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December 2006

Mercury Convenience Switch Collection Program Implementation Report

A Report to the 80th Texas Legislature

Mercury Convenience Switch Collection
Program Implementation Report
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Prepared by
Small Business and Environmental Assistance Division

SFR-086/06
December 2006



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Contents

Introduction	1
Executive Summary	2
Implementation of HB 2793.....	2
Recommendations.....	5
Background on Mercury Convenience Switches	6
Sources of Mercury Emissions.....	6
The Use of Mercury Convenience Switches in Automobiles.....	9
The Use of Automobile Scrap for Steel Production.....	11
National Vehicle Mercury Switch Recycling Program.....	12
Implementation of HB 2793	13
Implementation of the Voluntary Convenience Switch Collection Program.....	13
Adoption of the Universal Waste Rule for Mercury-Containing Equipment.....	18
Collection Rates and Participation	20
Recommendations	21
Appendix A	23
Instructions Provided by ELVS for Removing Convenience Switches.....	25
Appendix B	27
List Provided by ELVS of Vehicles Believed to Include Mercury Convenience Switches.....	29
Appendix C	31
Collection Bucket Request Form.....	33
Appendix D	35
Annual Reporting Form.....	37
Appendix E	39
RG-443: Guidance on Obtaining Regulatory Incentives as a Participant in the Voluntary Convenience Switch Collection Program.....	41

Tables

Table 1: Number of Facilities Receiving Convenience Switch Collection Buckets.....	20
Table 2: Data From Annual Reports Submitted by Participating Facilities.....	20
Table 3: Convenience Switch Collection and Facility Participation Data Submitted by ELVS.....	20

Figures

Figure 1: Man-Made Emissions of Mercury in the United States.....	6
Figure 2: Man-Made Emissions of Mercury in Texas.....	7

Introduction

Pursuant to House Bill 2793, passed by the Texas Legislature during the 79th Regular Session, the Texas Commission on Environmental Quality (TCEQ) has coordinated the development of a voluntary convenience switch collection program in the state of Texas.

HB 2793 was passed by both the Texas House and the Texas Senate on May 29, 2005. Formal implementation of this program began on August 29, 2005, the date on which HB 2793 was mandated to take effect.

This report, for the year ending December 31, 2006, is the first annual report published according to the requirements of Section 375.151 of the Texas Health and Safety Code.

Executive Summary

Implementation of HB 2793

Because of mercury's potential health impacts, the federal government is proposing a series of regulations aimed at reducing mercury emissions from a variety of sources. The steel manufacturing process is one specific source that has been identified by the United States Environmental Protection Agency (EPA) for prospective control measures. The mercury convenience switch collection program established through House Bill 2793 helps meet the goals of the EPA's proposed regulations.

Mercury is an element that is emitted globally from both natural and man-made sources. Data from a number of sources have shown that mercury emissions typically result from natural, as opposed to man-made, sources. However, data continue to show that within the last century, human activities have contributed to increased amounts of mercury in the atmosphere worldwide.

When considering global mercury emissions, recent data show that man-made sources in the United States do not represent a significant proportion of total mercury emissions worldwide. In fact, the EPA estimates that man-made sources from the United States represent only 3 percent of total mercury emissions worldwide, and 6 percent of worldwide mercury emissions originating from man-made sources. Among the specific man-made sources both nationally and in Texas, power plants represent 31 percent and 70 percent, respectively, of the totals. The EPA estimates that electric arc furnaces account for approximately 10 tons of mercury emissions nationwide each year, while in Texas, the wide range of "other sources" including steel smelting facilities generate approximately 22 percent of the state's mercury emissions from man-made sources.

Mercury emissions from steel smelting facilities are generated primarily from scrap material that contains mercury-containing devices or their remnants. Although basic oxygen steel makers typically use source material that is only 25 to 30 percent scrap metal, electric arc steel makers typically use source material that is virtually 100 percent recycled content. In total, to produce an estimated 100 million tons of new steel each year, steel producers typically use more than 76 million tons of steel scrap.

These 76 million tons of scrap material come from a variety of sources, with only a little more than 14 million tons coming from end-of-life vehicles recycled nationwide each year. However, nearly all end-of-life vehicles eventually undergo dismantling, shredding, and recycling, which means identifying and removing potential mercury sources from these vehicles prior to shredding can be an important part of overall efforts to reduce mercury emissions.

The benefits of mercury convenience switch collection programs are in part due to the fact that so many vehicles that contain mercury convenience switches are still on the road or not yet processed by a vehicle recycler. Although mercury convenience switches were

eliminated entirely starting with model year 2003 vehicles, the EPA cites estimates that nationwide, more than 50 million mercury convenience switches remain in vehicles still on the road, with an estimated 3.7 million still on the road in Texas.

Pursuant to House Bill (HB) 2793, the TCEQ has helped to coordinate the implementation of a convenience switch collection program for the state of Texas. Although participation in the program is voluntary for both vehicle recyclers and metal recycling facilities, the legislation includes specific mandates for both automobile manufacturers and the TCEQ. To facilitate the implementation of the requirements under HB 2793 and other programs throughout the U.S., the automobile manufacturers created a not-for-profit corporation called End of Life Vehicle Solutions (ELVS).

One of the primary responsibilities assigned to the TCEQ in HB 2793 involves identifying facilities to participate in the convenience switch collection program, and providing a list of those facilities to the automobile manufacturers. After considering a number of potential sources for this list, the TCEQ developed a list of 653 facilities to receive collection buckets in the initial mailing. A total of 453 collection buckets were mailed on or before the October 28, 2005, deadline. An additional 200 collection buckets were mailed to the remaining facilities on or before January 20, 2006. Of these 653 buckets, 72 buckets were returned, the result of either an undeliverable address or a refused delivery.

Following these initial mailings, the TCEQ solicited and received feedback from stakeholders in both the steel production and the automobile recycling industries. The TCEQ participated in a series of meetings with representatives from both of those affected sectors to update them on the status of the voluntary collection program and to gather feedback on potential concerns identified from the initial mailings.

From these meetings, the TCEQ took steps to address two primary concerns. First, to eliminate potential confusion and to streamline participation in the collection program, the TCEQ developed several new resources in cooperation with ELVS, with feedback from both the vehicle recycling and steel manufacturing industries. Also, in an effort to identify additional facilities interested in participating in the collection program, the TCEQ compiled a list of 1,784 facilities from a list of related businesses that receive permits from the Texas Department of Transportation (TxDOT).

Through a series of mailings between June 20 and August 15, 2006, the TCEQ supplied Bucket Request Forms and related materials to each of the facilities on the list generated from the information provided by TxDOT. Approximately 635 of the 1,784 addresses on the list of facilities were returned as undeliverable. Of the remaining 1,149 facilities whose mailers were not returned, 26 requested collection buckets by the November 15, 2006, reporting deadline.

