

ELECTRONIC HAZARDOUS WASTE REGULATIONS (R-01-06) FINAL STATEMENT OF REASONS

UPDATE OF INITIAL STATEMENT OF REASONS

As authorized by Government Code section 11346.9, subdivision (d), the Department of Toxic Substances Control (DTSC) incorporates by reference the Initial Statement of Reasons prepared for this rulemaking. Amendments and deletions made to the Initial Statement of Reasons were made to clarify statements made in the section titled **Detailed Statement of Reasons/Non-Controlling Plain English Summary**, to amend the existing detailed statement of reasons as a result of public comments received during the 45-Day Public Notice and Comment Period, or to amend the detailed statement of reasons for sections of the proposed regulations text that were amended during the 15-Day Public Notice and Comment Period of Post-Hearing Changes. These amendments are shown below as underline text (underline) for amendments and strikeout text (~~strikeout~~) for deletions.

For purposes of this Final Statement of Reasons, all regulatory references are to the California Code of Regulations, title 22, division 4.5, unless otherwise specified.

Detailed Statement of Reasons/Non-Controlling Plain English Summary

Add Chapter 10, Article 3, Section 66260.23, Factors for Petitions to Include Other Wastes under Chapter 23:

This proposed section is added to establish the factors that the Director will use in the evaluation of a petition made pursuant to section 66260.22. The proposed section clarifies that the Director will consider the overall weight of evidence presented in determining whether regulation under the Universal Waste Rule is appropriate for the waste, and whether the chapter 23 regulation will further DTSC's goals of improving management practices for the waste and improving implementation of the hazardous waste program. This section is added to chapter 10, and not to chapter 23, in order to make the petition process easier to locate and to maintain consistency with the current structure of division 4.5, where the requirements for petitions are placed in chapter 10, article 3. This section parallels 40 C.F.R. section 273.81 and is added so that DTSC may seek and maintain authorization for the federal Universal Waste Rule.

Subsection (a): This subsection requires that waste that is considered for inclusion under the Universal Waste Rule be a hazardous waste, either through listing or by exhibiting one or more characteristics of hazardous waste. This subsection is added to clarify that the Universal Waste Rule is part of the hazardous waste regulations, and that only wastes that are hazardous are regulated. This is further clarified by the fact that these proposed regulations also add a definition of the term "universal waste" (see sections 66260.10 and 66273.9), that specifically identifies only hazardous waste as potential universal waste (e.g., hazardous waste batteries). For example, some battery

types exhibit one or more characteristics and are hazardous, while other battery types may not. Using a generic term makes the Universal Waste Rules flexible, so that the regulations do not have to be revised every time a waste (such as a particular type of battery) either becomes hazardous or is no longer hazardous due to changes in manufacturing practices or technology. The phrase "section 66260.10 of this chapter and" has been deleted to remove an incorrect reference for the definition of universal waste.

Subsection (b): This subsection establishes that wastes that are good candidates for the Universal Waste Rule are not generated solely by a specific industry or group of industries, and would commonly be generated by a wide variety of types of establishments (e.g., households, retail and commercial businesses, service businesses, office complexes, conditionally exempt small quantity generators, small businesses, governmental organizations, or large industrial facilities). This factor clarifies that wastes appropriate for inclusion to the Universal Waste Rule should be wastes generated by a wide variety of types of establishments. This factor will assist petitioners and DTSC in determining whether a waste is appropriate for addition to the Universal Waste Rule. Wastes that are generated primarily in large industrial facilities settings are not appropriate for inclusion under the Universal Waste Rule, as these facilities typically generate large quantities of wastes that are more suitably managed under the current hazardous waste management regulations. Such facilities are usually structured to comply with the applicable hazardous waste regulations.

Subsection (c): This subsection specifies that universal waste should be generated by a large number of generators and that the universal waste should be frequently generated in relatively small quantities by each generator. The goal of the universal waste program is to capture wastes that due to their widespread nature are difficult to manage under current hazardous waste regulations. Hazardous waste to be considered under the Universal Waste Rule must be generated by a large number of generators and generated in relatively small quantities. DTSC will consider wastes that are generated in relatively small quantities regardless of the total amount of hazardous wastes generated by each generator. Although large industrial facilities may generate large volumes of hazardous wastes, these facilities may also generate relatively small quantities of a certain waste or category of wastes (e.g., batteries). The term "relatively" is used to distinguish between small quantities of universal wastes and large volumes of hazardous wastes (e.g., tens of thousands of pounds or gallons per month). This subsection is necessary to establish a petition evaluation factor that considers the number of generators and the frequency of generation for a waste or waste category.

Subsection (d): This subsection establishes a petition evaluation factor to require that collection systems that will collect the waste will provide close stewardship. Any collection system that would ensure good stewardship would be considered favorably, regardless of the organizations that run the collection system. This subsection is necessary to establish a petition evaluation factor that considers the types of collection systems in place to ensure that wastes or categories of waste are closely managed.

Subsection (e): This subsection establishes a petition evaluation factor that requires that the risks posed by the waste or category of waste be relatively low during accumulation and transport. The subsection requires petitioners to suggest or reference waste management requirements specific for the candidate waste. The petitioner is also required to show that any management requirements proposed or referenced in the petition will be protective of human health and the environment during accumulation and transport. This subsection is necessary to clarify that good candidate wastes or categories of wastes for the Universal Waste Rule should pose low risks compared to other hazardous wastes during accumulation and transport. This subsection is necessary to establish a petition evaluation factor that considers the accumulation and transport management standards for candidate wastes or categories of waste and requires that these management standards be protective of human health and the environment.

Subsection (f): This subsection establishes a petition evaluation factor that takes into consideration whether regulation of the waste or category of waste under the Universal Waste Rule will increase the likelihood that the waste will be diverted from the non-hazardous waste management systems to more appropriate recycling, treatment or disposal systems in compliance with division 4.5 or division 20 of the Health and Safety Code. This subsection is necessary to require petitions to contain information that shows that candidate wastes are actually being managed in the non-hazardous waste management system.

Subsection (g): This subsection establishes a petition evaluation factor that requires the petition to demonstrate that regulation of the waste or category of waste under the Universal Waste Rule will improve implementation of and compliance with the hazardous waste management program. This subsection is necessary to clarify that it is important that a new waste or category under the Universal Waste Rule will improve implementation of the hazardous waste management program.

Subsection (h): This subsection establishes a petition evaluation factor that allows the petitioner to submit additional information that may be appropriate for consideration. This factor is included because it is likely that any particular waste or category of waste may present unique factors that could demonstrate 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. This subsection is necessary to clarify that it is important for a petitioner to identify and for the Director to be able to consider unique factors during the petition process, if such factors exist.

