



Department of Toxic Substances Control



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**TITLE 22
45-DAY PUBLIC NOTICE AND COMMENT PERIOD
PROPOSED REGULATIONS
ELECTRONIC HAZARDOUS WASTE REGULATIONS
DEPARTMENT REFERENCE NUMBER: R-01-06**

NOTICE IS HEREBY GIVEN that the Department of Toxic Substances Control (DTSC) proposes to amend California Code of Regulations, title 22, division 4.5¹, chapter 23 to include the management of cathode ray tube (CRT) materials and consumer electronic devices (CEDs) under the universal waste regulations contained within that chapter found at section 66273.1 et seq. (commonly referred to as the Universal Waste Rule). These proposed regulations would amend the following sections within chapter 23: 66273.1, 66273.4, 66273.8, 66273.9, 66273.13, 66273.14, 66273.20, 66273.33, 66273.34, 66273.40 and 66273.60. These sections are amended to add CEDs to the existing Universal Waste Rule. Two sections will be added to chapter 23, sections 66273.3 and 66273.6, which will establish at what point in the generation process CRT materials and CEDs come under regulation as universal waste, respectively. A new article would be added as article 7, chapter 23, which will establish the management standards for CRT materials only. A petition process for adding new waste to the Universal Waste Rule is proposed by the addition of new sections to chapter 10, sections 66260.22 and 66260.23. These proposed regulations would also amend section 66260.10 of Chapter 10, section 66261.9 of chapter 11, section 66264.1 of Chapter 14, section 66265.1 of Chapter 15, section 66268.1 of Chapter 18, and section 66270.1 of Chapter 20.

Health and Safety Code section 25150.6(f) states that DTSC may develop regulations that exempt a hazardous waste management activity for the types of hazardous waste listed within this section of statute. "Electronic hazardous wastes" are one of the waste types listed under Health and Safety Code section 25150.6. This section of statute further states that DTSC may define by regulations the types of materials that are considered "electronic hazardous wastes." Under this provision of law, CRT materials and CEDs are being defined as "electronic hazardous wastes" in this proposed rulemaking.

¹ For purposes of this 45-day Public Notice, all regulatory references are to the California Code of Regulations, title 22, division 4.5 unless otherwise indicated.

Note that wastes proposed to be managed as universal waste must first be evaluated to determine whether they exhibit a hazardous waste characteristic. Only those wastes that exhibit a characteristic of hazardous waste are regulated under the proposed standards of this rulemaking (i.e., only *hazardous waste* CRT materials and *hazardous waste* CEDs will be regulated). CRT materials and CEDs are generated by a large number of persons, public agencies and businesses, but these wastes are generated in very small quantities by those entities. For these reasons, CRT materials and CEDs are appropriate wastes to be managed under the State's existing universal waste regulations.

PUBLIC HEARING AND WRITTEN COMMENT PERIOD

DTSC will hold a public hearing on the proposed regulations at **10:00 a.m. on September 30, 2002**, in the Sierra Hearing Room, 2nd floor, 1001 "I" Street, Sacramento, California, at which time any person may present statements or arguments orally or in writing, relevant to this proposal. Please submit written comments to the contact person listed at the end of this notice. Written comments submitted no later than 5:00 p.m. on September 30, 2002 will be considered.

Representatives of DTSC will preside at the hearing. Persons who wish to speak are requested to register prior to the hearing. Pre-hearing registration will be conducted at the location of the hearing from 8:30 a.m. to 9:00 a.m. Registered persons will be heard in the order of their registration. Any other person wishing to speak at the hearing will be afforded an opportunity after the registered persons have been heard.

If you will require accommodations for the hearing impaired, please contact DTSC at the address and phone number provided at this end of this Public Notice.

AUTHORITY AND REFERENCE

These regulations are being proposed under the following authorities:

Health and Safety Code section 25141. This section directs DTSC to adopt, by regulation, criteria and guidelines for the identification of hazardous wastes.

Health and Safety Code section 25150. This section authorizes DTSC to establish standards for classifying and managing hazardous wastes.