In addition to identifying facilities that would qualify to participate in the collection program, HB 2793 also mandates that the TCEQ provide regulatory incentives to those facilities that participate in the voluntary program. Pursuant to the legislation, the TCEQ has met these requirements through existing programs, which already offer these incentives to participating facilities.

On-site technical assistance is already available to vehicle recyclers through the Small Business and Environmental Assistance Section's (SBLGA) existing site assistance program. This program allows small businesses to contact the SBLGA to request a free, confidential site visit to assess potential compliance concerns at the facility. Through this program, participating small businesses also receive guidance to address any concerns identified during the visit.

As an additional incentive, a participating facility can qualify for an adjustment to its compliance history classification. Because HB 2793 requires that any compliance history adjustments be provided to qualifying businesses through existing programs, the TCEQ provides these incentives "based on: (1) a [business'] compliance history classification; and (2) any voluntary measures undertaken by the [business] to improve environmental quality."

Under these existing programs, the TCEQ primarily provides regulatory incentives to entities with an average or high compliance history classification through the CLEAN TEXAS program. Under CLEAN TEXAS, participating facilities without an environmental management system (EMS) that make voluntary commitments to maintain environmental performance that is beyond minimum requirements can have their participation applied to their compliance history score as a *mitigating factor*.

The Legislature has established the annual report from a participating vehicle recycler as the mechanism for potentially qualifying to receive regulatory incentives under HB 2793. A total of six facilities submitted annual reports by the November 15, 2006, deadline mandated in Section 375.101 (b) of the Health and Safety Code. However, the requirements of the CLEAN TEXAS program allow facilities to join the program throughout the year, depending on their compliance history classification.

In conjunction with the voluntary convenience switch collection program, Section 2 of HB 2793 also mandated that the TCEQ "adopt rules for regulating a convenience switch...as universal waste under 30 TAC Section 335.261." By eliminating existing requirements for storing and shipping mercury convenience switches, this change to the rules amended provisions that might otherwise serve as obstacles for small businesses wishing to participate in the program.

The TCEQ fulfilled this mandate by incorporating by reference existing federal rules that allow mercury-containing equipment, including convenience switches, to be managed as universal waste. Handlers of universal waste are subject to less stringent standards for reporting, storing, transporting, and collecting these wastes.

The six facilities submitting Annual Reporting Forms by the November 15, 2006, deadline reported processing a total of 186 vehicles, and removing a total of 156 switches. In addition to these reports, ELVS also reported the total number of switches they received from Texas facilities prior to November 15, 2006. According to ELVS, seven facilities returned collection buckets containing convenience switches. These facilities returned 2,050 switches, accounting for an estimated four pounds of mercury.

Recommendations

With the initial implementation of HB 2793 completed, the TCEQ does not currently recommend any legislative action related to the convenience switch collection program. The TCEQ will continue to work with ELVS and representatives from the vehicle recycling industry to improve the capture rate within the framework of the existing program.

Background on Mercury Convenience Switches

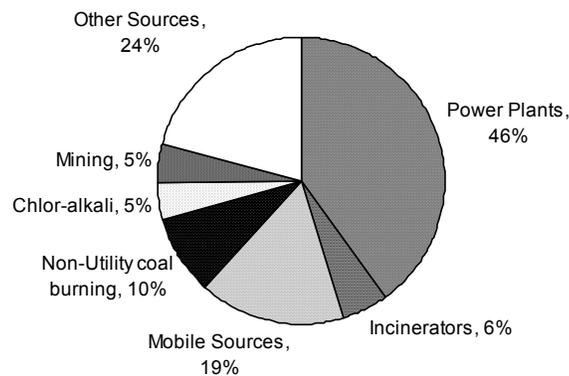
Sources of Mercury Emissions

Data collected as recently as 1995 show that over half of global mercury emissions occur naturally from oceans, biomass burning, and volcanoes, while slightly less than half of mercury emissions are the result of man-made sources. However, of the naturally-occurring emissions, some portion is actually re-emitted mercury that is transferred to the atmosphere from biologic and geologic processes that draw from a pool of mercury that was deposited to the earth's surface after it was emitted initially from other man-made or natural activities (EPA 1997).

Even given the significant proportion of mercury emissions from naturally occurring sources, studies have shown that within the past 100 years, human activities have increased the amount of mercury sustained in the global atmosphere. Estimates from atmospheric sampling conducted over the Atlantic Ocean in 1977, 1978, 1980, and 1990 indicated a yearly increase of approximately 1 percent in concentrations of elemental mercury, the form of mercury that serves as an indicator for the global mercury pool. Estimates were slightly higher for the Northern Hemisphere than for the Southern Hemisphere, indicating the possibility of greater emissions from man-made sources of elemental mercury in the Northern Hemisphere (Slemr 1992).

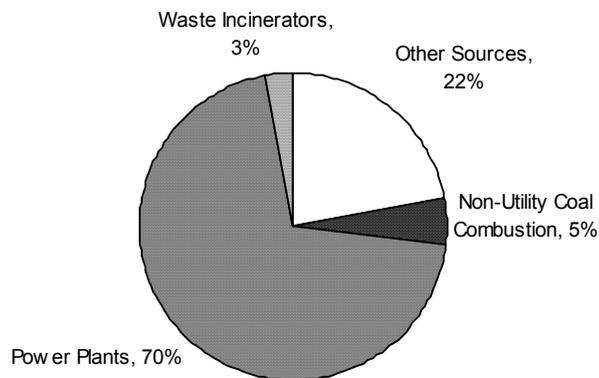
When considering mercury emissions globally, recent data show that man-made sources in the United States do not represent a significant proportion of mercury emissions worldwide. Based on data from a 2006 report, it is estimated that Asia contributes about half of the global emissions of mercury from man-made sources, while the U.S. contributes about 6 percent of emissions from man-made sources worldwide. Only 3 percent of total mercury emissions worldwide originate from man-made sources in the United States.

Figure 1. Man-Made Emissions of Mercury in the United States



Additional observations provide a clearer picture of the distribution of mercury emissions from various man-made sources, both nationwide and here in Texas. Using data gathered in 1999, Figure 1 shows the annual distribution of mercury emissions from man-made sources in the United States (Seigneur 2006). Using more recent data from 2003, Figure 2 shows the distribution of mercury emissions from various man-made point sources in Texas (TCEQ 2006). Within this total distribution, mercury emissions from steel smelting facilities would account for a portion of the estimated 1.61 tons (22 percent) of man-made emissions from “Other” sources.

