A direct processor must remove from CEPs and components destined for recycling any parts that contain materials of concern that would pose a risk to worker safety, public health, or the environment during subsequent processing.	Y	Observed circuit boards being removed from desktop computers and CRT glass being removed from plastic casing during site visit. Reviewed shipping documents verifying that materials were being transferred to documented downstream vendors
(ii) A direct processor must remove any parts that contain materials of concern prior to mechanical or thermal processing and handle them in a manner consistent with the regulatory requirements that apply to the items, or any substances contained therein. Circuit boards and materials derived therefrom will be allowed to be shredded prior to separating.	NA	NA to EWLLC at this time
Preferred Performance Standards		
(b) Recycling:		
(i) A direct processor must dismantle, separate, and/or mechanically process, as appropriate, CEPs, components, and parts from which materials are to be recovered for recycling into separate “material streams” to generate value, recover materials and minimize waste, and to enable safe management through to final disposition.	Y	Observed being done during site visit and interview with management and/or employees.

8. Reuse		
<i>Minimum Performance Standards from WAC 173-900-650</i>		
(a) Reuse		
(i) "Reuse" means any operation by which an electronic product or component of a covered electronic product changes ownership and is used, as is, for the same purpose for which it was originally purchased.	NA	EWLLC does not have the time or resources to evaluate materials for reuse. Everything coming through the door goes to recycling.
(ii) For a CEP, component or part to be put to reuse it must be fully functioning.		
(iii) CEPs, components and parts gleaned for reuse shall not be included in the weight totals submitted to a plan for compensation.		
<i>Preferred Performance Standards</i>		
(b) Reuse:		
(i) Before shipping CEPs, components, or parts for reuse, the direct processor must:	NA	
(A) Test and ensure that the CEPs, components, and parts are functioning properly for the same purpose for which they were originally purchased.		
(B) Accurately label, package, and ship the CEPs, components, and parts in a manner that will minimize damage during transport.		
(ii) A direct processor must verify a legitimate end-use market for the intended purpose of any CEPs, components or parts shipped for reuse.		

9. Disposal of Residue		
<i>Minimum Performance Standards from WAC 173-900-650</i>		
(a) Disposal of residuals		
(i) "Residuals" are leftover materials from processing CEPs, components, parts and materials. Residuals are materials that cannot be used for their original function or cannot be recycled and are sent by a processor to a disposal facility.	Y	Facility dis-assembly processes results in 99% of CEPs being recycled (e.g. circuit boards, copper wire, aluminum, plastics, CRT glass, etc.)
(ii) Residuals must be properly designated and managed under applicable solid waste and hazardous waste laws at the location where disposal occurs.	Y	All CEP and components are recycled as commodity or recyclable wastes that is paid to be properly managed (e.g. used lamps, CRT tubes).
(iii) A direct processor must not send residuals containing materials of concern to incinerators or solid waste landfills if doing so will pose a higher risk to worker safety, public health, or the environment than alternative management strategies.	Y	No residuals or materials of concern are sent to incinerators or solid waste landfills

(iv) Residuals from processing of materials of concern must not be mixed with other residuals for the purpose of disposal.	Y	Observed gaylords of processed materials to contain only the specific material and not mixed
(b) Residuals must be disposed of in a regulated solid waste disposal facility. Residuals containing materials of concern must be disposed in a regulated hazardous waste disposal facility.	Y	US Ecology in Beatty Nevada is a licensed hazardous waste disposal facility which is on the downstream vendor list of EWLLC