Health and Safety Code section 25150.6. This section allows DTSC to designate a waste as a universal waste, which is thus exempt from certain hazardous waste management activities.

Health and Safety Code section 25159. This section grants DTSC authority to adopt regulations allowing the State to maintain authorization to administer a State hazardous waste program in lieu of the federal program under the Resource Conservation and Recovery Act.

Health and Safety Code section 58012. This section grants DTSC authority to adopt regulations to execute its duties.

These regulations implement, interpret, or make specific the following:

Health and Safety Code section 25141. This section directs DTSC to adopt, by regulation, criteria and guidelines for the identification of hazardous wastes.

Health and Safety Code section 25150. This section authorizes DTSC to establish standards for classifying and managing hazardous wastes.

Health and Safety Code section 25159. This section grants DTSC authority to adopt regulations allowing the State to maintain authorization to administer a State hazardous waste program in lieu of the federal program under the Resource Conservation and Recovery Act.

Health and Safety Code section 25159.5. This section directs DTSC to conform State regulations to the federal regulations for consistency with protecting human health and the environment.

Government Code section 11340.6. This section allows any person to petition a State agency to adopt, amend, or repeal a regulation.

Government Code section 11340.7. This section outlines the petition review process that a state agency must use for evaluating a petition filed under Government Code section 11340.6.

40 Code of Regulations sections 261.9, 264.1, 265.1, 268.1, 270.1, 273.80, and 273.81.

40 Code of Federal Regulations part 273 (the federal Universal Waste Rule). Provides collection and management standards for handlers and transporters of universal waste and provides the petition process for including a hazardous waste under the requirements of part 273.

These regulations are based on, but are not identical to, the following federal regulations:

40 Code of Federal Regulations, sections 260.10, 264.1, 265.1, 268.1: These are regulations which were in existence before the federal Universal Waste Rule but were modified to take account of the existence of the Universal Waste Rule.

40 Code of Federal Regulations, section 261.9: This part was added to the pre-existing part 261 regulations to establish universal waste as a subset of hazardous waste.

40 Code of Federal Regulations, part 273: This regulation provides the basic regulatory standards of the federal Universal Waste Rule.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing State Law

CRTs are identified as a hazardous waste under State law due to the levels of both soluble lead pursuant to section 66261.24, subsection (a)(2) and insoluble lead pursuant to section 66261.24, subsection (a)(3). CEDs often contain lead and other regulated inorganic persistent and bioaccumulative toxic substances and can pose a potential harm to the environment when these devices are placed in municipal landfills. The primary constituents of concern include heavy metals, lead solder, brominated flame retardants and chlorinated plastics. While most CRTs are hazardous, only some CEDs are hazardous waste when discarded and, thus, pose a threat to the environment.

In August 2001, DTSC adopted emergency regulations for the management of CRT materials. The emergency regulations ensure that CRT materials are not disposed in municipal solid waste landfills and provide a reduced set of requirements from the "full" hazardous waste management standards (e.g., permits, use of the hazardous waste manifest, hazardous waste transporter registration, accumulation limits). DTSC will continue to readopt the emergency CRT material regulations, and when the proposed regulations are adopted, the emergency regulations will become inoperative.

Existing Federal Law

CRT materials became hazardous wastes on or prior to the adoption of the federal "Toxicity Characteristic" or "TC" (1989). Discarded CRTs are a hazardous waste under federal law because they exceed the levels for soluble lead pursuant to 40 Code of Federal Regulations (C.F.R.), section 261.24 (there is no total lead criteria in federal hazardous waste law). However, the United States Environmental Protection Agency (U.S. EPA),

concerned with the large universe of generators and the potential for illegal, environmentally improper disposal, has generally deferred any action on waste CRT materials and electronic wastes until specific regulations can be developed. In June 2002, U.S. EPA published proposed regulations for CRTs and the glass removed from CRTs. In the proposed regulations, CRTs and processed CRT glass would not be regulated as solid wastes under RCRA if these wastes are sent for recycling.