Amend Section 66261.9, Requirements for Universal Waste:

This section provides an exemption for certain hazardous wastes or categories of hazardous wastes from the management requirements of chapter 6.5 of division 20 of the Health and Safety Code if those wastes or categories of wastes are managed in accordance with the Universal Waste Rule established in chapter 23. Several of these

hazardous waste categories are managed under the standards established in statute (i.e., aerosol cans), while others are managed under the standards that are or will be established in regulations (i.e., CRT materials). This proposed non-substantive amendment establishes the single list of waste categories that are considered universal wastes and provides the regulated community with one section of regulations that shows an inclusive list of all universal wastes.

Subsection (a): This subsection is amended to include CRT materials, CEDs, aerosol cans, and mercury-containing motor vehicle switches as exempt from regulation under chapter 6.5 of the Health and Safety Code, if these hazardous wastes are handled in accordance with management standards requirements for universal waste found in chapter 23 in lieu of existing hazardous waste management standards requirements. This amendment is necessary ~~because in order for a~~ to allow these hazardous wastes to be managed under the Universal Waste Rule contained in chapter 23, a waste must and to be specifically exempted from regulation under management requirements in chapter 6.5 of the Health and Safety Code and implementing regulations (except as specified in chapter 23). It is necessary to exempt these hazardous wastes from the “full” hazardous waste management requirements so that these hazardous wastes may be managed subject solely pursuant to the requirements in chapter 23 and are not subject to two sets of requirements. Please note however, that if a handler ~~fails to properly~~ does not manage universal waste one of these hazardous wastes pursuant to chapter 23, the waste is regulated as hazardous waste under chapter 6.5 of the Health and Safety Code and must be managed ~~and disposed of~~ accordingly.

A non-substantive amendment has been made to this subsection to include the statement "shall be known as universal wastes." This statement was previously found in subsection (c), which has been deleted.

Subsection (c): This subsection has been deleted because subsection (a) has been amended to include the statement "shall be known as 'universal wastes'."

Amend Section 66264.1, Purpose, Scope, and Applicability:

This section ~~established~~ establishes the purpose, scope and applicability of standards for permitted hazardous waste facilities, specifically treatment, storage, and disposal facilities.

Subsections (g)(12)(A) through (g)(12)(C): These subsections are amended by deleting the waste types that were listed in subsections (g)(12)(A) through (g)(12)(C), and deleting the phrases “the below listed universal.” New language has been added to clarify that the universal waste handlers and transporters shall only handle persons are subject to chapter 23 only when they manage the wastes listed in California Code of Regulations, title 22, division 4.5, section 66261.9, which lists those hazardous wastes that are specifically exempted from management under “full” hazardous waste management standards when they are managed under the provisions of chapter 23.

Subsection (h): A grammatical change has been made to this section for clarity.

Amend Section 66265.1, Purpose, Scope, and Applicability:

This section ~~established~~ establishes the purpose, scope and applicability of standards for interim status hazardous waste facilities, specifically treatment, storage, and disposal facilities.

Subsections (d)(15)(A) through (d)(15)(C): These subsections are amended by deleting the waste types listed in subsections (d)(15)(A) through (d)(15)(C), ~~and deleting the phrases “the below listed universal.”~~ New language has been added to clarify that ~~the universal waste handlers and transporters shall only handle~~ persons are subject to chapter 23 only when they manage the wastes listed in California Code of Regulations, title 22, division 4.5, section 66261.9, which lists those hazardous wastes that are specifically exempted from management under “full” hazardous waste management standards when they are managed under the provisions of chapter 23.

Amend Section 66268.1, Purpose, Scope, and Applicability:

This section ~~established~~ establishes the purpose, scope and applicability of standards for wastes that are restricted from land disposal.

Subsections (j)(1) through (j)(3): These subsections are amended by deleting the waste types listed in subsections (j)(1) through (j)(3). New language has been added to clarify that ~~the universal waste handlers and transporters shall only handle~~ persons are subject to chapter 23 only when they manage the wastes listed in California Code of Regulations, title 22, division 4.5, section 66261.9, which lists those hazardous wastes that are specifically exempted from management under “full” hazardous waste management standards when they are managed under the provisions of chapter 23.

Amend Section 66270.1, Purpose and Scope of These Regulations:

This section establishes the provisions for the issuance and administration of hazardous waste facility permits.

Subsections (c)(2)(E)1 through (c)(2)(E)3: These subsections are amended by deleting the waste types previously listed in subsections (c)(2)(E)1 through (c)(2)(E)3. New language has been added to clarify that ~~the universal waste handlers and transporters shall only handle~~ persons are subject to chapter 23 only when they manage the wastes listed in California Code of Regulations, title 22, division 4.5, section 66261.9, which lists those hazardous wastes that are specifically exempted from management under “full” hazardous waste management standards when they are managed under the provisions of chapter 23.

Add Chapter 23, Article 1, Section 66273.6, Applicability--CRT Materials:

This proposed section applies the chapter 23 management standards to persons who manage CRT materials (CRTs, CRT devices and CRT glass). This section describes the conditions under which CRT materials become a waste.

Subsection (a): This subsection requires that persons who manage CRT materials, as described in section 66273.9, to manage those wastes in accordance with the applicable requirements for those wastes contained in chapter 23. This subsection clarifies who must comply with the requirements of chapter 23 when they manage specifically-defined CRT materials.

Subsection (b): This subsection clarifies and establishes the circumstances under which a person is not required to comply with the requirements of chapter 23 when that person manages CRT materials. The requirement for the management of CRT materials under chapter 23 is not applicable when (1) the CRT materials are not yet wastes as described in chapter 11; (2) the CRT materials are not hazardous wastes exhibiting one or more of the hazardous waste characteristics identified in chapter 11; (3) the CRT materials are managed as hazardous waste under chapter 10 through 22 when sent for disposal; (4) the CRT materials are managed as hazardous wastes under chapter 10 through 22; (5) the CRT materials are managed in accordance with the exemptions provided in section 66273.8, subsection (c); or (6) the CRT materials were previously waste but are no longer waste (e.g., a CRT device that has been refurbished and returned to service).