10. Refurbishment	NA	
Minimum Performance Standards from WAC 173-900-650		
No minimum performance standards from WAC 173-900-650.		
Preferred Performance Standards		
(a) Refurbishment:		
(i) A direct processor must adhere to all the performance standards in this document for all on-site activities relating to CEPs, components, and parts destined for refurbishment.	NA	EWLLC does not have the time or staff resources to conduct any refurbishment at this time. In addition, most if not all of the material coming through the WMMFA system is not suitable for reuse or refurbishment
(A) A direct processor must conform to all performance standards in this document for its onsite and downstream vendors' refurbishment operations, and when shipping CEPs, components, or parts to downstream vendors for refurbishment.	NA	
(ii) CEPs, components and parts gleaned for refurbishment shall not be included in the weight totals submitted to a plan for compensation.		
(iii) A direct processor must verify a legitimate end-use market for the intended purpose of any CEPs, components or parts shipped for refurbishment.	NA	

11. Transport		
Minimum Performance Standards from WAC 173-900-650		
(a) A direct processor must ensure that all CEPs, CEP components and materials to be transported are packaged in compliance with all applicable transport laws and rules.	Y	Observed gaylords prepared for shipment to be properly prepared and labeled for transport. Shipping documents were properly prepared and signed. Driver safety records were monitored and records kept.
Preferred Performance Standards		
(b) A direct processor must ensure all CEPs, components, parts, materials, and residuals to be transported are packaged appropriately in light of the risk they could pose during transportation to public health or the environment and the level of care warranted by their intended use.	Y	See comment above
(c) A direct processor must obtain written documentation or a third-party certification indicating that their transporters have all the necessary regulatory authorizations and no significant violations of relevant legal requirements during the past three years.	Y	Facility uses Level One Transport. Reviewed Safer report on Level One provided by management and located in their ESHMS manual.

12. Prison Labor		
<i>Minimum Performance Standards from WAC 173-900-650</i>		
Direct processors may not use federal or state prison labor for processing.	Y	Company does not use prison labor.
No additional performance standards.		
13. Facility Access		
<i>Minimum Performance Standards from WAC 173-900-650</i>		
(a) Direct processors must allow access to the facility and the documentation required in this section for the purposes of assessing compliance with the requirements in this chapter and for sampling to:	Y	Facility Management stated John Friedrich, WMMFA and Miles Kuntz have an open door policy to visit/inspect facility and operations.
(i) Ecology and ecology's designee(s);	Y	
(ii) Third-party observers for the purposes of sampling;	Y	
(iii) For processors used by the standard plan:	Y	
(A)The authority;	Y	
(B) The authority's designee(s);	Y	
(iv) For processors used by an independent plan:	Y	
(A) That plan's authorized party;	Y	
(B) The authorized party's designee(s) for that plan.	Y	
<i>Preferred Performance Standards</i>		
No additional performance standards.		

14. Notification of Penalties and Violations		
<i>Minimum Performance Standards from WAC 173-900-650</i>		
Each direct processor must notify ecology within thirty days if the direct processor receives any penalties, violations or regulatory orders related to processing activities.	Y	EWLLC received a notice of violation from L & I in April of 2016. The violations were not related directly to processing activities and resulted in no fines.
<i>Preferred Performance Standards</i>		
No additional performance standards.		

15. Due Diligence Downstream		
<i>Minimum Performance Standards from WAC 173-900-650</i>		
No minimum performance standards in WAC 173-900-650.		
<i>Preferred Performance Standards</i>		
(a) For materials of concern and residuals containing materials of concern a direct processor must only use downstream vendors who conform with all of the performance standards in this document.	Y	MOC Downstream Vendor information was complete. All vendors had an audit performed and shipping records were available for all vendors on the downstream list. These
(i) A direct processor must review its downstream vendors' conformity to these standards at least every two years and more frequently as changes in circumstances warrant. The direct processor must provide the verification and documentation to Ecology upon request.	Y	Materials reviewed for downstream vendors were comprehensive and up to date
(ii) A direct processor must document the chain of custody of all materials of concern and their residuals through final disposition.	Y	Reviewed current downstream vendor flow chart in EHSMS manual. Also downstream vendors to final disposition were listed on individual downstream vendor worksheet
(iii) A direct processor does not need to conduct the due diligence for downstream vendors certified to the performance standards in this document by an accredited body.	Y	Cali Resources and Veolia are R2 certified