Figure 2. Man-Made Emissions of Mercury in Texas



In terms of the total number of tons emitted, the U.S. Environmental Protection Agency (EPA) recently estimated that the total amount of mercury emitted in the United States each year is 120 tons, with about 10 tons of mercury emitted each year from electric arc furnaces. According to these estimates, that would make electric arc furnaces the fourth largest source of mercury air emissions in the U.S., behind coal burning utilities, gold mining, and industrial boilers (EPA 2005).

References

Seigneur, Christian, Ph.D. Emissions data provided via e-mail communication of May 20, 2006. Atmospheric and Environmental Research, Inc. (2006).

Slemr F, Langer E. Increase in Global Atmospheric Concentrations of Mercury Inferred from Measurements over the Atlantic Ocean. *Nature* 355: 434-437 (1992)

Texas Commission on Environmental Quality (TCEQ), Industrial Emissions Assessment Section. Annual Routine Mercury Emissions Reported to the TCEQ from Industrial Point Sources for Calendar Year 2003 (2006).

United States Environmental Protection Agency (EPA). Desk Statement on Cross-Agency Efforts to Bring About Removal of Automotive Mercury Switches, Offices of

Solid Waste, Office of Air Quality Planning and Standards, Office of Water, Office of Policy, Economics, and Innovation, and Office of Pollution Prevention and Toxics (2005).

United States Environmental Protection Agency (EPA). Mercury Study Report to Congress, Volume II. EPA-452/R-97-004b, Office of Air Quality Planning and Standards and Office of Research and Development (1997).

The Use of Mercury Convenience Switches in Automobiles

Over the years, mercury has commonly been used in a variety of products, including: dental amalgam; electrical lighting; measuring and control devices; and switches and wiring devices. In a 2006 report, the EPA estimated that as recently as 2001, around 245 metric tons of mercury were used in products manufactured that year (Roadmap 2006). Of the 245 tons, it was estimated that 103 metric tons (or 42 percent of the total) were used in the production of switches and wiring devices, including convenience switches.

Although the EPA has identified these additional potential sources of mercury emissions such as those listed above, current efforts throughout the United States are largely focused on mercury convenience switches in end-of-life automobiles (Desk 2005). This is in large part because these switches not only represent the most prevalent use of mercury in automobiles, they are also relatively easy to locate and remove.

Convenience switches making use of an alternative to mercury, such as a ball bearing, remain a common feature on many vehicles manufactured today. Whatever mechanism it might use, the convenience switch itself is typically located in the hood or trunk of a vehicle, automatically turning on when either is opened.

Because of its conductive nature, mercury was commonly used within convenience switches installed on domestic automobiles manufactured prior to model year 2003. The mercury within these convenience switch assemblies was typically encapsulated in a small metal “bullet,” with the average bullet containing about one gram of mercury. Once the hood or trunk was tilted upwards, the movement of the mercury inside the bullet would create the connection necessary to turn on the light.

In a 2005 report, the EPA estimated that about 33 percent of the automobiles manufactured in the United States between model years 1985 and 2003 included mercury switches (EPA 2005). During this period, the number of automobiles containing mercury switches declined from 57 percent of the models produced in 1985, to 17 percent of the 2002 models. Although mercury convenience switches were phased-out starting with model year 2003 vehicles, the EPA cites estimates that nationwide, more than 50 million switches remain in vehicles still on the road, with an estimated 3.7 million still on the road in Texas (EPA 2006).

To assist vehicle recyclers in identifying “eligible vehicles” and locating the convenience switches, a complete list of the vehicles and model years that are likely to include mercury convenience switches was developed cooperatively by the TCEQ and ELVS (See Appendix C).

References

Minnick, Rhonda. Data regarding number of convenience switches still in vehicles via e-mail communication of November 16, 2006. U.S. Environmental Protection Agency (2006).

United States Environmental Protection Agency (EPA). Desk Statement on Cross-Agency Efforts to Bring About Removal of Automotive Mercury Switches, Offices of Solid Waste, Office of Air Quality Planning and Standards, Office of Water, Office of Policy, Economics, and Innovation, and Office of Pollution Prevention and Toxics (2005).

United States Environmental Protection Agency (EPA). EPA's Roadmap for Mercury. EPA-HQ-OPPT-2005-0013, Office of Pollution Prevention and Toxics (2006).

United States Environmental Protection Agency (EPA). Market Study: Mercury Use in Automotive Switches. Office of Pollution Prevention and Toxics (2005).

The Use of Automobile Scrap for Steel Production

Scrap metal from salvage automobiles is an important source of material for steel producers, both here in Texas and throughout the United States. In producing more than 100 million tons of new steel each year, U.S. steel producers will utilize more than 76 million tons of steel scrap (Foley 2006).

Scrap steel is an especially important source of material for electric arc steel makers. The source material for these steel producers is comprised almost entirely of scrap metal, meaning the finished new steel they produce is virtually 100 percent recycled content. Because the source of the scrap material is largely determined by availability in scrap markets, the mix of scrap metal going into the process is likely to change on any given day.

Scrap material is not as essential for basic oxygen steel makers. These steel producers will typically use a combination of 25 to 30 percent scrap and 70 to 75 percent virgin iron ore to produce new steel. Once again, market availability will typically dictate the mix of scrap going into the process on any given day (Foley 2006).

The scrap steel used by steel recyclers to produce new steel comes from a variety of sources. Although nearly all obsolete vehicles in the United States are eventually dismantled, shredded, and recycled, industry estimates show that only 14.2 million tons of the more than 76 million tons come from recycled vehicles. It is estimated that this 14.2 million ton figure represents approximately 14 million end-of-life vehicles recycled nationwide each year (Foley 2006).

Here in Texas, representatives from companies operating electric arc furnaces located throughout the state report processing more than 1.3 million end-of-life vehicles in producing new steel each year. They estimate that salvage vehicles represent approximately 17 percent of the total mix of salvage steel used by the electric arc furnaces in Texas (Bredesen 2006).

References

Foley, Walter J. Industry scrap supply and consumption data provided via e-mail communication of November 13, 2006. Steel Recycling Institute (2006).

Bredesen, Brad. Scrap supply and consumption data for electric arc furnaces in Texas provided via e-mail communication of November 30, 2006. Commercial Metals Co. (2006).

National Vehicle Mercury Switch Recycling Program

After a number of years of negotiations, the U.S. Environmental Protection Agency (EPA) and key industry stakeholders announced the formation of the National Vehicle Mercury Switch Recycling Program (NVMSRP) in August 2006. The national program, which is being implemented separately from programs already in place in a number of states, is aimed at facilitating the removal and collection of mercury convenience switches in states without preexisting programs.

Maximizing the removal and collection of mercury switches nationwide is a primary goal of this program. To support those efforts, a \$4 million fund has been established to reward dismantlers and recyclers participating in the collection program on a first-come, first-served basis. Participating facilities will be paid \$1 for each mercury convenience switch that is received for processing. These payments are scheduled to begin in January 2007, but mercury convenience switches returned after September 12, 2006, will also be credited once the payments begin.