Subsection (c): This subsection clarifies and establishes the circumstances under which a CRT material is considered a waste. Once it is considered a waste, the generator must determine if it is a hazardous waste (i.e., by demonstration that the waste is a listed waste or that it exhibits one or more hazardous waste characteristics) and, subsequently, whether it meets one of the universal waste categories. This subsection is necessary to clarify (1) at what time a generator

Amend Section 66273.8, Exemptions:

This section establishes exemptions for universal wastes. These proposed regulations reformat the existing section and amend it to clarify that certain disposal exemptions are allowed for only certain universal wastes and that households are exempt if certain management practices are followed. The term "recycled by a destination facility" has been deleted from (a)(1), (a)(2), and (4) because the disposal exemptions do not apply to the management of these wastes at recycling facilities. This amendment is necessary to provide clarity that the disposal exemptions are only available for the disposal option, rather than for the recycling option. Non-substantive grammatical changes have been made throughout the section for clarity.

Subsection (a)(1): This subsection allows a temporary disposal exemption for specific universal wastes produced by a household. Under this exemption, households may

continue to dispose of the universal wastes listed under this subsection as non-hazardous solid waste. This existing exemption is offered through February 8, 2006 to allow time for the development of collection systems. The title to this subsection has been added (and amended) for clarity and for structural organization.

This subsection has been amended to include “hazardous waste consumer electronic devices” in the list of universal wastes specified in this subsection. This amendment is necessary to clarify that CEDs are included in this temporary exemption.

This subsection has also been amended to include the phrase “batteries, universal waste lamps, universal waste mercury thermostats” which is language that was added to this subsection by the emergency CRT regulations. This amendment is necessary to maintain clarity concerning the specific universal waste categories for which households are allowed the disposal exemption offered under this subsection (CRT materials must not be disposed).

Subsection (a)(2): This subsection has been amended to reflect the reorganization of this section, where (b) has been changed to (a)(2). Similar amendments have been made within this subsection for the references cited. The term “100 kilograms” has been added and the term “220 pounds” has been changed to the parenthetical, so that both System International (metric) and U.S. Customary units of measure can be used for generation limit calculations. These amendments are necessary for clarity and to maintain the structural organization of this section.

Subsection (a)(3): This subsection is amended to reflect the reorganization of this section, where (c) has been changed to (a)(3). Similar amendments have been made within this subsection for the subsequent subparagraphs. These amendments are non-substantive and are necessary for clarity and to maintain the structural organization of this section.

This subsection has also been amended to include the phrase “batteries, universal waste lamps, universal waste mercury thermostats” which is language that was added to this subsection by the emergency CRT regulations. This amendment is necessary to maintain clarity concerning the specific universal waste categories for which households are allowed the disposal exemption offered under this subsection (CRT materials must not be disposed).

Subsection (a)(4): This subsection has been added to allow a temporary disposal exemption for conditionally exempt small quantity universal waste generators of CEDs. This exemption is similar to the temporary disposal exemption provided in subsection (a)(2) for other waste categories. This exemption is necessary because there is insufficient infrastructure in place to collect the CEDs from the very small quantity generators at the present time.

Subsection (a)(5): This subsection is amended to reflect the organizational changes made to subsection (a). These amendments are non-substantive and are necessary for clarity and to maintain the structural organization of this section.

Subsection (b): This subsection has been added to provide an exemption to households from the universal waste requirements, such as use of a bill of lading, accumulation time limits, and labeling/marketing, which are not germane to households. This subsection is necessary to clarify that household generators may take their universal wastes to a collection facility in the usual manner without having to meet the requirements of the Universal Waste Rule.

Subsections (b)(1)(A) through (b)(3)(4)(C): These subsections have been added to clarify the conditions under which a household is exempt from the requirements of chapter ~~23 6.5~~ for the management of ~~their~~ its universal wastes. These conditions are that the wastes ~~are~~ must be exempt under subsection (a) of this section, the person does not disassemble or otherwise treat the wastes (except as provided in section 66273.13), and all wastes generated by the person are transported to an appropriate facility (universal waste handler or destination facility). These handling conditions are necessary to ensure that universal wastes generated by households are managed in a manner protective of human health and the environment.

~~**Subsection (b)(2)(A):** This subsection has been added to clarify that universal waste CRT materials generated by a household are only exempt from the requirements of chapter 6.5 of the Health and Safety Code when those wastes are sent for recycling. This section is necessary to clarify the provisions of statute that prohibit disposal of wastes in certain universal waste categories. Subsections (b)(2)(B) through (b)(2)(K) are reserved for the inclusion of future waste categories.~~

Subsection (c): This subsection has been added to clarify the conditions under which a conditionally exempt small quantity universal waste generator is exempt from the requirements of chapter 23 for the management of its universal wastes. These conditions are that the wastes must be exempt under subsection (a) of this section, the person does not disassemble or otherwise treat the wastes (except as provided in section 66273.13), and all wastes generated by the person are transported to an appropriate facility (universal waste handler or destination facility). These handling conditions are necessary to ensure that universal wastes generated by conditionally exempt small quantity universal waste generators are managed in a manner protective of human health and the environment.

Subsection (c)(d): This subsection is amended to reflect the organizational changes made to this section. These amendments are non-substantive and are necessary for clarity and to maintain the structural organization of this section.

Subsection (f): This subsection has been repealed because the standards contained in subsection (f) have been reformatted and are now included in the new subsections (b) and (c), "Household exemptions" and "Conditionally Exempt Small Quantity Universal

Waste Generator Exemption. The provisions exemption for an “electronic product generators” ~~are no longer necessary because of that~~ was in subsection (f) has been incorporated into the household and conditionally exempt small quantity universal waste generator exemptions offered in subsections (b) and (c) of this section.

Amend Section 66273.9, Definitions:

This section defines the terms used in chapter 23. The definitions added to this section are consistent with those added to chapter 10 of this division, where applicable.

Add the definition of “Cathode ray tube or CRT”: The definition is added to the section to clarify the use of the term for purposes of this chapter.

Amend the definition of “Conditionally exempt small quantity universal waste generator”: The management of CRT materials, including handling requirements and generation limits, is addressed in article 7 of chapter 23, which is being added by this rulemaking. This definition is amended to clarify that CRT materials are not included in the generation limits quantity calculation for this category of generator. This definition has been further amended to clarify that a person who generates five or less CRT devices in a calendar year may be considered a conditionally exempt small universal waste generator, thus allowing that person to be eligible for the exemptions in section 66273.8. Non-substantive grammatical changes have also been made to this section for clarity and to eliminate duplication of the dates established in section 66273.8, subsection (a).

Add the definition of “Consumer Electronic Device”: The definition is added to the section to clarify the use of the term for purposes of this chapter.

Add the definition of “CRT device”: The definition is added to the section to clarify the use of the term for purposes of this chapter.

Add the definition of “CRT glass”: The definition is added to the section to clarify the use of the term for purposes of this chapter.