16. Exporting		
Minimum Performance Standards from WAC 173-900-650		
No minimum performance standards in WAC 173-900-650.		
Preferred Performance Standards		
(a) A direct processor that exports materials of concern must ensure that each transit and recipient country legally accepts such imports. For each country that is not a member of the Organization for Economic Co-operation and Development (OECD), this entails either:	Y	Facility does not export any MOCs to non-OECD country. Cali Resources exports leaded glass to Mexico under permit from the Mexican Competent Authority. Hallmark exports circuit boards to Belgium under the green list provision of the OECD
(i) Requesting and receiving documentation, prior to shipping, from the Competent Authority ² of each such transit and/or import country, that clearly verifies in English that the country legally accepts such imports, or		See comment above
(ii) Requesting and receiving, prior to shipping, confirmation—that the country(ies) legally accepts such imports—from the United States Environmental Protection Agency, which in turn will communicate with the other country’s Competent Authority to get a determination.		

17. Insurance		
Minimum Performance Standards from WAC 173-900-650		
No minimum performance standards in WAC 173-900-650.		
Preferred Performance Standards		
(a) A direct processor possesses adequate Comprehensive or Commercial General Liability Insurance including coverage for:	Y	Auto Liability of \$1 million through American States Insurance valid through 6/23/16
(i) Bodily injury,	Y	Facility is covered under Wash L&I Workers Comp Insurance
(ii) Property damage,	Y	EWLLC has \$1-\$2 million of general liability insurance through Ohio Security. It is valid until 8/20/16
(iii) Pollutant releases,	Y	\$1 million and \$2 million aggregate pollution liability policy from Mt. Hawley Insurance valid until 1-4-17
18. Closure Plan and Financial Responsibility		
Minimum Performance Standards from WAC 173-900-650		
No minimum performance standards in WAC 173-900-650.		
Preferred Performance Standards		

A direct processor must develop and keep current a closure plan and a sufficient financial instrument that assures proper closure of the facility and assures against abandonment of any CEPs, components, parts, materials or residuals.	Y	Reviewed Closure Plan and letter of financial responsibility (e.g. Trust) for \$13,500 in cash. Closure plan worksheet backs up this number.
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19. Facility Security		
<i>Minimum Performance Standards from WAC 173-900-650</i>		
No minimum performance standards in WAC 173-900-650.		
<i>Preferred Performance Standards</i>		
A direct processor must have a functioning security program that controls access to all or parts of the processing facility in a manner and to a degree appropriate given the type of CEPs, components, parts, materials, and residuals handled and the needs of the customers served and may include such items such as indoor and outdoor lighting, secured facilities, and perimeter fencing.	Y	Fenced, gated, and closed circuit video monitoring.

**Detailed MOC Chart
2016**

MATERIAL	COUNTRY
Circuit Boards	USA
CRT Glass	USA
Batteries	USA
Mercury Lamps	USA

**CONTRACT FOR DIRECT PROCESSING SERVICES 2016
BETWEEN THE
WASHINGTON MATERIALS MANAGEMENT AND FINANCING AUTHORITY
AND**

This Contract for Processing Services ("Contract") is made and entered into by and between the Washington Materials Management and Financing Authority, hereinafter referred to as the "AUTHORITY," and the below-named firm, hereinafter referred to as "CONTRACTOR."

CONTRACTOR Name: E-Waste, LLC
Address: 12424 Beverly Park Rd #A4

City, State & Zip Code: Lynnwood, WA 98087
Phone: 425.239.4118
E-mail Address: sam@e-wastes.com / paul@e-wastes.com
Washington State UBI No.: 602 660 414
Federal ID No.: 90 0509685

SECTION 1: SERVICES

1.1 Scope of Work. CONTRACTOR agrees to provide services and staff, and otherwise do all things necessary for or incidental to processing covered electronic products (or "CEPs") provided by the AUTHORITY or an authorized representative. This Contract is not a guarantee of Work or any level of Work during the term hereof. The AUTHORITY reserves the right to procure services from any qualified CONTRACTOR on the basis of the price, quality and convenience of services provided. The scope of this Agreement shall be interpreted to be consistent with applicable law, now and during the term of this CONTRACT.