The program will largely be coordinated by End of Life Vehicle Solutions (ELVS), the not-for-profit corporation formed by the automobile manufacturers. Through this national program, ELVS will not only provide educational materials, they will also collect and recycle the convenience switches returned by participating facilities. In addition to convenience lighting assemblies, under the national program, ELVS will also accept ABS modules containing mercury switches as well as the individual switch pellets removed from convenience lighting assemblies.

Although the national program has been implemented independent of the program mandated under HB 2793, vehicle recyclers and metal recycling facilities in Texas are eligible to participate. Additionally, because the existing collection outlined in HB 2793 does not include financial incentives, Texas facilities will automatically receive the \$1 per switch payment promised under the terms of the national program. This is possible in large part because many of the key elements of the national program and the program in Texas are coordinated by the same entities.

Currently, the program materials prepared by the TCEQ do not include any mention of these separate incentives. This is primarily due to the fact that, for the most part, these materials were developed before the details of the national program were finalized. Throughout the discussions to finalize the details of implementing the national program, there were differing opinions as to whether or not it was meant to include states such as Texas with existing programs.

If program materials developed by the TCEQ are revised to include information on the national program, it will be important to maintain the distinction between the national program and the program outlined in HB 2793. This distinction will help to reduce the potential for confusion between the elements of the national program, agreed to voluntarily by industry and government stakeholders at the national level, and the elements of the existing collection program here in Texas, which includes specific mandates, requirements, and incentives outlined in HB 2793.

Implementation of HB 2793

Implementation of the Voluntary Convenience Switch Collection Program

The convenience switch collection program mandated under House Bill (HB) 2793 was the byproduct of a collective effort between the Texas Legislature and industry stakeholders. The program helps reduce the number of mercury convenience switches making its way into the source materials used by Texas steel producers when producing their products.

Although the convenience switch collection program includes mandatory elements required of those automobile manufacturers producing “eligible vehicles” that might contain mercury convenience switches, participation in the program by vehicle recycling and metal recycling facilities is voluntary.

In HB 2793, The Texas Commission on Environmental Quality (TCEQ) was tasked with coordinating the efforts of the automobile manufacturers to implement their mandates under the legislation, along with its own mandates to provide regulatory incentives and track the progress of the collection program.

To coordinate their efforts to meet the requirements of HB 2793 and commitments in other states, the automobile manufacturers formed a single, not-for-profit corporation, End of Life Vehicle Solutions (ELVS). The participating members of ELVS include BMW of North America, DaimlerChrysler Corporation, Ford Motor Company, General Motors Corporation, International Truck & Engine, Mack Trucks, Mitsubishi Motors North America, Subaru of America, Volkswagen of America, and Volvo Trucks North America.

Within the TCEQ, primary responsibility for implementing the convenience switch collection program has been assigned to the Small Business and Environmental Assistance Division, and specifically the Pollution Prevention and Education (PPE) Section, with guidance and support from the Small Business and Local Government Assistance (SBLGA) Section.

One of the primary tasks for the TCEQ was compiling a list of facilities that would receive collection buckets in an initial mailing. Section 3 of HB 2793 required the automobile manufacturers, either “individually or as part of a group,” to provide collection containers to the vehicle recyclers and scrap metal recycling facilities identified by the TCEQ. In coordinating this work, the TCEQ worked initially with the Alliance of Automobile Manufacturers, which represented collectively a number of companies manufacturing eligible vehicles, and eventually ELVS, once their partnership was finalized.

The TCEQ explored three potential sources in compiling this list. First, it identified vehicle recyclers operating with a stormwater permit on file with the agency. Next, it

obtained a list of member facilities in the Texas Automotive Recyclers Association (TARA). Finally, the agency obtained a complete list of licensed auto salvage dealers and agents from the Texas Department of Transportation (TxDOT).

After analyzing each of the three lists, it was determined that the list of stormwater permittees and the list provided by TARA would be the most effective source for the initial list of facilities receiving collection buckets. Although the list supplied by TxDOT included a significantly higher number of facilities, conversations with TxDOT staff and representatives from the automobile manufacturers raised questions regarding the quality of the information in the list, and the efficiency of mailing collection buckets to such a large number of relatively unknown facilities. However, as a result of these discussions, it was agreed that the possibility of using these lists would be revisited after additional efforts by the TCEQ and TxDOT to establish a higher level of confidence in the data they contained.

To compile the list of facilities that would receive collection buckets from the initial mailing, the TCEQ combined the list of stormwater permittees and the list supplied by TARA, removing any duplicate listings from either source. Staff conducted an additional review to remove: facilities with a specific focus on vehicles not included in the list of eligible vehicles; facilities focused on motorcycles, which were not included under the scope of HB 2793; and facilities processing heavy-duty trucks, which were not at the time represented by the Alliance of Automobile Manufacturers, or its successor, End-of-Life Vehicle Solutions (ELVS).

The final product of this review process was a list of 653 businesses that was presented to ELVS as the list of facilities that would receive collection buckets in the initial mailing.

At that time, ELVS reported that they would have difficulty supplying a collection bucket to all 653 facilities by the October 28, 2005 deadline. To facilitate their needs while also ensuring that the October 28 deadline was met, the TCEQ divided the list of 653 facilities into three smaller lists of approximately 217 facilities each. ELVS agreed to send an initial mailing to a compilation of two of the three smaller lists of facilities, with an understanding that a second mailing to the remaining facilities would soon follow.

As a result of this initial work, ELVS mailed a total of 653 collection buckets to vehicle recycling facilities and scrap metal recycling facilities throughout Texas. A total of 453 collection buckets were mailed on or before the October 28 deadline. An additional 200 collection buckets were mailed to the remaining facilities on or before January 20, 2006. Of these 653 buckets, a total of 72 buckets were returned, the result of either an undeliverable address or a refused delivery.

Following these initial mailings, the TCEQ solicited and received feedback from stakeholders in both the steel production and the automobile recycling industries. The TCEQ participated in a series of meetings with representatives from both of those affected sectors to update them on the status of the voluntary collection program and to gather feedback on potential concerns identified from the initial mailings. These meetings offered invaluable insight into some of the issues identified by the impacted industries, which also presented specific concerns regarding the nature and content of the

resources given to facilities that received collection buckets in the initial mailing. The TCEQ was also able to introduce several new publications that had been developed to facilitate greater participation in the collection program, and gather feedback on the content and direction of these materials.

In the follow-up to these meetings, the TCEQ worked with ELVS and the automobile manufacturers to develop strategies for addressing the concerns raised by participating facilities. Specifically, the TCEQ developed a more streamlined resource to help participating facilities in identifying eligible vehicles that could potentially include mercury convenience switches, and more quickly locate the convenience switches in those vehicles (see Appendix C).