U.S. EPA promulgated the federal "Universal Waste Rule" on May 11, 1995 to streamline regulation of the collection and management of common hazardous wastes, designated as universal wastes, such as batteries, pesticides, and thermostats (fluorescent lamps were added to the federal rule in 1999). The federal Universal Waste Rule establishes alternative management standards for handlers and transporters of these universal wastes. It also authorizes states to designate wastes as universal wastes if the wastes meet the criteria established by U.S. EPA.

U.S. EPA established the following general criteria for universal wastes:

1. The wastes are generated by a large number of generators whose size makes implementation of an effective hazardous waste program difficult for regulatory agencies.
2. The wastes are generated in relatively small quantities in a wide variety of settings, including all sectors of society, other than industrial settings.
3. The wastes are present in significant volumes in non-hazardous waste management systems (i.e., municipal solid waste stream).
4. Management of these wastes under the Universal Waste Rule is more likely to divert them from the municipal solid waste stream than management under the full hazardous waste management requirements.

Policy Statement

Background

CRTs are found in virtually every household and business in the State. They are used in television sets, computers and scientific equipment. With the rapid evolution of computer technology, computers become obsolete in a short period of time and their CRTs then become waste. Each year, an estimated six million CRTs are disposed in California.

A CRT is used to visually display electronic information by focusing electrons from an electron gun on light-emitting phosphors on the front portion of the CRT's screen. The

decelerating electrons create X-ray radiation that must be shielded to minimize the radiation exposure to the user. Lead in the form of lead oxide is added to the CRT glass to diminish the X-ray flux. The lead is incorporated into the glass tube in varying concentrations with the rear portion of the CRT containing the highest levels of lead. A typical 17-inch computer monitor contains approximately two pounds of lead. Larger CRTs may contain up to 10 pounds of lead each.

Lead is a potent developmental neurotoxicant. Recent research has shown that any measurable level of lead found in children's blood is accompanied by statistically significant deficits in intellectual performance. Additionally, lead exposure can result in toxic effects upon the kidneys and circulatory and skeletal systems.

CEDs are even more common than CRTs in our society. These items are any electronic devices that are used in the home, business or elsewhere, including, but not limited to, computers, telephones, answering machines, radios, stereo equipment, tape players/recorders, phonographs, video cassette players/recorders, compact disc players/recorders, calculators, and some appliances. Although there are no accurate estimates for consumer electronic device generation in California, the U.S. EPA estimated in 1999 that 1.8 million tons of a "subcategory of consumer electronics" was generated nationally, which accounted for about 1% to 2% of the municipal solid waste stream.

The potential for mismanagement also exists for CEDs. However, these devices tend to be smaller in size and more easily "hidden" in the solid waste stream. For this reason, the potential for inappropriate disposal is even greater for CEDs.

Problem Statement

Status of CRT Materials Prior to the Emergency CRT Regulations

DTSC has already identified CRT materials as hazardous wastes by action of the pre-existing State toxicity criteria (prior to 1991) and the State's toxicity characteristic (after 1991). The pre-existing hazardous waste identification regulations² established important portions of the State's waste classification program. Regulatory thresholds were adopted that established levels at which wastes were classified as hazardous due to a number of different criteria, including toxicology criteria, extractable levels of specified elements and compounds, and total concentrations of specified elements and compounds. The proposed universal wastes meet at least one of these criteria, are identified as hazardous waste and are subject to the standards of the hazardous waste control law.

² Final Statement of Reasons for Proposed Regulations, R-45-78, "Criteria for Identification of Hazardous and Extremely Hazardous Wastes."

The proposed regulations add hazardous waste CRT materials to the State's existing universal waste regulations, and establish standards for CRT recycling that differ from those under the current State universal waste rule. The proposed CRT materials regulations amend sections 66261.9 and 66273 et seq. These regulations are needed to establish standards that will promote the proper management of waste CRTs by generators (rather than promoting disposal outside of the hazardous waste control system) and provide a legal alternative that is pragmatically possible to comply with and to enforce. The regulations are also necessary to promote the ongoing collection and recycling activities with standards for environmental protection to those activities.

