CALIFORNIA ENVIRONMENTAL QUALITY ACT
NOTICE OF EXEMPTION

To: Office of Planning and Research
State Clearinghouse
P.O. Box 3044, 1400 Tenth Street, Room 212
Sacramento, CA 95812-3044

From: Department of Toxic Substances Control
Hazardous Waste Management Program
1001 I Street
Sacramento, CA 95814

Project Title: Adoption of Final Regulations for Disposition Options for Universal Waste Cathode Ray Tubes (CRTs) and CRT Glass

Project Location: Statewide

County: Rulemaking affects all Counties in California

Project Description:
The California Department of Toxic Substances Control (DTSC), pursuant to the authority granted under the Electronic Waste Recycling Act of 2003 (Statue 2003, Chapter 526 (SB 20)), as amended, issued a rulemaking that finalizes portions of emergency regulations (in effect until September 10, 2018) related to the management of hazardous waste cathode ray tubes (CRTs) and CRT glass.

The first emergency request to the Office of Administrative Law (OAL) (OAL reference number 2012-1003-01E) was implemented on October 15, 2012. DTSC submitted two subsequent re-adoption requests for the emergency rulemaking, which were approved by OAL on September 15, 2014 (OAL reference number 2014-0905-03 EE) and September 11, 2016 (OAL reference number 2016-0902-04EE). The final rulemaking allows universal waste handlers to continue to collect and treat hazardous waste CRT devices, CRTs and CRT glass as universal waste, and send CRT glass to a CRT glass manufacturer or primary or secondary lead smelter for recycling, following the alternative management standards under the universal waste regulations (i.e., California Code of Regulations, title 22, division 4.5, chapter 23 *Standards for Universal Waste Management)*. The final regulations continue to require the handler to maintain and provide to DTSC, upon request, specified records relative to such shipments, which enhances enforcement mechanisms, increases regulatory oversight and ensures DTSC rules remain protective of human health and the environment.

The final regulations continue to allow for the disposal of CRTs and CRT glass. Until a handler makes the determination to dispose of such materials, the treatment and post-treatment management standards for the CRTs and CRT glass are the same as those imposed by the regulations in effect prior to the adoption of the initial emergency regulations dated 2012. When the determination to dispose is made, the handler is no longer managing universal waste CRTs or CRT glass. Conversely, the handler is deemed the generator of a fully regulated hazardous waste and is required to notify DTSC within 15 days of the determination. Such CRTs or CRT glass must be sent to a permitted hazardous waste disposal facility.

The final regulations continue to define CRT glass to include CRT funnel glass and CRT panel glass.[1] Except for CRT panel glass, the final regulations require that CRT glass destined for disposal be disposed as fully regulated hazardous waste at a permitted hazardous waste disposal facility. CRT panel glass that possesses specified waste characteristics (e.g., the CRT panel glass does not contain soluble levels of regulated hazardous constituents, including lead, that exceed regulatory threshold limits) and is managed pursuant to specified pre-disposal requirements may continue to be disposed of as an excluded hazardous waste in Class II or Class III landfills that meet specified Water Code requirements, as allowed by Health and Safety Code section 25141.5.

The final regulations continue to impose post-treatment management standards for all CRT glass, including CRT panel glass. These standards are designed to ensure that the CRT panel glass generated will meet the waste criteria required to qualify the CRT panel glass for disposal as excluded hazardous waste in a Class II or Class III landfill and that such qualified CRT panel glass is managed in a manner that remains protective of human health and the environment prior to disposal.

The final regulations continue to require that a universal waste handler who disposes CRT panel glass at a Class II or Class III landfill provide notifications and certifications to DTSC and keep records for each shipment. These records must include documents that demonstrate that the CRT panel glass meets the required waste criteria and that the landfill at which the CRT panel glass has been disposed has been provided with the notifications and the certifications required by the final regulations. Additionally, the final regulations require the handler to submit a copy of the notification and certification to

[1] CRT funnel glass contains a substantially higher percentage of lead than CRT panel glass (contains up to 24% lead by weight whereas panel glass contains 0 to 3%).

DTSC at least 60 days prior to the initial shipment of CRT panel glass to each landfill and at other times specified in the final regulations.

All universal waste handlers continue to be given the same disposition options and are subject to the same regulatory scheme upon the treatment of CRTs and CRT devices. Thus, universal waste handlers who remove CRTs from CRT devices and those who remove yokes from CRTs (but do not generate CRT glass); are subject to the same requirements including those standards identified for the recycling and disposal of CRT glass (described above), except that disposal of CRTs and CRT funnel glass in a Class II or Class III landfill is not authorized. The final regulations require the handler to ensure and document that the CRTs and CRT glass are recycled or disposed, as required.

Background:
The regulations in effect prior to the adoption of the emergency regulations in 2012 authorized the treatment of CRTs to generate CRT glass only if the CRT glass is destined for CRT glass manufacturing or lead smelting. In 2003, when CRTs and CRT glass became categories of universal waste, it was presumed that a market for this material would exist throughout the time needed to collect and recycle all CRTs in California. However, the market for CRT glass has declined substantially due to the advent of flat screen televisions and computer monitors that are not manufactured from recycled CRT glass. Additionally, only one known CRT glass manufacturer presently operates worldwide. Lead smelting is currently a limited option as it only uses the funnel glass portion of the glass collected for recycling.

DTSC determined that CRTs and CRT glass generated and managed under DTSC's existing universal waste regulations did not adequately address the current management options available, leading to improper CRT and CRT glass management in California, other states, and potentially overseas. For example, recyclers of CRTs and CRT glass exceed the one year accumulation time limit specified in DTSC's universal waste regulations by postponing or diverting the treatment of CRTs, or ship their CRT glass with no control over the end disposition, effectively bypassing the protections offered by DTSC's universal waste regulations. As a result, millions of pounds of hazardous waste CRTs and CRT glass either remain stored at locations across California or have been shipped out of state, potentially for unauthorized use, disposal, or abandonment.

Project Activities:
The California Code of Regulations, title 22, division 4.5, chapter 23, were revised to allow universal waste handlers to continue the collection and treatment of hazardous waste CRTs or CRT devices and to generate CRT glass following the alternative management requirements of the universal waste regulations. Additionally, the project removed the prohibition on the disposal of CRTs and CRT glass. Implementation of the final regulations allowed appropriately sorted CRT glass to be deposited at regulated landfills in compliance with the specified treatment and management standards for the CRT glass or CRTs.

Name of Public Agency Approving Project: Department of Toxic Substances Control

Name of Person or Agency Carrying Out Project: Department of Toxic Substances Control

Exemption Status: (check one)

☐ Ministerial [PRC, Sec. 21080(b)(1); CCR, Sec. 15268]
☐ Declared Emergency [PRC, Sec. 21080(b)(3); CCR, Sec.15269(a)]
☐ Emergency Project [PRC, Sec. 21080(b)(4); CCR, Sec.15269(b)(c)]
☐ Categorical Exemption: [State type and section number]
☐ Statutory Exemptions: [State code section number]
☒ General Rule [CCR, Sec. 15061(b)(3)]

Exemption Title: With Certainty, No Possibility of a Significant Environmental Effect

Reasons Why Project is Exempt:

The project will not result in a change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. Therefore, in accordance with section 15061(b)(3) of Title 14 of the California Code of Regulations, DTSC finds with certainty that there is no possibility that the project activities will result in a significant environmental effect.

Evidence to support the above reasons is documented in the project file records, available for inspection at:

Department of Toxic Substances Control-Office of Policy
1001 I Street
Sacramento, California, 95814

The DTSC reference number for the project is R-2011-03.

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