Add the definition of “CRT material”: The definition is added to the section to clarify the use of the term for purposes of this chapter.

Add the definition of “CRT material handler”: The definition is added to the section to clarify the use of the term for purposes of this chapter. This definition has been amended to clarify that a CRT material handler, as defined by these regulations, is a person who handles universal waste CRT materials, as opposed to a person who handles non-universal waste CRT materials (i.e., CRT materials that are not yet waste or that are not universal waste).

Delete the definition of “Electronic Product Generator”: This definition is found in the CRT Emergency Regulations. This definition is not required because of changes made to section 66273.8, subsections (b) and (c).

Amend the definition of "Large Quantity Handler of Universal Waste": This definition has been amended to clarify that the parenthetical list of universal wastes is not exclusive, but serves to provide examples of the categories of universal wastes that a large quantity handler might handle.

Add the definition of "Management": This definition is added to this section to clarify the use of the term for purposes of this chapter. This definition is consistent with the definitions of "hazardous waste management" or "management" in Health and Safety Code section 25117.2 and in section 66260.10 of this division.

Amend the definition of "Small Quantity Handler of Universal Waste": This definition has been amended to clarify that the parenthetical list of universal wastes is not exclusive, but serves to provide examples of the categories of universal wastes that a small quantity handler might handle.

Add the definition of "Off-site": The definition is added to the section to clarify the use of the term for purposes of this chapter.

Amend the definition of "Universal Waste": The definition is amended to clarify that universal wastes are any wastes listed in section 66261.9, ~~subsection (a)~~. The language that is deleted contains an incorrect reference and the wastes listed in subsections (a), (b), and (c) are being deleted for clarity and consistency with the amended language in sections 66264.1, 66265.1, 66268.1, and 66270.1. Subsection (b) of this definition has been amended to include section 66273.83, subsections (b) and (c) in the list of treatment provisions that are allowed for universal waste handlers or CRT material handlers.

Amend the definition of "Universal Waste Handler": The definition is amended to clarify that universal waste handlers exclude CRT materials handlers.

Amend Section 66273.13, Waste Management:

This section specifies the management requirements that apply to small quantity handlers of universal waste. Universal waste must be managed in a manner that prevents any releases to the environment.

A small quantity handler of universal waste, who, in the course of handling universal wastes under this section, generates other solid waste that exhibits characteristics of hazardous waste, is required to manage those wastes in compliance with the applicable hazardous waste requirements of this division.

Subsection (b)(3)(B): This subsection is being amended to remove language that is grammatically incorrect. This amendment is consistent with identical language found in section 66273.33, subsection (a)(3)(A) regarding the management of battery electrolyte

that exhibits a characteristic of hazardous waste. This amendment is non-substantive and is necessary for clarity.

Subsection (e)(d): This new subsection establishes the waste management requirements for small quantity handlers of CEDs. ~~This language is~~ These requirements are similar to the requirements for handlers of the other waste categories contained in this section. Subsection (d)(2) has been added to allow small quantity universal waste handlers to disassemble CEDS under certain conditions. The disassembly of CEDs is allowed when conducted at or after the point of discard, provided only those discrete assemblies are removed that are typically removed during the normal operation of the CED. The disassembly must be conducted in accordance with the operating manual of the CED, or in the absence of an operating manual, as otherwise performed during the normal use of the CED. The subsection is added to clarify the management methods that are required to ensure that releases to the environment are prevented and to clarify that the management standards for small quantity handlers of CEDs are consistent with the requirements for the other waste categories covered under this section.

Amend Section 66273.14, Labeling/Marking:

This section requires that a small quantity handler of universal waste label or mark the universal waste or the containers of universal waste. This section establishes the labeling and marking descriptions for each universal waste category.

Subsection (e)(d): This subsection specifies the labeling and marking descriptions for CEDs. Each consumer electronic device or each container or package that holds such an item is required to be clearly labeled or marked with the waste description using one of the following phrases: "Universal Waste --Consumer Electronic Device(s) or "UW--Consumer Electronic Device(s)." This subsection is necessary to establish and maintain a consistent labeling and marking requirement for each universal waste category.

Amend Section 66273.33, Waste Management:

This section specifies the waste management requirements with which large quantity handlers of universal waste must comply. A large quantity handler of universal waste, who, in the course of handling universal wastes under this section, generates other solid waste that exhibits characteristics of hazardous waste, is required to manage those wastes in compliance with the applicable hazardous waste requirements of this division.

Subsection (e)(d): This new subsection establishes the waste management requirements for large quantity handlers of CEDs. ~~This language is~~ The requirements are similar to the requirements for handlers of the other waste categories contained in this section. Subsection (d)(2) has been added to allow large quantity universal waste handlers to disassemble CEDS under certain conditions. The disassembly of CEDs is allowed when conducted at or after the point of discard, provided only those discrete

assemblies are removed that are typically removed during the normal operation of the CED. The disassembly must be conducted in accordance with the operating manual of the CED, or in the absence of an operating manual, as otherwise performed during the normal use of the CED. The subsection is added to clarify the management methods that are required to prevent releases to the environment and to make the management standards for large quantity handlers of CEDs consistent with the requirements for the other waste categories covered under this section.

Amend Section 66273.34, Labeling/Marking:

This section requires a large quantity handler of universal waste to label or mark universal waste or the containers of universal waste. This section establishes the labeling and marking descriptions for each universal waste category.

Subsection (e) (d): This subsection specifies the labeling and marking descriptions for CEDs. Each consumer electronic device or each container or package that holds such an item is required to be clearly labeled or marked with the waste description using one of the following phrases: "Universal Waste --Consumer Electronic Device(s) or "UW--Consumer Electronic Device(s)." This subsection is necessary to establish and maintain a consistent labeling and marking requirement for each universal waste category.

Amend Section 66273.51, Prohibitions:

This section prohibits universal waste transporters from performing certain management activities. Universal waste transporters are prohibited from disposing, diluting, or treating universal waste except in the course of responding to releases as stated in section 66273.54. As used here, "disposing" means the transporter disposing directly onto land, into the trash or into a non-hazardous landfill. This section parallels the language found in 40 C.F.R. section 273.51.

Subsections (a) and (b): Non-substantive grammatical changes have been made to these sections because of the addition of subsection (c).

