

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

Project Title: Adoption of Emergency Regulations for Disposition Options for Universal Waste Cathode Ray Tubes (CRTs) and CRT Glass, **Office of Administrative Law Emergency Number: 2012-1003-01E**

Project Location: Statewide.

County: This rulemaking affects all counties in California.

Project Description: This project is a rulemaking that adopts an emergency regulation package related to the management of hazardous waste CRTs and CRT glass. This rulemaking allows universal waste handlers to continue to collect and treat hazardous waste CRT devices or CRTs to generate CRT glass and to send the generated CRT glass to a CRT glass manufacturer or primary or secondary lead smelter for recycling following the less stringent requirements of the universal waste regulations. The emergency regulations require the handler to keep and provide to DTSC upon request specified records relative to such shipments. This enhances enforcement mechanisms, resulting in increased regulatory oversight and further ensure our rules are more protective to human health and the environment.

The rulemaking also expands the disposition options for CRT glass to include recycling by other means and disposal. Until a handler determines to recycle CRTs or CRT glass by means other than at a CRT glass manufacturer or at a primary or secondary lead smelter or to dispose the CRT glass at a class I landfill, the treatment and post-treatment management standards for the CRT glass or CRTs are the same as those imposed by the current regulations. When either of these determinations is made, the handler is deemed the generator of a hazardous waste and required to notify DTSC within 15 days of the determination.

The emergency regulations require that CRT glass destined for recycling other than at a CRT glass manufacturer or primary or secondary lead smelter be fully regulated as hazardous waste unless the CRT glass qualifies for exclusion from full regulation as an excluded recyclable material under Health and Safety Code section 25143.2(b) or (d). A universal waste handler may request concurrence from the department that the conditions for a recycling exclusion are met.

The emergency regulations define "CRT glass" to include "CRT funnel glass" and "CRT panel glass." Except for CRT panel glass, the emergency regulations require that CRT glass destined for disposal be disposed as fully regulated hazardous waste in a class I landfill. CRT panel glass that possesses specified waste characteristics and is managed pursuant to specified pre-disposal requirements may 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 treatment standards for the separation of CRT panel glass from CRT funnel glass are the same as for the other treatment methods for CRTs authorized by the existing regulations. However, the emergency regulations impose post-treatment management standards 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 to ensure that such qualified CRT panel glass is managed in a manner protective of human health and the environment prior to disposal.

The emergency regulations 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 emergency regulations. Additionally, the emergency regulations require the handler to submit a copy of the notification and certification to the Department at least 60 days prior to the initial shipment of CRT panel glass to each landfill and at other times specified in the emergency regulations.

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

A universal waste handler who has accumulated CRTs removed from CRT devices, CRTs with yokes removed, and/or CRT glass prior to the effective date of the emergency regulations will be allowed a minimum of six months from the effective date to take advantage of the expanded recycling options and the Class I disposal option for the CRTs and CRT glass.

Background: Currently, the universal waste regulations authorize the treatment of CRTs to generate CRT glass only if the CRT glass is destined for CRT glass manufacturing or lead smelting. It was presumed in 2003, when CRTs and CRT glass became categories of universal waste, that a market for this material would exist throughout the time needed to collect and recycle all CRTs in California. However, only one CRT glass manufacturer continues to operate worldwide and lead smelting is currently a limited option as it only uses a fraction of the glass collected.

The lack of a viable recycling option for CRT glass generated pursuant to DTSC's current regulations has led to CRT and CRT glass mismanagement issues in California, other states and overseas. For example, recyclers of CRTs and CRT glass have been either exceeding one year accumulation time limits specified in DTSC's universal waste regulations by postponing or diverting the treatment of CRTs or shipping their CRT glass with no intention of recycling it, 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 at locations across California or have been shipped out of state, potentially for unauthorized use or disposal. Additionally, over the last 2 years, CRT glass exported out of California may not have been recycled as prescribed by DTSC's current universal waste regulations.

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: Title 14, California Code of Regulations, section 15308
- Statutory Exemptions: [State code section number]
- General Rule [CCR, Sec. 15061(b)(3)]

Exemption Title: Title 14, California Code of Regulations, section 15308 Actions by Regulatory Agencies for Protection of the Environment.

Reasons Why Project is Exempt:

DTSC has determined that:

- CRTs and CRT glass are low-risk, low volume hazardous wastes relative to industrial wastes regulated under hazardous waste control laws.
- CRTs and CRT glass are solid materials that do not contain liquids, thereby less likely to release hazardous constituents that could contaminate landfills, including groundwater supplies.
- A universal waste handler who treats CRTs or CRT glass and selects any of the new disposition options for the treated CRTs or the generated CRT glass is subject to management standards that are protective of human health and the environment in that:
 - CRT glass and CRTs destined for recycling other than at a CRT glass manufacturer or a primary or secondary lead smelter must be managed as fully regulated hazardous waste or as excluded recyclable material.
 - CRTs, CRT funnel glass, and commingled CRT glass (i.e., CRT glass that contains lead) destined for disposal must be managed as fully regulated hazardous waste and only disposed in class I landfills, where regulatory standards that will not allow environmental degradation already exist.

- CRT panel glass destined for disposal as excluded hazardous waste in a class II or class III landfill must be determined to meet the waste criteria necessary to qualify it for such disposal and be managed prior to disposal to standards equivalent or more stringent than those that would be imposed on the CRT glass if managed as universal waste under the existing regulations.
- The six month period provided by the emergency regulations for universal waste handlers who have accumulated CRTs removed from CRT devices, CRTs with yokes removed, and/or CRT glass prior to the effective date of the emergency regulations to take advantage of the expanded recycling options and the Class I disposal option for the CRTs and CRT glass will facilitate environmentally sound management of the accumulated materials.
- The new notification, reporting and record keeping requirements will enable DTSC to verify and, if necessary, enforce the requirements that the CRTs and CRT glass be recycled or disposed, as required.
- The regulatory standards imposed by this project will not allow environmental degradation.

The proposed regulations ensure CRTs and CRT glass will not cause a physical impact to the environment. Only CRT glass that meets specific waste criteria has alternative management standards (the criteria include specified analytical tests). Should the CRT glass exceed the regulatory Soluble Threshold Limit Concentration (STLC) or fail the Toxicity Characteristic Leaching Procedure (TCLP) for lead, then the traditional management practices of CRT glass are implemented. If the analytical tests show that the CRT glass has met the waste criteria and other specified management requirements are followed, then the CRT glass can be disposed of in a Class II or Class III landfill. An analysis of the project activities based upon existing environmental conditions indicates that there are existing controls previously established in universal waste regulations and the statute for handling and managing CRTs as well as new management standards in the proposed rulemaking. For these reasons, the Department has determined that implementation of these regulations will have a less than significant effect on the environment, including impacts from greenhouse gases (GHGs).

Evidence to support the above reasons is documented as a part of this rulemaking file, R-2010-3 and is available for inspection at:

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