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Fact Sheet, July 2009

Closure and Financial Requirements for Recyclers of electronic devices, CRTs, and CRT glass



Introduction

Electronic waste is regulated as universal waste in California. Anyone who accepts electronic devices, cathode ray tubes (CRTs), or CRT glass from off-site, or who conducts treatment or recycling activities, is subject to certain regulatory requirements. As universal waste handlers, they must notify the department prior to accepting electronic waste from someone else, follow certain rules for managing the waste and documenting their activities, and submit an annual report of their activities.

Handlers who perform certain treatment and recycling activities on electronic devices, Cathode Ray Tubes (CRTs), or CRT glass are required to prepare and provide additional documentation to the Department of Toxic Substances Control (DTSC). These documents include a closure plan, closure cost estimate, and demonstrations of financial assurance for liability and closure. ***Recyclers must send these documents at least 30 days before starting treatment activities.***

This fact sheet provides information to help electronic waste recyclers to understand and comply with these documentation requirements which are referenced by section number in Title 22 of the California Code of Regulations.





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Examples of electronic devices (Section 66273.9)

The regulations define “electronic device” very broadly to include “...any electronic device that is identified as hazardous waste...” A discarded electronic device is most commonly classified as a hazardous waste because it contains lead and/or other toxic metals. Examples of electronic devices include:

- TVs (CRT or LCD containing, or plasma screens)
- Computers and computer monitors
- Computer printers, keyboards and other peripherals
- Laptops and portable DVD players with LCD screens
- Video cassette recorders and calculators
- CRT containing devices (including cash registers, oscilloscopes)
- Stereo equipments, radios, tape and CD players, phonographs
- Microwaves

Types of treatment activity that requires a closure plan, financial documents (Section 66273.76), and when applicable, a closure notification (Section 66273.77):

While hazardous waste “treatment” is defined in state regulations as “any ... process which changes or is designed to change the ... composition of any hazardous waste...”, treatment to electronic waste are limited to include certain kinds of treatment (Section 66273.73). The following treatment activities trigger the requirement to submit closure and financial documents to DTSC if the activities result in a hazardous residual that is not exempted from full hazardous waste regulation (e.g., scrap metal, universal waste):



- Physical treatment (including, but not limited to, breaking, shredding) to electronic devices or residual printed circuit boards [Section 66273.73 (c)(1)(A)]
- Physical separation of components from electronic devices or residual printed circuit boards [Section 66273.73(c)(1)(B)]
- Sampling, burning, ball-milling of electronic device and/or treatment residual samples [Section 66273.73(c)(1)(D)]
- Use of pinpoint torch or hot wire for CRT glass separation [Section 66273.73(c)(1)(C)]
- Any treatment of CRTs and/or CRT glass (including breaking CRT glass) other than, or in addition to removing yokes and relieving the vacuum [Section 66273.73 (b)]





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Required documentation for recyclers

Closure Plan [Section 66273.76(a)(1)]

A closure plan must include four specific features:



1. Detailed descriptions of the activities and schedules needed to decontaminate the aspects of the closing treatment facility listed under feature number 2 and to remove all remaining hazardous wastes, including universal wastes and treatment residuals.
2. A detailed description or illustration to identify where sampling/testing will occur to ensure decontamination of the aspects of the treatment facility mentioned below:
 - any treatment unit including those used to treat printed circuit boards
 - all other contaminated equipment, such as ventilation systems and containment units
 - contaminated soils
3. An estimated maximum inventory of universal wastes and universal waste residuals ever to be present on site.
4. A detailed description of the boundaries of the universal waste accumulation areas, universal waste treatment unit(s), and treatment-residual storage area(s).

A recycler must modify this closure plan whenever there is a change that affects the existing plan, including a change in type of treatment activity or an increase in facility capacity that is greater than 10 percent of the specified amount in the existing closure plan. These modifications must be submitted at least 30 days prior to any planned change in the facility design or operation or no longer than 30 days after an unexpected change has occurred.

Financial documents include the following:

Closure Cost Estimate [Section 66273.76 (b)]



At minimum, your closure cost estimates must be calculated based on the following costs:

- Third party decontamination or removal of all treatment units mentioned in the closure plan





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- Universal waste and/or residual disposition (based on the estimated maximum inventory of wastes and residuals (excluding exempted printed circuit boards))
- Lab testing for any area described in the closure plan that may be contaminated including any areas and surrounding areas where universal waste management occurred, and any confirmation lab testing required.

The closure costs estimates must not include any salvage value associated with the facility at the time of closure, or a zero cost for hazardous, including universal, wastes, or hazardous wastes.

The closure cost must be modified on an annual basis to adjust for inflation (see section 66273.76(b)(2) for specific details) and must be revised at least 30 days after any revision to the closure plan.

Financial Responsibility for liability (Section 66273.76 (c))



A handler who conducts treatment or recycling activities that require Financial Responsibility must maintain liability coverage for sudden, accidental occurrences of at least \$1 million per occurrence, with annual aggregate of at least \$2 million. The mechanism for financial responsibility for liability may be any of the following (Section 66265.147):

- Liability insurance
- Financial test/corporation guarantee
- Letter of credit
- Payment bond
- Trust fund

DTSC may also consider an alternative financial mechanism. Examples of alternative mechanisms may include, but are not limited to, certificates of deposits, secured savings accounts, and time deposit agreements.

Also, as is the case with financial assurance for closure costs, you may use multiple financial mechanisms for a single facility, and use a single financial mechanism for multiple facilities, so long as the total amount is equal to or greater than the current amount of liability required.





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Financial Assurance (Section 66273.76 (d))



Financial mechanisms you can use for the closure cost requirements are similar to the mechanisms used for liability and may include (Section 66265.143):

- Closure insurance
- Financial test/corporation guarantee
- Closure letter of credit
- Surety bond
- Closure Trust fund

DTSC may also consider an alternative financial mechanism. Examples of alternative mechanisms may include, but are not limited to, certificates of deposits, secured savings accounts, and time deposit agreements.

Also, as is the case with financial assurance for closure costs, you may use multiple financial mechanisms for a single facility, and use a single financial mechanism for multiple facilities, so long as the total amount is equal to or greater than the current closure cost estimate.

Closure notification

Recyclers must submit a closure notification to DTSC containing the following information:



- The last date that e-waste will be collected from offsite
- The last date that the recycler will conduct treatment activities listed in Section 66273
- The date that the recycler intends to complete the closure activities described in the closure plan and/or vacate the facility

This notification must be submitted at least thirty days prior to the earliest date specified in the notification.

Where to submit closure and financial documents

These documents must be dated and signed to make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel





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properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Closure plan, closure cost estimates, and closure notifications must be submitted by certified mail, return receipt requested to the address below:



Department of Toxic Substances Control
Universal Waste Notification and Reporting Staff
PO Box 806
Sacramento, CA 95812-0806

Attention: Universal Waste Handling Activities, Authorized Treatment

Financial documents (mechanisms) must be submitted by certified mail, return receipt requested to the address below:



Department of Toxic Substances Control
Financial Assurance Unit
8800 Cal Center Dr, 3rd floor
Sacramento, CA 95826-3200

**Please direct questions to the
DTSC Office nearest you, or call
the regional Public and Business
Liaisons at
(800) 72TOXIC (1-800-728-6942) or
visit www.dtsc.ca.gov**