Consumer Electronic Devices

Although CEDs were not included in the emergency regulations, they are similar to CRT materials in components and potential hazards. This regulation package proposes to add CEDs to the list of universal waste in the Universal Waste Rule (section 66273 et seq.). Thus the management standards for CEDs will be the same as for other universal wastes.

Current Regulations³ and the Management of Electronic Wastes

Compliance with the existing hazardous waste control law standards requires businesses to: develop training and management programs for CRT materials and CEDs, accumulate these materials pursuant to requirements for hazardous wastes, and utilize potentially expensive accumulation and transportation options. In addition, current laws subject businesses that generate waste CRTs and CEDs to fees and inspections by the local Certified Unified Program Agencies (CUPAs).

A large portion of the generators of waste CRTs and CEDs (households and small businesses) do not generate other hazardous wastes and are not familiar with the hazardous waste laws and regulations. They do not have regulated storage and accumulation points, employee training programs, record keeping systems, or hazardous waste identification numbers. Prior to the adoption of the emergency regulations for CRT materials, these generators either: accumulated waste CRTs in unauthorized locations (e.g., their garages), placed them with their trash (non-hazardous landfill disposal) because they were unaware that the CRTs cannot be disposed to a municipal landfill, participated in local government collection take back programs (that were operating without authorization), or transported them to a CRT recycler (who was operating without authorization).

³ Unless otherwise indicated, "existing regulations," "existing laws," "current regulations," or "current laws" means: the situation that would exist if the emergency regulations that currently govern CRT materials were not in effect, and if the proposed regulations are not adopted.

Given the requirements that existing law (without the emergency regulations in place) places on households, businesses and others not typically regulated under the hazardous waste control law, DTSC expects that many households and businesses will continue to dispose of their waste CRTs in ways that could result in the increased potential for human and environmental exposure to lead, if permanent changes in the regulations are not adopted.

Through community collection events and curbside pickup, many landfills have accumulated significant quantities of discarded televisions and monitors, which is allowed under the emergency regulations. If the proposed regulations are not adopted, municipal landfill operators will reject hazardous waste CRTs that have been disposed with the trash because most municipal landfills are not permitted to accept hazardous waste. This will eliminate an appropriate means⁴ for households and small businesses to dispose of their CRTs properly, which can be expected to lead to increased rates of illegal disposal unless the emergency regulations are made permanent. Prior to the adoption of the emergency regulations, disposal was observed in ditches, along roadsides, in empty lots, and in other inappropriate places.

CRTs and CEDs are infrequently generated, in small quantities, by every household, school, hospital, or business. The relative risks associated with managing small quantities of waste CRTs and CEDs are low, as compared to the risk posed by management of most other hazardous wastes. For these reasons, the regulation of CRTs and CEDs under the regulatory scheme of the Universal Waste Rule is appropriate. The application of Universal Waste Rule standards to the management of these wastes will provide an approach to regulating these wastes that is commensurate with the risk of mismanagement and will promote their recycling.

Electronic Waste Recycling

Currently, as a result of the adoption of the emergency regulations for CRTs, an effective CRT recycling industry is developing in the State. Those facilities that have complied with the emergency regulations would be out of compliance with hazardous waste permitting requirements if the proposed regulations are not adopted. Therefore, the proposed regulations are necessary to continue developing the recycling infrastructure.

Waste CRT materials and CEDs must be regulated in a manner that protects human health and the environment, promotes the safe collection and recycling of these wastes, and ensures adequate recycling capacity. Management of CRT materials and CEDs as “universal waste” is necessary to achieve these goals.

⁴ The emergency regulations allow landfills to segregate CRTs from the municipal solid waste and send them to recycling.

There is some recycling of waste CEDs in the State; however, there is insufficient recycling capacity to accommodate the number of CEDs that are currently being disposed in municipal solid waste landfills. The proposed regulations will temporarily allow the continued disposal of these wastes to municipal landfills through 2006 for households and small businesses. This will allow time to establish collection programs, to develop public awareness programs, and to increase recycling capacity.