Subsection (c): This new subsection prohibits a transporter from transporting more than five CRTs and CRT devices at one time unless the CRT materials are packaged to prevent releases, as prescribed in section 66273.83(a)(1). This subsection is necessary to allow for the transportation of relatively small volumes of CRTs and CRT devices without the use of containers or other forms of containment provided the CRT materials are managed to prevent breakage. However, some handlers have interpreted section 66273.83(a)(1) to allow the truck trailer or other vehicle body itself to satisfy the container requirement. By adding the additional language, DTSC is clarifying that loads of greater than five CRTs and CRT devices must be managed in a way that prevents breakage of the CRT and release of CRT glass [i.e., as prescribed in section 66273.83(a)(1)].

Amend Section 66273.56, Exports:

This section specifies the exporting requirements for universal waste transporters who transport universal wastes to a foreign destination. This section parallels the language found in 40 C.F.R. section 273.56.

A non-substantive change has been made to add the correct reference to article 8 of chapter 12.

Add Chapter 23, Article 7, Section 66273.81, Prohibitions:

This proposed section prohibits a handler of CRT material universal waste from disposing of, diluting, or treating universal waste except in certain instances such as responding to releases (section 66273.3787) or managing universal waste pursuant to section 66273.3387. As used here, “disposing” means the generator disposing directly onto land, into the trash or into a non-hazardous landfill. It does not mean a handler cannot send or take waste offsite for proper disposal or recycling.

Subsection (a): This subsection prohibits CRT handlers from disposing, as defined above, of CRT materials. This section is necessary to establish the disposal prohibition. The prohibition ensures that CRT materials are not disposed to land or improperly disposed by other means (e.g., incineration), so that the handling of CRT materials is are not protective of human health and the environment.

Subsection (b): This subsection prohibits CRT material handlers from diluting or treating CRT materials, except as described further. Prohibitions on dilution have been included with the treatment prohibition because dilution is a form of treatment. It is further clarified that dilution or treatment may occur when the CRT material handler is responding to a release (as specified in section 66273.87) or the handler is managing specific wastes (in compliance with section 66273.83).

Add Chapter 23, Article 7, Section 66273.82, Notification Requirements for CRT Material Handlers:

This proposed section establishes a notification requirement for certain CRT material handlers who accept CRT materials from off-site sources or who generate large quantities of CRT materials. The requirement to notify DTSC of CRT material handling activities is contingent on the amount of CRT materials that a person accepts or generates. This section specifies when the notification is required, what information must be provided is contained in the notification, and how often the notification is must be submitted. Under this section, CRT materials handlers who accept large quantities of CRT materials (> five (5) CRTs, > five (5) CRT devices or > 100 kilograms of CRT glass) are subject to this notification requirement.

In addition, a CRT materials handler who generates 5,000 kilograms or more of CRT materials must submit a notification to DTSC under this section. The amount of CRT

materials that a facility accepts or generates is a good indicator of the quantities of waste that the facility is handling, is easily verified by regulating agencies through an inspection of the facility, and is a good indicator of the risk posed by the management of CRT materials at the facility.

This section is necessary so that DTSC may obtain accurate information ~~describing about the operations of the persons who handle CRT materials in the State. This information is necessary to ensure that CRT materials are managed appropriately, to provide persons who wish to transport their waste CRT materials with locations of such handlers, and to assist DTSC with compliance assistance.~~ This information is also necessary to provide DTSC with annual information on the entities that recycle or treat CRT materials. This information will be used to track the operations of the CRT materials recyclers/treaters, to assist DTSC with compliance efforts, and to disseminate a list of recycling facilities to the public.

Subsection (a): This subsection states that a CRT material handler who accepts five or less CRTs, five or less CRT devices, or 100 kilograms or less of CRT glass per calendar year from off-site sources is not required to submit a notification under this section. Note that given an average weight of 40 pounds per CRT, five CRTs weigh approximately 100 kilograms, which is the generation limit for CESQGs as described in 40 C.F.R. section 261.5. This will not require households and small businesses that generate small quantities of CRT materials to submit a notification. This subsection is necessary to clarify the quantity limits for each type of CRT material that a handler can accept without being required to submit a notification pursuant to subsection (c).

Subsection (b): This subsection establishes the notification requirements for CRT handlers who accept the specified quantities of CRT materials. This subsection also requires notifications to be ~~made provided by November~~ provided by February 1 of each year and submitted in writing or via electronic notification. The notifications must ~~contain describe CRT handling activities for the previous calendar year, specifically October 1 to September 30. This time frame was established in the emergency regulation package for CRT materials and was chosen based on a reasonable time to compile the notification information once the emergency regulations become effective (August 2001). DTSC has chosen to maintain the November 1 submittal date for consistency with the emergency regulation notifications dates, but has added clarification on the "previous year" designation to mean October 1 through September 30. This designation provides the CRT handlers with a reasonable time, approximately 30 days, from the end of the reporting period (October 1) to the submittal date (November 1) to compile the necessary information needed for a complete notification.~~

~~This section also allows Household Hazardous Waste Collection Facilities to submit the CRT material handler notification information on the Form 303, which is required under Health and Safety Code section 25218.9. This requirement will give these types of facilities a reduced reporting option if they choose to submit only the Form 303.~~

This section is necessary to clarify that notification of CRT material handling is required for handlers who accept specific amounts of CRT materials.

Subsection (c): This subsection requires a CRT material handler who generates 5,000 kilograms or more of CRT materials per calendar year (CRTs, CRT devices and CRT glass, cumulative) to notify DTSC of its handling activity annually. The notification is ~~made under due by the same reporting date and~~ must covers the same “previous year” dates discussed under subsection (b) of this section. This notification requirement is equivalent to the requirement for large quantity universal waste handlers under 40 C.F.R. section 273.32, except that CRT materials handlers are not required to obtain U.S. EPA identification numbers. This subsection clarifies that a CRT materials handler described under this subsection is required to submit a notification.

Subsection (d): This subsection establishes the contents of the notification that is required under subsections (b) or (c). The notification must include:

(d)(1): The CRT materials handler’s name and mailing address. Often times the physical location of the accumulation or generation location is not the business mailing address for a given business entity. For this reason, this information is required in order to provide DTSC with a means to contact a given CRT handler via certified mail.

(d)(2): The name and telephone number of the person who can be contacted at the handler’s site and who can address universal waste management activities. This information is necessary so that DTSC may be provided with a contact person should it be necessary to contact the facility via telephone.

(d)(3): The address or physical location including the county of the CRT management activity. This information is necessary so that DTSC may accurately locate the CRT handler’s accumulation or generation site(s).

(d)(4): The total quantity of the CRTs, CRT devices, and CRT glass. CRTs and CRT devices quantities must be given by count (i.e., piece); however, the CRT glass quantities must be given by weight. This information is necessary so that DTSC can track the handling activities at each site.