As a part of this process, TCEQ staff toured a participating vehicle recycling facility, and joined them in surveying the vehicles they process to locate and remove convenience switches from eligible vehicles. TCEQ staff also toured a steel production facility where they witnessed the process by which these end-of-life vehicles are ultimately recycled, and learned firsthand of the potential challenges of reducing mercury emissions given current control technologies.

From the information and feedback that was gathered, the TCEQ also worked with ELVS and the automobile manufacturers to produce more detailed instructions for locating, removing, and returning convenience switches, while also replacing information and requirements from similar collection programs in other states with information that reflected the specific components of the Texas program created under HB 2793. ELVS agreed to mail this revised information, along with updated forms and publications from the TCEQ, to all of the facilities that had received buckets in the initial mailing.

These updated resources developed by the TCEQ were aimed at addressing specific concerns raised by the industry stakeholders. First, to make it easier for participating facilities to submit the annual reports, an interactive form (see Appendix D) was developed and posted on the agency's web site, in addition to being included in the mailing from ELVS. Also, the TCEQ developed a new form to facilitate the process for requesting a mercury collection bucket (see Appendix E).

This Bucket Request Form addresses one of the primary concerns identified by representatives from both the vehicle recycling industry and the steel producers. Their concerns centered on the need to recruit additional participants into the voluntary collection program, and the mechanisms in place to meet that need. The vehicle recyclers wanted to ensure that all vehicle recycling facilities were encouraged to participate in the program to avoid placing an unfair burden on those facilities investing the time and resources to locate and remove the switches. The steel producers wanted to ensure that a sufficient number of facilities would participate to demonstrate an effective statewide capture rate.

The TCEQ undertook two efforts to address these concerns. First, to minimize the potential obstacles to initially participating in the collection program, the Bucket Request Form was developed to give facilities a more convenient mechanism for requesting their first bucket, or a replacement bucket. Second, the TCEQ once again worked with

TxDOT to compile a more accurate listing of facilities licensed to process end-of-life vehicles.

From the original list of more than 5,000 facilities supplied by TxDOT, staff removed duplicate listings, the names of individual persons, facilities with a specific focus on vehicles not included in the list of eligible vehicles, and facilities that had already received collection buckets in the initial mailing. After removing any listings that met any of these criteria, the TCEQ finalized a list that included 1,784 facilities in five categories: salvage facilities; wrecker-salvage facilities; auto recyclers; used parts dealers; and metal recyclers.

Due to the large number of facilities included on the list, and concerns regarding the quality of the data contained in the list, the TCEQ worked with ELVS to develop a strategy for maximizing the level of outreach to potential facilities while also minimizing the number of buckets returned due to incorrect or out-of-date listings.

From these discussions, it was agreed that mailing the Bucket Request Forms along with additional information regarding the convenience switch collection program would be the most efficient strategy for reaching out to additional facilities. ELVS and the automobile manufacturers agreed that this strategy would reduce the risk of buckets going to facilities that might be out of business or might not otherwise qualify for the program. Representatives of the auto recycling industry and internal stakeholders also agreed that this approach would offer facilities with sufficient opportunities to participate in the collection program.

In part to launch this effort to increase awareness of the collection program among vehicle recyclers and to encourage additional facilities to participate, the TCEQ hosted a workshop at the Four States Auto-Recyclers Expo. The TCEQ took advantage of this important opportunity in large part because it was identified as one of the few opportunities to address a group of vehicle recyclers, which typically tend to be small businesses with a limited ability to attend such meetings. In addition to the information offered on the voluntary convenience switch collection program, this workshop, coordinated by staff from SBLGA, also included information on important environmental regulations for vehicle recyclers, and information on other SBLGA programs and resources aimed at assisting small businesses.

Through a series of mailings between June 20 and August 15, 2006, the TCEQ supplied the Bucket Request Forms and related materials to the facilities on the lists provided by TxDOT. Approximately 635 of the 1,784 addresses on the list of facilities were returned as undeliverable. Of the remaining 1,149 facilities whose mailers were not returned, 26 requested collection buckets by the November 15, 2006 reporting deadline.

To encourage vehicle recyclers and metal recycling facilities to participate in the voluntary collection program, the TCEQ was authorized under Section 375.101 of the Health and Safety Code to provide regulatory incentives including “on-site technical assistance and compliance history classification adjustments.” Pursuant to additional requirements under HB 2793, the TCEQ has made use of existing mechanisms to make these incentives available to participating facilities.

In providing on-site technical assistance to vehicle recyclers, the TCEQ will make use of the Small Business and Environmental Assistance Section's (SBLGA) existing site assistance program. Through this program, small businesses can contact the SBLGA to request a free, confidential site visit to assess potential compliance concerns at their facility. Facilities making these requests will be visited by an environmental professional contracted by the TCEQ. Once at the site, a contractor will identify and assess potential compliance concerns, and also offer guidance on strategies for addressing those concerns. During fiscal year 2006, a total of 272 facilities received site visits through this SBLGA program. Of this total, 12 vehicle recyclers received site visits.

Pursuant to Section 375.101 (a) of the Health and Safety Code, the TCEQ is providing compliance history adjustments to qualifying businesses through existing programs "implemented pursuant to Section 5.755, Water Code...." Under the provisions of Section 5.755 of the Water Code, the TCEQ can offer compliance history adjustments "based on: (1) a person's compliance history classification; and (2) any voluntary measures undertaken by the person to improve environmental quality."

Under these requirements, the TCEQ provides regulatory incentives to entities with an average or high compliance history classification primarily through the CLEAN TEXAS program. Through the CLEAN TEXAS program, a facility implementing an Environmental Management System (EMS) can qualify for a 10 percent adjustment to its compliance history score. Participating facilities without an EMS that make voluntary commitments to maintain environmental performance that is beyond minimum requirements can have their participation applied to their compliance history score as a *mitigating factor*.

The Legislature has established the annual report from a participating vehicle recycler as the mechanism for potentially qualifying to receive regulatory incentives under HB 2793. A total of six facilities submitted completed annual reports by the November 15, 2006, deadline mandated in Section 375.101 (b) of the Health and Safety Code. However, the requirements of the CLEAN TEXAS program allow facilities to pursue membership in the program throughout the year, depending on their compliance history classification. As a result, the commitments made by facilities participating in the voluntary convenience switch collection program would allow a vehicle recycler to be considered for membership in the CLEAN TEXAS program at any time.