Universal Wastes are Different from Other Hazardous Wastes

Universal wastes differ from most other hazardous wastes in the following manners:

- Universal wastes are lower risk hazardous wastes because they typically contain lower concentrations of hazardous constituents, lack the mobility of liquid wastes, and lack serious fire, explosion or acute toxicity hazards.
- Universal wastes are generated by a wide variety of entities including virtually all businesses and most households. DTSC estimates that there are at least 1,000,000 commercial generators of universal wastes in the State versus about 90,000 active generators of other hazardous wastes. Note that universal wastes are generated at most businesses as opposed to the industrial facilities that generate most other hazardous wastes.
- Universal wastes, such as CRT materials and CEDs, are frequently generated in non-industrial settings such as homes, offices, retail and wholesale commercial establishments, and government agencies.

Proposed Regulations will Enhance Waste Management

Hazardous wastes that are candidates for inclusion under the Universal Waste Rule must meet certain criteria. Inclusion of each waste is contingent on whether the regulation of that waste as a universal waste meets the goals of the Universal Waste Rule. Those goals are that regulation under the Universal Waste Rule (1) is appropriate for the waste or category of waste; (2) will improve management practices for the waste or category of waste; and (3) will improve the implementation of the hazardous waste program. Regulation of CRT materials and CEDs under the Universal Waste Rule meets all of these goals.

The proposed regulations reduce the regulatory requirements for persons managing CRT materials and CEDs in California. The regulations will allow persons to legally transport their televisions, computer monitors, and VCRs to recyclers or to other intermediate collection points. Similarly, DTSC proposes to regulate business-generated CRT materials and CEDs as universal wastes, thereby applying common-sense management

standards that are commensurate with the risks posed by the waste(s), in lieu of full hazardous waste management standards.

Petition Process for Adding Other Wastes to the Universal Waste Rule

The proposed regulations will add a petition process to the State Universal Waste Rule, similar to the one in the federal Universal Waste Rule, which will allow anyone to petition the State to add other wastes or categories of wastes to the State's Universal Waste Rule. The proposed petition process is similar to the petition language contained in 40 C.F.R. sections 273.80 and 273.81, but also requires the use of the petition review procedures found in the California Government Code sections 11340.6 and 11340.7.

Inclusion of the petition process within the existing Universal Waste Rule is necessary to seek and maintain the State's authorization for the federal hazardous waste program. The petition process will allow DTSC to designate the CRT materials and CEDs proposed in this rulemaking as universal waste, as well as other wastes in the future.

Proposed Regulations

The proposed regulations address hazardous waste CRT materials and CEDs and contain standards that differ from the standards in current hazardous waste regulations. These regulations are needed to establish standards that will promote the proper management of CRT materials and CEDs by generators and will provide an alternative that encourages recycling. Thus, these regulations should reduce the likelihood of disposal outside of the hazardous waste management system. They also apply necessary standards for environmental protection to the relevant disposal and recycling activities.

The proposed regulations only apply to those CEDs that are identified as hazardous waste. Rapid technological advances often render CEDs obsolete in a short period of time, and the rate of generation of waste CEDs is increasing. The huge variety of CEDs and the rapid rate with which new CEDs enter the market dictates that regulators will never be able to create a list of all the possibly hazardous CEDs. As a category, CEDs may or may not be hazardous. When discarded, only waste CEDs that are hazardous waste (i.e., exhibit the toxicity characteristic for hazardous waste) would be universal waste CEDs under the proposed regulations. Once again, DTSC is not proposing to regulate all waste CEDs.

The proposed regulations would modify the current regulations for universal wastes. The proposed regulations add waste CRT materials and CEDs to the list of hazardous wastes that can be managed in compliance with the standards for universal wastes. They would

exempt CRT materials and CEDs from full hazardous waste management as long as they are managed pursuant to universal waste requirements.

The universal waste standards differ greatly from the standard hazardous waste regulations. The universal waste standards provide greater flexibility than the full hazardous waste regulations. The universal waste standards will facilitate the safe collection and recycling of CRT materials and CEDs.