(d)(5): The list of locations that the CRT handler shipped CRTs to during the previous year, and the number of CRTs shipped to each of these facilities. This information is necessary so that DTSC can track CRT shipment information to determine whether CRTs are shipped to appropriate facilities.

(d)(6): The list of locations that the CRT handler shipped CRT devices to during the previous year, and the number of CRT devices shipped to each of these facilities. This information is necessary so that DTSC can track CRT device shipment information to determine whether CRT devices are shipped to appropriate facilities.

(d)(7): The list of locations that the CRT handler shipped CRT glass to during the previous year, and the total quantity of CRT glass shipped to each of these facilities. This information is necessary so that DTSC can track CRT glass shipments information to determine whether CRT glass is shipped to appropriate facilities.

Subsection (e): This subsection provides for reporting the total quantities of CRTs, CRT devices, and CRT glass in the notification required under subsections (b) or (c). If a handler uses a mass-based inventory system, the handler may convert the mass data to count data through the application of an appropriate conversion factor. An example is provided that shows a conversion of 30 pounds per CRT. If a handler uses this data conversion process, it must indicate on the notification that this data conversion method was used and it must also provide the conversion factor(s) used.

This subsection is necessary because handlers may use different inventory systems and must be able to convert their weight inventory data into measurements for notification purposes. Some systems are based on itemization (count), while other systems are based on weight (mass). The requirement that inventory data can be provided as weight is consistent with other notifications required and other hazardous waste regulatory status determinations contained in California Code of Regulations, title 22, division 4.5.

Subsection (f): This subsection provides the mailing address for a notification submitted under this section. This subsection is necessary to provide a CRT material handler with accurate information necessary to submit a notification required by this section.

Subsection (g): This subsection provides an Internet Website address for a notification submitted under this section. This subsection is necessary to provide CRT material handlers with the option to submit their notification information electronically and directly to DTSC via DTSC's Internet website.

Add Chapter 23, Article 7, Section 66273.83, Waste Management:

This proposed section establishes the specific handling requirements for CRT material handlers and each subsection sets forth a general performance standard that requires CRT handlers to manage CRT materials in such a way that prevents releases of any CRT materials or components of the CRT materials to the environment (e.g., handling practices for the removal of CRTs from CRT devices). Additionally, this section establishes standards for the treatment that is allowed under the Universal Waste Rule. This section creates a self-implementing grant of authorization for CRT recyclers that perform treatment (i.e., cutting, sawing, breaking, shredding, crushing, compacting, separating, or screening), and establishes a requirement for the operator of the recycling facility to submit an annual notification to DTSC of its recycling activities. This section also requires the operator of the recycling facility to perform a closure cost estimate and submit to DTSC proof of guaranteed funds for closure of the facility.

This section is necessary to ensure that CRT materials are handled to prevent releases to the environment and to prescribe a set of management standards to encourage the collection and recycling of CRT materials. This section is also necessary to establish management procedures (i.e., a self-authorizing grant of authorization) that may be employed for the recycling or (treatment) of CRT materials so that persons conducting these activities are not required to obtain a hazardous waste facility permit, a standardized permit, or permit-by-rule grant of authorization. The documentation requirements outlined in this section are similar in scope to the documentation requirements for hazardous waste interim status facilities and facilities operating under a permit-by-rule grant of authorization. DTSC believes that ~~certain these requirements for interim status facilities (those facilities that continue to operate until a final permit determination is made)~~ are appropriate for CRT material ~~treatment and~~ recycling facilities (e.g., the requirement to ensure that the facility maintains the financial means to operate the facility and close the facility in a manner that is protective of human health and the environment).

Subsection (a): This subsection, "Containment," establishes the waste management requirements for CRT material handlers. This language is similar to the requirements for handlers of the other waste categories contained in this chapter. The term "foreseeable" is used to clarify that CRT materials handlers should plan for changing conditions that could affect the structural integrity of the containers used to hold CRT materials. The subsection is added to clarify the management methods that are required to prevent releases to the environment and to make the management standards for CRT handlers consistent with the requirements for the handlers of other waste categories covered under this chapter.

Subsection (b): This subsection, "CRT removal," authorizes CRT materials handlers to remove CRTs from CRT devices, and it establishes the removal procedures. Removal of the CRTs from CRT devices will reduce transportation costs (i.e., reduced weight of the device, such as large console televisions or large monitors). This subsection is necessary to ensure that the handler is removing CRTs from CRT devices in a manner designed to prevent breakage of the CRTs and to ensure proper containment of any broken CRTs.

Subsections (b)(1)(A) through (b)(1)(D): These subsections describe the procedures and provide guidance for the proper removal of CRTs from CRT devices. The procedures include removing the CRTs in such a manner to prevent breakage, conducting removals over a containment device, training the persons who remove CRTs so that removal is accomplished safely, and packaging the CRTs in adequate containers. These subsections are necessary to ensure that CRT removal is conducted in a safe and environmentally protective manner.

Subsection (b)(2): This subsection requires a CRT material handler, after removal of a CRT from a CRT device, to determine whether the remaining non-CRT material(s) of the CRT device or any other waste generated during the removal process exhibits a hazardous waste characteristic. If any of these items are determined to be hazardous

waste, the wastes must be handled in compliance with the applicable requirements of division 4.5. If the non-CRT material remaining after CRT removal is an electronic device component, as defined under “consumer electronic device” in section 66273.9, then the component may be managed as a universal waste. This subsection is necessary to clarify the applicability of the hazardous waste regulations for the remaining portions of the CRT device or any wastes generated during the removal process.

Subsection (c): This subsection, "CRT material treatment and recycling," creates the self-implementing authorization for low-risk recycling of CRT materials and it allows a CRT material handler to ~~treat or~~ recycle CRTs, CRT devices, or CRT glass as specified by the procedures set forth in this section.

Subsections (c)(1)(A)(1) and (c)(1)(A)(2): These subsections state that a CRT material handler may treat or recycle CRTs, CRT devices or CRT glass provided that the CRT material handler submits a notification of such activities to DTSC. A notification is required at least 30 days prior to beginning such activities. The notification includes: information required by section 66273.82, subsections (d)(1), (d)(2) and (d)(3); facility owner information; descriptions of the types of CRT materials treated and the treatment processes used; and documents showing that the property owner has been made aware that CRT materials treatment is occurring at the site.