1.2 Definitions.

1.2.1 Collector. The term "collector" means an entity that is licensed to do business in Washington state and that gathers unwanted covered electronic products from households, small businesses, school districts, small governments, and charities for the purpose of recycling and meets the registration and collector performance standard requirements set forth in WAC 173-900.

1.2.2 Covered Electronic Products. The term "covered electronic products" includes any one of the following four types of products that has been used in Washington state by any covered entity, regardless of original point of purchase: (a) any monitor having a viewable area greater than four inches when measured diagonally; (b) a desktop computer; (c) a laptop or portable computer; or (d) any video display device having a viewable area greater than four inches when measured diagonally including a portable DVD player, e-reader or tablet device.

The term "covered electronic products" does not include: (a) a motor vehicle or replacement parts for use in motor vehicles or aircraft, or any computer, computer monitor, or television that is contained within, and is not separate from, the motor vehicle or aircraft; (b) monitoring and control instruments or systems; (c) medical devices; (d) products including materials intended for use as ingredients in those products as defined in the federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 301 et seq.) or the Virus-Serum-Toxin Act of 1913 (21 U.S.C. Sec. 151 et seq.), and regulations issued under those acts; (e) equipment used in the delivery of patient care in a health care setting; (f) a computer, computer monitor, or television that is contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave

oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, or air purifier; automatic teller machines, vending machines or similar business transaction machines; or (g) hand-held portable voice or data devices used for commercial mobile services as defined in 47 U.S.C. Sec. 332 (d)(1).

1.2.3 Covered Entity. The term "covered entity" means any household, charity, school district, small business, or small government located in Washington state.

1.2.4 Direct Processor. The term "direct processor" means a processor contracted with a CEP recycling plan to provide processing services for the plan.

1.2.5 Processing Facility. The term "processing facility" means a facility where the processing of CEPs for a plan is conducted by a direct processor.

1.2.6 Processor. The term "processor" means an entity: (a) engaged in disassembling, dismantling, or shredding electronic products to recover materials contained in the electronic products and preparing those materials for reclaiming or reuse in new products in accordance with processing standards established by this chapter; and (b) that may salvage CEPs, components, and parts to be used in new products.

1.2.7 Processing. The term "processing" means disassembling, dismantling, or shredding electronic products to recover materials contained in the CEPs received from registered collectors or transporters and preparing those materials for reclaiming or reuse in accordance with the performance standards for direct processors set forth in this Contract.

1.2.8 Transporter. The term "transporter" means an entity that transports covered electronic products from collection sites or services to processors or other locations for the purpose of recycling, but does not include any entity or person that hauls their own unwanted electronic products.

SECTION 2: PERIOD OF PERFORMANCE

The period of performance under this Contract will be from January 1, 2016, through December 31, 2016. The AUTHORITY shall have the option of renewing the Contract for additional annual periods.

SECTION 3: RECEIPT OR DELIVERY OF COVERED ELECTRONIC PRODUCTS

3.1 Delivery. The AUTHORITY shall deliver covered electronic products to CONTRACTOR at those times and places, in those quantities, and in the manner agreed to by AUTHORITY and CONTRACTOR. CONTRACTOR's receipt of covered electronic products at its processing facilities and CONTRACTOR's taking of possession and control of covered electronic products at the point of delivery shall constitute acceptance of covered electronic products for the purpose of processing.

3.2 Examination of Materials. The AUTHORITY shall permit CONTRACTOR reasonable access to delivered covered electronic products for purposes of examining and sampling prior to accepting the covered electronic products. CONTRACTOR shall accept conforming covered electronic products which have been tendered and delivered in conformance with this Contract.