These proposed regulations will have several effects. They will:

1. Permit the management of CRT materials destined for recycling (currently regulated as hazardous wastes) as universal wastes.
2. Create a new, parallel, set of regulatory standards for CRT materials that are similar to the existing universal waste standards, which will apply to generators, transporters, intermediate accumulation points, and recyclers.
3. Permit transportation of CRT materials without the use of a uniform hazardous waste manifest and a registered hazardous waste transporter (i.e., allows the use of a common carrier).
4. Limit the holding period at transfer facilities in non-industrial zones to 6 days, which is the same limit for hazardous waste shipments pursuant to Health and Safety Code section 25123.3 (as compared to 10 days under the federal hazardous waste law).
5. Require persons to package CRT materials in a manner that prevents breakage and releases of CRT glass to the environment.
6. Require containers or pallets of CRT materials to be properly labeled and marked.
7. Place a one (1) year accumulation time limit on handlers of CRT materials.
8. Require that the notifications for certain universal waste handlers and CRT material recyclers be submitted to DTSC.
9. Require the use of a bill of lading for off-site shipments of CRT materials.
10. Promote the collection of CRT materials for ultimate recycling.

11. Allow persons who generate or accept electronic wastes (e.g., businesses, governmental entities and households) to operate as off-site accumulation points without issuance of a hazardous waste storage facility permit.
12. Require that the CRT materials ultimately reach a facility that is permitted to either recycle or dispose of hazardous wastes (a destination facility).
13. Create a new self-implementing authorization for certain lower-risk CRT recycling activities.
14. Require CRT materials exporters to notify DTSC and the local CUPA prior to intended shipments being sent out of the United States.
15. Add the management of CEDs under the Universal Waste Rule, as specified in chapter 23.
16. Add the petition process that DTSC will use to evaluate inclusion of additional wastes under the Universal Waste Rule, as specified in chapter 23.

Effect of these Regulations

The proposed regulations would replace the current emergency rules for CRT materials, add CEDs to the list of universal wastes in sections 66261.9 and 66273.1, and add a petition process for adding waste to the Universal Waste Rule. The regulations would remove the CRT materials and CEDs from classification as a hazardous waste when managed in compliance with the regulations (general universal waste standards for CEDs and specific universal waste standards for CRT materials).

Note that the universal waste approach does not violate the mandate of Health and Safety Code section 25159 to adopt and maintain regulations that allow the State to maintain its Resource Conservation and Recovery Act (RCRA) authorization. State law must be equal or broader in scope and stringency to the corresponding federal law. The scope of the proposed regulations is slightly greater than the scope of the federal rule. The stringency is identical because the standards established in the proposed regulations are virtually identical to those of the federal Universal Waste Rule. As discussed previously, CRT materials and CEDs meet the criteria for designation as universal wastes.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

DTSC has prepared an Initial Study and a draft Negative Declaration that indicate no significant effect from the project on the environment. These documents are available for

review with the rulemaking file and are also being noticed and circulated for comment pursuant to the requirements of the CEQA Guidelines. Copies of the draft CEQA documents are posted on the DTSC Internet site at <http://www.dtsc.ca.gov>.

PEER REVIEW

Under the provisions of Health and Safety Code section 57004, peer review is not required because the proposed regulations do not establish a regulatory level, standard or other requirement subject to scientific peer review. DTSC's 1978 waste classification rulemaking established the toxicity criteria, including the Soluble Threshold Limit Concentration (STLC) and the Total Threshold Limit Concentration (TTLC), which identify universal wastes as hazardous wastes. In 1991, DTSC's RCRA authorization rulemaking adopted the Toxicity Characteristics (TC) for lead (and other constituents) that were established in 40 C.F.R. section 261.24 by the U.S. EPA. DTSC and U.S. EPA toxicity characteristics are based on scientific risk assessments. When wastes or solid wastes exhibit a characteristic of hazardous waste, they are regulated under existing hazardous waste standards. This rulemaking establishes management standards based on the fact that the proposed universal wastes are identified as hazardous wastes. Therefore, the level of regulation applied to universal waste handlers and transporters does not require peer review.