This subsection is necessary to establish the contents of the notification and to provide DTSC with annual information on the entities that recycle or treat CRT materials. This information will be used to track the operations of the CRT materials recyclers/treaters, ~~and to assist DTSC with compliance assistance efforts, and to disseminate a list of recycling facilities to the public.~~

Subsections (c)(1)(A)(3) through (c)(1)(A)(5): These subsections require that a CRT material handler who treated or recycled CRT materials notify DTSC, both before and after, of the dates the facility closes or vacates the facility, the facility ceases to handle CRT materials, and the facility ceases treatment recycling activities. Notifications submitted under subsection (c)(A)(4) include the expected dates when activity changes will occur. Notifications submitted under subsection (c)(A)(5) include the last dates when activity changes occurred.

This subsection is necessary to establish the contents of these notifications and to provide DTSC with accurate information on the operational status (i.e., active or inactive) of the entities that recycle or treat CRT materials. This information will be used to track the operations of the CRT materials recyclers/treaters and to assist DTSC with compliance assistance.

Subsection (c)(1)(B): This subsection requires that the notification made under subsection (c)(1)(A) be signed in accordance with the signature provisions of existing section 66270.11 (permit applications). This subsection is necessary to clarify the

certification requirements for operators of CRT material recycling and treatment facilities.

Subsection (c)(2): This subsection requires that a cost estimate for closure, as prescribed in existing section 66265.142, be submitted by persons making a notification of treatment or recycling under subsection (c)(1)(A). The closure cost estimate requirements referenced in this section are for interim status facilities, and are considered adequate for the handling practices used during CRT material treatment or recycling activities (i.e., CRT removal, crushing, shredding, breaking, separation, etc). This subsection is necessary to ensure that persons conducting such activities maintain the financial means to conduct closure activities at their site, including cleanup and waste removal activities.

Subsection (c)(3): This subsection requires that a document demonstrating financial assurance for closure, as prescribed in existing section 66265.143, be submitted by persons making a notification of treatment or recycling under subsection (c)(1)(A). The financial assurance for closure requirements referenced in this section are for interim status facilities, and are considered adequate for the handling practices used during CRT material treatment or recycling activities (i.e., CRT removal, crushing, shredding, breaking, separation, etc). This subsection is necessary to ensure that persons conducting such activities maintain the financial means to conduct closure activities at their site, including cleanup and waste removal activities.

Subsection (c)(4): This subsection requires that documentation of financial responsibility for liability, as prescribed in existing section 66265.147, be submitted by persons making a notification of treatment or recycling under subsection (c)(1)(A). The financial responsibility for liability requirements referenced in this section are for interim status facilities, and are considered adequate for the handling practices used during CRT material treatment or recycling activities (i.e., CRT removal, crushing, shredding, breaking, separation, etc). This subsection is necessary to ensure that persons conducting such activities maintain the financial means to conduct CRT materials handling activities at their site, including during normal operations and emergency situations.

Subsection (c)(5): This subsection requires that persons who treat or recycle CRT materials maintain certain operational records so that enforcement agencies may have access to these records upon request. These records include the notification made under subsection (c) of this section and any local air district permit and other permits required for the facility. DTSC understands that local agencies may regulate other aspects of the facilities' operations (e.g., business plans, air permits, sewer permits) and not every county or city regulates the same activities to the same degree; therefore, mandatory submittal of such documents may not be applicable to all CRT material treatment or recycling facilities. This subsection is necessary to assist enforcement agencies in obtaining enforcement-related documents related to facility operations and permitting status.

Subsection (c)(6): This subsection requires CRT material handlers who treat or recycle CRT materials to submit to DTSC an annual report providing certain operational information. The annual report must be submitted by ~~November~~ February 1, signed in accordance with existing section 66270.11 (signatures for permit applications), and cover treatment activities for the previous calendar year. An annual report includes: facility location information, owner/operator information, facility contact person, facility EPA identification number (if applicable), number of facility operational days, total quantity of CRTs treated or recycled (delineated by handler), total quantity of CRT glass shipped off-site (delineated by handler), and the treatment or recycling method(s) used for each CRT material. This subsection is necessary so that DTSC can track treatment and recycling activities within the State.

Subsection (c)(7): This subsection prohibits persons who treat or recycle CRT materials under this section from accepting CRT materials that are managed as hazardous waste under chapters 10 through 22 of this division. The self-implementing authorization for recycling allowed under this section does not include an authorization to accept hazardous waste that is transported under a hazardous waste manifest. This subsection clarifies that persons conducting CRT management in accordance with this section are not authorized under this section to accept or manage hazardous wastes other than CRT materials.

Subsection (c)(8): This subsection requires any treatment of CRT glass for recycling purposed to be done so that the CRT glass is reclaimed only by a CRT glass manufacturer or by a primary or secondary lead smelter. Limiting CRT glass reclamation to these specific industries ensures that the glass is precluded from shipment to other glass manufacturing facilities, such as those that may produce consumer food containers. This subsection is necessary to ensure that the CRT glass is recycled appropriately and to prohibit the disposal of CRT glass to landfills.

Subsection (c)(9): This subsection requires CRT treatment to be conducted in devices that are designed to prevent the release of CRT glass. This subsection is necessary to clarify that treatment must be conducted to minimize releases and accomplished in a manner that is protective of human health and the environment.

Subsection (c)(10): This subsection prescribes the allowable treatment methods that may be used by CRT material treatment and recycling facilities operating under this section. The treatment methods allowed are processes that change the physical properties of the waste (e.g., breaking, shredding, crushing or compacting), that separate each CRT material by its physical properties (e.g., size, color, density), or that screen the separate components based on size. These physical treatment methods pose a lower risk than treatment methods that require the addition of chemicals or heat. This subsection is necessary to clarify the specific, allowable treatment methods that can be used for CRT handlers who wish to treat or recycle CRT materials under this section and to preclude more risky types of recycling.

Subsection (c)(11): This subsection prohibits treatment processes that use the application of chemicals (including water, other than recirculated coolants used in CRT cutting machines) and of external heat (except a pinpoint torch used in certain CRT glass separation applications). This subsection allows the use of recirculated coolants in enclosed CRT cutting machines, which can include saws or other cutting mechanisms that involve the use of recirculated coolants. These machines typically use small quantities of water that is contained within the machine, and, therefore, pose a low risk of releases of contaminated water to the environment. This section is necessary to clarify that certain treatment processes, which may increase the risks associated with CRT material treatment, are not allowed under this section.

Subsection (c)(12): This subsection requires persons who perform treatment or recycling of CRT materials to be thoroughly familiar with the hazards of such activities. These persons are also required under this subsection to be thoroughly familiar with the procedures necessary to comply with the requirements of this section and to use the proper protective equipment when conducting treatment activities. These requirements ensure workers' safety and ensure that CRT materials are handled appropriately to protect human health and the environment. This subsection is necessary to clarify the performance requirements for persons who treat or recycle CRT materials.