Adoption of the Universal Waste Rule for Mercury-Containing Equipment

In conjunction with the voluntary convenience switch collection program, Section 2 of HB 2793 also mandated that the TCEQ “adopt rules for regulating a convenience switch...as universal waste under 30 TAC Section 335.261.” This course of action facilitated the implementation of the convenience switch collection program by eliminating existing requirements for storing and shipping mercury convenience switches. These requirements might have otherwise served as obstacles for small businesses looking to participate in the program.

The TCEQ fulfilled this mandate by incorporating by reference existing federal rules that allow mercury-containing equipment, including convenience switches, to be managed as universal waste. Handlers of universal waste are subject to less stringent standards for reporting, storing, transporting, and collecting these wastes.

The existing federal rules for allowing mercury-containing equipment to be managed as universal waste were published by the EPA as a final rule, effective August 5, 2005. This rule added mercury-containing equipment to the federal list of universal wastes regulated under the hazardous-waste regulations of the Resource Conservation and Recovery Act (RCRA). The “mercury-containing equipment” classification is a broad classification that includes a variety of devices, items, or articles that contain varying amounts of elemental mercury. Included within this classification are automotive convenience switches, several types of instruments that are used throughout the electric-utility industry, and other devices commonly used in households, municipalities, and other industries.

In considering these regulations, the EPA concluded that regulating spent mercury-containing equipment as a universal waste would lead to better management of mercury in certain equipment and would facilitate compliance with hazardous waste requirements. These benefits are realized in part because the universal waste rules streamline the management of mercury-containing equipment, facilitating its proper disposal. Specific examples of streamlining include reduced record-keeping, simplified manifesting, and less stringent storage and transportation requirements.

The TCEQ published for comment the proposed rules in the February 10, 2006, issue of the *Texas Register* (31 TexReg 823). On July 12, 2006, the TCEQ formally adopted the amended rules in 30 TAC Chapter 335, Industrial Solid Waste and Municipal Hazardous Waste.

Although HB 2793 only required the agency to amend its universal waste rules to include convenience switches, the TCEQ took action to incorporate the complete federal universal waste rule to include other mercury-containing equipment in addition to automotive convenience switches. The TCEQ took this broader approach in part because it would be standard practice for the TCEQ to ultimately adopt the EPA rule by reference, but also because the TCEQ believed that this broader approach would allow more entities to take advantage of the regulatory relief granted under the universal waste rules.

Beyond the anticipated benefits to human health and the environment, the TCEQ believes the expanded universal waste rules will have potential fiscal benefits as well. Because universal waste is less expensive to manage than other hazardous waste, these rules will have a positive fiscal impact on individuals who choose to take advantage of the option of handling their mercury-containing equipment as universal waste. The TCEQ also believes that the universal waste rules offer a less onerous and less expensive means of reducing mercury emissions than imposing maximum achievable control technology (MACT) requirements on area sources.

Collection Rates and Participation

Table 1. Number of Facilities Receiving Convenience Switch Collection Buckets
(as of 11/15/2006)

Number of facilities receiving buckets in the October and January mailings	581*
Number of facilities requesting buckets through the Bucket Request Form	26
Total number of facilities in Texas receiving convenience switch collection buckets	608

* A total of 653 buckets were mailed between October 2005 and January 2006. Of this total, 72 buckets were returned, due either to undeliverable addresses or refused delivery.

Table 2. Data From Annual Reports Submitted by Participating Facilities

Number of facilities submitting completed Annual Reporting Forms by the November 15 deadline	6 facilities
Total reported number of eligible vehicles processed by facilities submitting completed Annual Reporting Forms	186 vehicles
Total reported number of convenience switches removed from eligible vehicles processed by facilities submitting completed Annual Reporting Forms	156 switches

To qualify for financial incentives provided by the TCEQ, facilities participating in the convenience switch collection program are required to submit a report documenting the number of convenience switches collected during the prior 12 months, and the total number of vehicles processed for recycling during that same period of time. The data included in Table 2 are a compilation of the information included on the reports submitted by participating facilities.

Table 3. Convenience Switch Collection and Facility Participation Data Submitted by ELVS

Number of Texas facilities returning collection buckets and convenience switches to ELVS for processing	7 facilities
Total reported number of mercury convenience switches processed by ELVS from facilities in Texas	2,050 switches
Estimated total weight of mercury removed from convenience switches returned by Texas facilities	4 lbs.

Pursuant to Texas Health and Safety Code Section 375.152, the manufacturers are required to report the total number of convenience switches recovered from Texas. Table 3 includes the number of mercury convenience switches returned to ELVS from facilities in Texas prior to November 15, 2006.

Recommendations

With the initial implementation of HB 2793 completed, the TCEQ does not currently recommend any legislative action related to the convenience switch collection program. The TCEQ will continue to work with ELVS and representatives from the vehicle recycling industry to improve the capture rate within the framework of the existing program.

Appendix A

Instructions Provided by ELVS for Removing Convenience Switches

REMOVING MERCURY SWITCHES

Removing hood and trunk convenience lights:

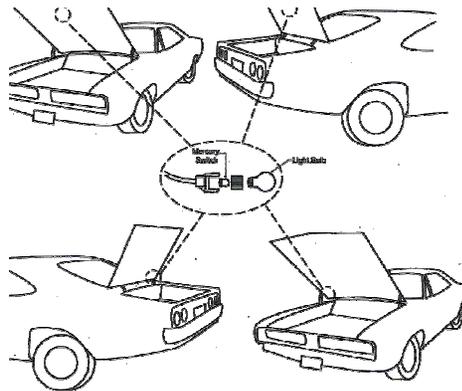
1. Remove hood and trunk convenience lights on these cars and trucks:

- GM, 2002 and older.
- Ford, 2001 and older.
- Chrysler, 1998 and older.
- Volvo, 1991 and older.
- Audi, 1977-1988 Audi 100 and 1980-1988 Audi 200

2. Disconnect the battery.

3. Find the small lighting fixture on the underside of the hood or trunk.

4. Cut the power supply wire to the fixture.



5. Remove any fasteners to separate light from vehicle.

RECYCLING MERCURY SWITCHES

Collecting and managing mercury-containing assemblies and pellets:

1. Determine if the vehicle should be checked for a switch assembly. If unsure, check the list of likely vehicle years, makes and models provided.

2. If yes, see removal instructions on opposite panel.

3. Remove the entire assembly. If the state requires pellet removal, then remove the metal pellet from the assembly.

4. Place the assembly and/or pellets in the plastic bucket. Properly labeled containers with air-tight lids will be provided.

5. Replace the lid after each pellet or assembly is added.

Appendix B

List Provided by ELVS of Vehicles Believed to Include Mercury Convenience Switches

VEHICLES CONTAINING MERCURY CONVENIENCE SWITCHES

Mercury switch information for specific brands and model years for the participating members of the End of Life Vehicle Solutions (ELVS).