BUSINESS REPORT

A new report is required under the proposed regulations for certain CRT material handlers and CRT material recyclers (i.e., notification of CRT handling activities). CRT material recyclers must also submit to DTSC an annual report of their CRT materials activities. CRT material handlers who generate less than 5000 kilograms of CRT materials a year, and do not accept CRT materials from offsite sources are not subject to notification requirements. Pursuant to existing requirements of section 66273.32, a large quantity universal waste handler who manages CEDs is also required to prepare and submit an annual notification to DTSC. In accordance with Government Code section 11346.3(c), DTSC hereby makes a finding that such reports by businesses are necessary for the health and safety of people of California.

FISCAL IMPACT ESTIMATES

Mandates on Local Agencies and School Districts: DTSC has made a preliminary determination that adoption of these regulations imposes no new mandates to local agencies and/or school districts.

Estimate of Potential Cost or Savings to Local Agencies Subject to Reimbursement: DTSC has made a preliminary determination that the adoption of these regulations will not impose a local mandate or result in costs subject to reimbursement pursuant to part 7 (commencing with section 17500) of division 4 of the Government Code or other non-discretionary cost or savings to local agencies. Local agencies would incur

estimated cumulative additional costs ranging from at least \$140,313 to \$380,813 annually if they choose to manage CRTs as universal waste. Agencies would generate estimated cumulative savings of at least \$18,225 annually to manage CEDs as universal waste. Local agencies, acting as Certified Unified Program Agencies (CUPAs), are responsible for inspecting many of the businesses that generate hazardous waste, universal waste being a subset of hazardous waste. CUPAs are authorized by Health and Safety Code section 25404.3 to assess fees to recover the costs of these inspections and enforcement programs.

Cost or Savings to Any State Agency: The proposed regulations would allow state agencies to choose to manage CRT materials and CEDs as universal wastes instead of managing these wastes under hazardous waste regulations. State agencies would incur annual estimated cumulative additional costs from at least \$93,075 to \$252,467 if they choose to manage CRT materials as universal waste. State agencies would generate annual estimated cumulative savings of at least \$12,659 to manage CEDs as universal waste.

Cost or Savings in Federal Funding to the State: DTSC has made a preliminary determination that the proposed regulations would have no impact on federal funding of state agencies. The proposed regulations will place CRT materials and CEDs in the universal waste category; this is permissible under the federal program and will not impact federal funding.

Effect on Housing Costs: DTSC has made an initial determination that there will be no impact on housing costs.

Cost Impacts on Representative Private Persons or Businesses: The proposed regulations would allow a representative private person and business, as a hazardous waste generator, the choice to manage CRT materials and CEDs as universal wastes instead of managing those wastes under hazardous waste regulations. DTSC is unable to estimate the cost or savings that would be incurred by managing CRT materials and CEDs as universal waste. Data is not available on the number of CRT materials or CEDs, in any category, generated in the State. Because the average cost to recycle CRT materials and CEDs is known, based on industry estimates used in the State and local fiscal impact analysis, DTSC concludes that there would be nonquantifiable costs incurred to manage CRT materials as universal waste and nonquantifiable savings incurred to manage CEDs as universal waste.

Significant Statewide Adverse Economic Impact on Businesses: DTSC has made an initial determination that these proposed regulations will not have a significant statewide

adverse economic impact directly affecting businesses, including the ability to compete with businesses in other states.

Assessment Statement:

(A) Creation or elimination of jobs within California

DTSC has made a preliminary determination that there will be no significant impact on the creation or elimination of jobs in California. However, the proposed regulation may lead to some increase in employment in the recycling of CRT materials or CEDs, which is expected to be more labor intensive than disposal operations. DTSC does not expect that the proposed regulations would lead to the elimination of any jobs at businesses involved in hazardous waste transport or disposal.

(B) Creation of new businesses or the elimination of existing businesses within California:

DTSC has made a preliminary determination that it is unlikely that businesses will be eliminated in California as a result of the proposed regulations. A few new businesses may be created to meet the demands for recycling services, although it is more likely that existing businesses will expand to accommodate this new demand. Businesses currently handling or disposing CRT materials and CEDs would not be eliminated because these waste streams comprise a minor share of waste handled by these firms.