Subsection (c)(13): This subsection requires facilities that ~~undertake~~ perform CRT material treatment or recycling operations to comply with all applicable local and state air pollution control laws and regulations. These requirements are important because some local air quality management districts have requirements that apply to the operations authorized under this section (e.g., crushing CRT glass). This subsection is necessary to clarify the applicability of air pollution control laws and regulations to facilities that treat or recycle CRT materials.

Subsection (c)(14): This subsection requires facilities that perform CRT material treatment or recycling operations to comply with all applicable worker health and safety laws and regulations. These requirements are important to protect the health and safety of workers who handle waste CRT materials during treatment or recycling activities, which can result in the release of air-borne hazardous contaminants. This subsection is necessary to clarify the applicability of worker health and safety laws and regulations to facilities that treat or recycle CRT materials.

Subsection (c)(14)(15) : This subsection requires all materials that are generated as a result of the CRT material treatment processes (i.e., treatment residues, components of the CRT devices that are not treatable or recyclable) to be classified and managed in accordance with applicable requirements of division 4.5. This subsection is necessary to clarify the applicability of hazardous waste regulations to any materials remaining after treatment or recycling of the CRT materials is complete.

Subsection (c)(15)(16): This subsection requires treatment activities at the facility to be conducted in accordance with applicable local zoning and land use requirements. This

subsection is necessary to ensure that facilities are sited in accordance with the Tanner Act and appropriate land use planning.

Subsection (c)(16)(17): This subsection requires facilities that treat or recycle CRT materials to comply with the location standards and seismic and precipitation standards of chapter 15 (requirements for interim status facilities). This subsection is necessary to clarify that these facilities be located in areas and designed in ways so that the risks posed by such events as maximum credible earthquakes and 24-hour precipitation events are minimized or eliminated with operational controls.

Subsection (d): This subsection states that a CRT handler who treats or recycles CRT materials under subsection (c) of this section is not considered to be operating pursuant to the hazardous waste permitting tiers, i.e., permit-by-rule, conditional authorization, or conditional exemption. This subsection is necessary to clarify that the CRT material treatment and recycling self-implementation authorization process prescribed under this section is not subject to the requirements that are applicable to a grant of authorization described under the hazardous waste permitting tiers.

Add Chapter 23, Article 7, Section 66273.84, Labeling/Marking:

This proposed section establishes the labeling and marking descriptions for each container or pallet in or on which CRTs, CRT devices, or CRT glass must be contained. In the case of CRT materials that are palletized, or that are palletized loads that contain CRT materials and other materials that are not wastes, it is not necessary to require that each ~~container~~ device be labeled or marked because, typically, palletized loads are shrink-wrapped in plastic (i.e., a single label may be affixed to the outermost shrink-wrap). This section parallels the language established for each of the universal waste categories regulated under section 66273.14 (small quantity universal waste handlers) and 66273.34 (large quantity universal waste handlers). This section is necessary to establish and maintain a consistent labeling and marking requirement applicable for each of the universal waste categories.

Subsection (a): This subsection specifies the labeling and marking descriptions for CRTs. Each CRT or each container or pallet that holds such an item is required to be clearly labeled or marked with the waste description using the following phrases: "Universal Waste--CRT(s)" or "UW--CRT(s)."

Subsection (b): This subsection specifies the labeling and marking descriptions for CRT devices. Each CRT device or each container or pallet that holds such an item is required to be clearly labeled or marked with the waste description using the following phrases: "Universal Waste--CRT Device(s)" or "UW--CRT Device(s)."

Subsection (c): This subsection specifies the labeling and marking descriptions for CRT glass. Each CRT glass or each container or pallet that holds such an item is required to be clearly labeled or marked with the waste description using the following phrases: "Universal Waste--CRT Glass" or "UW--CRT Glass."

Subsection (d): This subsection allows, in lieu of labeling, CRTs or CRT devices to be accumulated in designated areas demarcated by boundaries that are labeled with the words used to label containers or pallets of CRT materials. These demarcated areas may be used only when no other materials are stored in the area. In this way, these types of CRT materials may be stored separately from other materials while being placed in areas clearly demarcated for their storage. This subsection is necessary to allow the accumulation of larger quantities of CRTs and CRT devices without the use of individual container or pallet labeling.

Add Chapter 23, Article 7, Section 66273.86, Employee Training:

This proposed section explains the training requirements for employees of CRT material handlers. This section requires CRT materials handlers to ensure that all their employees are thoroughly familiar with the proper waste handling and emergency procedures related to their responsibilities during normal facility operations and during emergencies. This section is necessary to ensure that employees are specifically familiar with the waste handling procedures unique to CRT materials.

Subsection (a): This subsection requires a CRT material handler to ensure that employees who handle or manage CRT materials are thoroughly familiar with the proper handling and emergency procedures relative to the types of waste handled at the facility. This subsection is necessary to clarify that all employees, including those employees that use non-waste CRT materials (e.g., computer monitors), know how to safely handle these materials.

Subsection (b): This subsection requires that employees who manage or handle waste CRT materials receive training that is appropriate for the level of management or handling each employee conducts at the facility. The training must identify the hazards associated with handling waste CRT materials, the requirements contained in chapter 23 for managing universal wastes, and the proper procedures for responding to and managing releases of CRT glass. This subsection is necessary to define the employee training parameters deemed appropriate for waste CRT material handling.

Subsection (c): This subsection requires that employees that participate in the training required under subsection (a) take part in an annual review of the initial training. Annual review is consistent with other types of worker training that may be provided by the CRT material handler (e.g., worker health and safety, emergency response, hazardous waste management trainings). This subsection is necessary to ensure that employees handling waste CRT materials are provided with updated training information on the proper handling of waste CRT materials.

Subsection (d): This subsection requires employee training records for training required under subsection (a) to be maintained for a period of three years after the employee leaves that employ. If an employee transfers within the same company, the training records maintained under this subsection may accompany that employee to the

new work location. This subsection is necessary to demonstrate compliance with the requirements of this section and to provide employers and employees with a means to document and track initial and annual trainings.

ALTERNATIVES DETERMINATION

DTSC has determined that no 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 are proposed, or would be as effective and less burdensome to affected private persons than the proposed regulations.

LOCAL MANDATE DETERMINATION

DTSC has determined that the proposed regulations impose no mandates on local agencies or school districts.

SUMMARY AND RESPONSE TO COMMENTS

The attached documents provide the summary and response to comments received for the initial 45-Day Public Notice and Comment Period and the 15-Day Public Notice and Comment Period for Post-Hearing Changes.