MAKE / MODEL	MODEL YEAR	SWITCH LOCATION
AUDI	<i>Audi</i>	
Audi 100	1977-1988	✓ Hood Trunk
Audi 200	1980-1988	✓ Hood Trunk
DAIMLERCHRYSLER	<i>Dodge, Chrysler, Jeep, Plymouth, Eagle</i>	
All	1998 and prior	✓ Hood ✓ Trunk
FORD	<i>Ford, Lincoln, Mercury, Merkur, Mazda, Volvo</i>	
Ford Mustang	2000 and prior	✓ Hood ✓ Trunk
Ford Crown Victoria	2000 and prior	✓ Hood ✓ Trunk
Mercury Grand Marquis	2000 and prior	✓ Hood ✓ Trunk
Lincoln Town Car	2000 and prior	✓ Hood ✓ Trunk
Ford, Lincoln, Mercury, and Merkur Cars	1996 and prior	✓ Hood ✓ Trunk
Ford, Lincoln, and Mercury Trucks, SUV's, and Vans	2001 and prior	✓ Hood Trunk
<i>* Excludes: 1999 and newer model year Ford Econoline, Ford Windstar, Ford Ranger, and Mercury Villager</i>		
Mazda Navajo	1993-1997	✓ Hood Trunk
Mazda B-Series Pick-Up	1995-1999	✓ Hood Trunk
<i>* Ranger/B-Series phased out of mercury switches with 1999 model year.</i>		
Volvo	1991 and prior	✓ Hood Trunk
<i>* Volvo convenience switches may contain glass mercury capsules. Use care when removing convenience switches from these vehicles.</i>		
GENERAL MOTORS	<i>Chevrolet, GMC, Cadillac, Buick, Oldsmobile, Pontiac, Saturn, Saab</i>	
All Vehicles	1999 and prior	✓ Hood ✓ Trunk
<i>* Excludes: 1999 model year Chevrolet Astro, Chevrolet Silverado, GMC Safari, GMC Sierra</i>		
Cadillac Escalade	2000	✓ Hood Trunk
Chevrolet Blazer	2000, 2001, 2002	✓ Hood Trunk
Chevrolet Cavalier	2000, 2001	Hood ✓ Trunk
Chevrolet Corvette	2000	✓ Hood Trunk
Chevrolet Express	2000, 2001, 2002	✓ Hood Trunk
Chevrolet S-10 Crew cab	2002	✓ Hood Trunk
GMC Denali	2000	✓ Hood Trunk
GMC Envoy	2000, 2001	✓ Hood Trunk
GMC Jimmy	2000, 2001	✓ Hood Trunk
GMC Savana	2000, 2001, 2002	✓ Hood Trunk
GMC Sonoma Crew cab	2002	✓ Hood Trunk
Luxury G-Van	2001, 2002	✓ Hood Trunk
Oldsmobile Bravada	2000, 2001, 2002	✓ Hood Trunk
Pontiac Sunfire	2000, 2001	Hood ✓ Trunk

- **BMW, MITSUBISHI, NISSAN, SUBARU, and VOLKSWAGEN** vehicles DO NOT contain mercury convenience switches.
- Vehicles manufactured 2003 Model Year and beyond DO NOT contain mercury convenience switches.
- Vehicles without trunks including SUVs, station wagons, and hatchbacks DO NOT contain a mercury convenience switch in the "Trunk" or rear of the vehicle.

Appendix C

Collection Bucket Request Form



COLLECTION BUCKET REQUEST FORM

CONVENIENCE SWITCH COLLECTION PROGRAM

Through House Bill 2793, the Texas Legislature called for the creation of a voluntary convenience switch collection program in the state of Texas. The goal of this program is to remove convenience switches from underneath the hood and the trunk before a vehicle is crushed and/or shredded for recycling.

To assist facilities in collecting convenience switches removed from vehicles they have processed, the participating automobile manufacturers are providing collection buckets to participating facilities throughout Texas. Facilities that have not yet received a collection bucket can use this form to request a bucket and related materials from the End of Life Vehicle Solutions (ELVS) Corporation.

If you would like to participate in this voluntary program, simply take a moment to complete this form. Once you have completed your Convenience Switch Collection Bucket request form, it can be returned to ELVS by mail at the address printed on the bottom of this form.

Section I: Please tell us about your business

1 How would you classify your facility? Vehicle Recycler Scrap Metal Recycling Facility

2 Approximately how many salvage vehicles are processed by your facility each month?

3 Vehicles manufactured prior to 2003 by the following companies may contain mercury convenience switches.

Audi	Buick	Cadillac	Chevrolet	Chrysler	Dodge	Eagle	Ford	GMC	Jeep
Lincoln	Mazda	Mercury	Oldsmobile	Plymouth	Pontiac	Saab	Saturn	Volvo	

Convenience switches will only need to be removed from vehicles manufactured by the companies listed above. Does your facility typically process vehicles manufactured by these companies?

Yes, my facility will typically process vehicles manufactured by these companies. I would like to receive a **FREE** convenience switch collection bucket for my facility!
(You can also request a collection bucket online at www.elvsolutions.org.)

Section II: How can we contact you?

DESIGNATED CONVENIENCE SWITCH COLLECTION PROGRAM CONTACT PERSON*: _____

SALUTATION:
Mrs.
Ms.
Mr.

NAME OF COMPANY: _____

PHYSICAL ADDRESS: _____

CITY: _____ STATE: **TX** ZIP CODE: _____

MAILING ADDRESS (if different): _____

CITY: _____ STATE: _____ ZIP CODE: _____

* This person will be your facility's primary contact person for coordinating any bucket deliveries or collections associated with the voluntary Convenience Switch Collection Program.

Any questions regarding the voluntary Convenience Switch Collection Program can be directed to James Voelker with the TCEQ Pollution Prevention and Industry Assistance Section at jvoelker@tceq.state.tx.us.

Mail your completed request form to ELVS at: End of Life Vehicle Solutions
PO Box 3282
Farmington Hills, MI 48333-3282

(Instructions for mailing your completed Collection Bucket Request Form are provided on the Reverse Side.)

If you have questions on how to fill out this form or about the Convenience Switch Collection Program, please contact us at 512/239-3100. Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact us at 512/239-3282.

Appendix D

Annual Reporting Form



ANNUAL REPORTING FORM

CONVENIENCE SWITCH COLLECTION PROGRAM

House Bill 2793, passed by the Texas Legislature in May 2005, calls for the creation of a voluntary convenience switch collection program in the State of Texas. The goal of this program is to remove convenience switches from underneath the hood and the trunk before a vehicle is crushed and/or shredded for recycling.

This legislation also directs the Texas Commission on Environmental Quality to provide regulatory incentives to vehicle recyclers and scrap metal facilities participating in this voluntary program. To qualify for these incentives, an auto salvage facility must submit annual reports to the TCEQ. These reports must provide information on: **1)** the total number of eligible vehicles processed by a facility in the previous twelve months, and **2)** the number of convenience switches collected during that same period.