3.3 Documents. For each delivery of covered electronic products to the CONTRACTOR, the AUTHORITY or its authorized representative shall provide CONTRACTOR those completed documents, shipping papers or manifests as are required for lawful transfer of the covered electronic products to CONTRACTOR at the point of delivery. Such documents shall meet applicable federal, state or local rules and regulations, including, but not limited to, the Electronic Products Recycling Act, RCW 70.95N, et seq., Hazardous Materials Transportation Act, 49 U.S.C. §§1801, et seq., as amended, the Toxic Substances Control Act, 15U.S.C. §§ 2601 et seq., as amended, and the Resource Conservation and Recovery Act of 1976, 42 U.S.C. §§ 6901 et seq., as amended.

8.1 **Termination.** The AUTHORITY may, in its sole discretion, terminate the Contract, without incurring any termination charges or penalties to the AUTHORITY, by giving CONTRACTOR thirty (30) days' written notice of cancellation. The notice of termination shall specify the date when this Contract or services terminates. The AUTHORITY shall have no responsibility to CONTRACTOR for any services performed by CONTRACTOR after the effective termination date.

8.2 **Termination for Breach.** Either party may terminate this Contract or any services under this Contract upon five (5) days prior written notice if the other party (i) has breached any material provision of this Contract, including non-payment and/or improper partial payment of invoices; or (ii) has violated applicable federal, state, or local laws, ordinances, or regulations. The notice of termination shall specify the date when this Contract terminates and the reason for termination.

SECTION 9: CONTRACT MANAGEMENT

The Contract Manager designated below for each party shall be the contact person for all communications and billings regarding the performance of this Contract.

CONTRACTOR Contract Manager	AUTHORITY Contract Manager
Sam Kim / Paul Kim, Owners E-Waste, LLC 12424 Beverly Park Rd #A4 Lynnwood, WA 98087 P: 425.239.4118 F: 425.329.8979 E: sam@e-wastes.com / paul@e-wastes.com	John Friedrich, Executive Director Washington Materials Management and Financing Authority 116 N. Oakes Ave. Ste B Cle Elum, WA 98992 Phone (509) 674-5871 Fax: (509)-674-5350 Cell: (360) 442-1106 E-mail: info@wmmfa.net or jfriedrick@wmmfa.net

SECTION 10: NOTICE

Except where otherwise expressly authorized, notice shall be by fax, by first class certified or registered mail, or by commercial delivery service issuing a receipt for delivery and addressed as set forth above, unless changed in writing by the party to whom the notice is being sent. Notice shall be effective upon delivery.

SECTION 11: INDEMNIFICATION

To the fullest extent permitted by law, CONTRACTOR shall indemnify, defend, and hold harmless the AUTHORITY, the State, agencies of State and all officials, agents and employees of State from all liability of any nature or kind, including costs, expenses, and attorney's fees, for all actions or claims, losses, personal injuries or property damages sustained by any person or property, resulting from or arising out of, directly or indirectly, any error, omission, or negligent or wrongful acts of CONTRACTOR, or any SUBCONTRACTOR, employee, agent, or representative of CONTRACTOR or anyone directly or indirectly employed by them, in the performance of this Contract.

CONTRACTOR expressly agrees to indemnify, defend, and hold harmless the AUTHORITY and State for any claim, expense, fee or penalty arising out of or incident to CONTRACTOR's or any subcontractor's performance or failure to perform the Contract. CONTRACTOR's obligation to indemnify, defend, and hold harmless the State shall not be eliminated or reduced by any actual or alleged concurrent negligence of State or its agents, agencies, employees and officials.

CONTRACTOR waives its immunity under Title 51 RCW to the extent it is required to indemnify, defend and hold harmless State and its agencies, officials, agents or employees.

THIS CONTRACT is executed by the persons signing below, who warrant they have the authority to execute the Contract.

CONTRACTOR



Signature
Owner
12/16/15

Title Date

Washington Materials Management and Financing Authority



Signature
EXEC. DIRECTOR
12/21/15

Title Date