(C) Expansion of businesses currently doing business in California: DTSC has made a preliminary determination that although existing recycling businesses may expand as a result of the proposed regulations, but it is unable to quantify magnitude of this expansion.

Effect on Small Businesses: DTSC has made a preliminary determination that provisions of this rulemaking will have a positive effect on small businesses. The proposed regulations would allow small businesses to avoid the high compliance costs associated with hazardous waste management by managing CRT materials and CEDs as universal waste rather than as hazardous waste.

CONSIDERATION OF ALTERNATIVES

DTSC must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of DTSC would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action. DTSC invites interested persons to present arguments, with respect to the various options, at the scheduled public hearing, or during the written comment period.

AVAILABILITY OF TEXT OF REGULATIONS AND STATEMENT OF REASONS

Copies of the Notice, Initial Statement of Reasons, and the text of the proposed regulations are posted to DTSC's Internet site at <http://www.dtsc.ca.gov> or may be obtained from Ms. Joan Ferber of DTSC's Environmental Analysis and Regulations and Audits Section as specified below. The information upon which DTSC relied is also available at the address listed below.

AVAILABILITY OF THE ANALYSIS REQUIRED UNDER HEALTH AND SAFETY CODE SECTION 25150.6

The analysis required under Health and Safety Code section 25150.6 is available for concurrent public review and comment. It can be obtained from DTSC's Internet site at <http://www.dtsc.ca.gov> or from Ms. Joan Ferber of DTSC's Environmental Analysis and Regulations Section as specified below. The final Health and Safety Code section 25150.6 analysis will be made available to all persons commenting on the regulations and on DTSC's Internet site at least 10 days before the final regulations are adopted.

POST-HEARING CHANGES

After the close of the comment period, DTSC may adopt the proposed regulations. If substantial changes are made, the modified text will be made available for comment for at least fifteen (15) days prior to adoption. Only persons who request the specific proposed regulations, attend the hearing, or provide written comments on these specific regulations will be sent a copy of the modified text, if substantive changes are made.

Once a regulation has been adopted, DTSC prepares a Final Statement of Reasons, which updates the Initial Statement of Reasons, summarizes how DTSC addressed comments and includes other material, as required by Government Code section 11346.9. Copies of the Final Statement of Reasons may be obtained from Ms. Joan Ferber at the address listed below. A copy of the Final Statement of Reasons will be posted on DTSC's Internet site at <http://www.dtsc.ca.gov>, along with the date the rulemaking is filed with the Secretary of State and the effective date of the regulations.

CONTACT PERSONS

Inquiries regarding the technical aspects of the proposed regulations may be directed to Ms. Ellen L. Haertle of DTSC at (916) 324-1814 or, if unavailable, Mr. Charles Corcoran of DTSC at (916) 327-4499. However, such oral inquiries are not part of the rulemaking record.

Statements, arguments or contentions regarding rulemaking and/or supporting documents must be submitted in writing or may be presented orally or in writing at the public hearing in order for them to be considered by DTSC before it adopts, amends, or repeals these regulations. To be included on this regulation package's mailing list, and to receive updates of this rulemaking, please leave a message on the DTSC mailing list phone line at (916) 324-9933 or e-mail: regs@dtsc.ca.gov.

Please direct all written comments, procedural inquiries and requests for documents by mail, e-mail or fax to:

Ms. Joan Ferber, Regulations Coordinator
Environmental Analysis and Regulations Section
Department of Toxic Substances Control

Mailing Address: 1001 "I" Street, 22nd Floor
P.O. Box 806
Sacramento, CA 95812-0806

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Ms. Ferber's phone number is (916) 322-6409. If Ms. Ferber is unavailable, please call Ms. Nicole Sotak at (916) 327-4508 or Mr. James McRitchie at (916) 327-8642.

Date: August 12, 2002

Original Signed By:
James McRitchie, Chief
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