Once you have completed the annual reporting form for your facility, it can be returned to the TCEQ either by FAX or by mail using the information provided at the bottom of this form.

Section I: Tell Us About Your Business

DESIGNATED CONVENIENCE SWITCH

COLLECTION PROGRAM CONTACT PERSON*: _____

SALUTATION:

Mrs.

Ms.

Mr.

NAME OF COMPANY: _____

PHYSICAL ADDRESS: _____

CITY: _____ STATE: **TX** ZIP CODE: _____

MAILING ADDRESS (if different): _____

CITY: _____ STATE: _____ ZIP CODE: _____

* This person will be your facility's primary contact person for coordinating any reporting associated with the voluntary Convenience Switch Collection Program.

Section II: Convenience Switch Collection Data

1 What was the total number of eligible vehicles processed by your facility between November 1, 2005, and October 31, 2006? ("Eligible vehicles" includes any vehicle listed on the list of VEHICLES CONTAINING MERCURY CONVENIENCE SWITCHES.)

What was the total number of convenience switches removed from eligible vehicles processed by your facility between November 1, 2005, and October 31, 2006?

2 Have you returned for processing any of the convenience switches removed from vehicles your facility has processed? Yes No

How many convenience switches have you returned for processing?

Approximately how many convenience switches removed at your facility remain on site?

As a participant in the the voluntary convenience switch collection program, your facility can qualify for certain regulatory incentives. Are you interested in considering regulatory incentives for your facility? Yes No

I declare that I have examined this report and to the best of my knowledge, it is true, correct, and accurately lists the total number of eligible vehicles processed at this facility during the last twelve months, and the number of convenience switches removed from those vehicles to be collected for processing or stored for collection and processing in the future.

▶ _____
Signature of Company Executive or
Primary Facility Operator

Date

Please return completed forms by **November 15, 2006**, to:

Mail

Convenience Switch Collection Program
Pollution Prevention and Industry Assistance Section (MC 112)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

or FAX

512/239-3165

If you have questions on how to fill out this form or about the Convenience Switch Collection Program, please contact us at 512/239-3100.

Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact us at 512/239-3282.

Appendix E

RG-443: Guidance on Obtaining Regulatory Incentives as a Participant in the Voluntary Convenience Switch Collection Program



TCEQ REGULATORY GUIDANCE

Small Business and Environmental Assistance Division
RG-443
December 2006

Regulatory Incentives for Participants in the Voluntary Convenience Switch Collection Program

What is the Convenience Switch Collection Program?

In May 2005, the Texas Legislature created a voluntary mercury convenience switch collection program through House Bill 2793. This program offers information and resources to *vehicle recyclers* and *scrap metal recycling facilities* in Texas to assist them in removing and collecting convenience switches from *end-of-life vehicles* before the vehicles are recycled.

Why is it important that I participate?

Mercury convenience switches are common in vehicles manufactured in the United States prior to model year 2003. If these mercury-containing switches are not removed from scrap vehicles, the mercury they contain can be emitted into the atmosphere when the vehicle is smelted.

How can I benefit as a participant in this program?

The TCEQ will recognize all facilities participating in this voluntary program for the leadership they have demonstrated in helping to improve environmental quality in Texas.

In addition to this recognition, participating facilities can also qualify for regulatory incentives, including adjustments to compliance history classifications. These regulatory incentives can be offered to participating facilities based on: (1) a facility's compliance history classification; and (2) any voluntary measures undertaken by the facility to improve environmental quality.

Under these provisions, the TCEQ offers regulatory incentives to entities with an average or high compliance history classification primarily through the CLEAN TEXAS program.

Through the CLEAN TEXAS program, a facility implementing an Environmental Management System (EMS) can qualify for a 10 percent adjustment to its compliance history score. However, even without an EMS, the commitments made through the convenience switch collection program can also qualify a participating facility as a CLEAN TEXAS member. Participating facilities with a compliance history classification of average can have their participation applied to their compliance history score as a *mitigating factor*.

How can I participate?

Auto salvage and recycling facilities in Texas can participate in this voluntary program by:

- ✓ removing convenience switches from the *eligible vehicles* processed at their facilities,
- ✓ collecting the convenience switches in the collection buckets available through the program,
- ✓ returning the collected convenience switches for processing, and
- ✓ submitting an annual report detailing the number of switches they have collected and the number of eligible vehicles they have processed.

Texas Commission on Environmental Quality • PO Box 13087 • Austin, Texas • 78711-3087

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Participating facilities will not have to pay any of the costs associated with storing, shipping, or processing the convenience switches removed from the vehicles they have processed. Facilities wishing to receive a free collection bucket can request one from End of Life Vehicle Solutions by calling 1-800-839-3975.

The TCEQ Annual Reporting Form for facilities participating in the voluntary convenience switch collection program can be downloaded at:

<www.tceq.state.tx.us/goto/switches.html>

How can I receive further assistance?

Participating facilities can also request on-site technical assistance from the Small Business and Local Government Assistance (SBLGA) Section. Through this program, facilities will receive a confidential site visit to explore possible solutions to potential regulatory concerns and to answer any questions they might have regarding applicable TCEQ rules and regulations.

To request a confidential site visit, facilities can call the **SBLGA hot line at 1-800-447-2827**. Additional information regarding the SBLGA programs and resources available to assist small businesses can be found online at <www.sblga.info>.

For specific questions regarding the voluntary convenience switch collection program, you can call 512-239-3182 or go online to <www.tceq.state.tx.us/goto/switches.html> to find out more.

Glossary of Important Terms

Eligible vehicle means a vehicle identified in information provided by the manufacturer to the TCEQ under Texas Health and Safety Code, Section 375.051 as a vehicle that might contain a convenience switch.

End-of-life vehicle means a vehicle that:

- (A) has not been intentionally flattened, crushed, shredded, or baled; and
- (B) is sold, given, or otherwise conveyed to a vehicle recycler or scrap metal recycling facility for the purpose of recycling.

Mitigating factor means those factors listed in 30 TAC Subsection 60.2 of the Compliance History Rule which can be considered by the executive director to reclassify a site from a poor performer to an average performer.

Scrap metal recycling facility means a facility at a fixed location that uses equipment to process and refabricate scrap metal into prepared grades and principally produces scrap iron, scrap steel, or nonferrous metallic scrap for sale.

Vehicle recycler means a person engaged in the business of acquiring, dismantling, or preparing for recycling six or more end-of-life vehicles in a calendar year for the primary purpose of reselling the vehicles' parts. The term includes a salvage vehicle dealer licensed under Occupations Code, Chapter 2302.