

1                                   **Disposition Options for Universal Waste**  
2                                   **Cathode Ray Tubes (CRTs) and**  
3                                   **CRT Glass**

4                                   **Proposed Emergency Regulations**

5                                   Department Reference Number: R-2011-03

6                                   Office of Administrative Law Notice File Number: 2012-1003-01E

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9   **Legend:** Changes are shown from the existing text of California Code of Regulations,  
10 title 22, as:

11                   Underline    underline       Additions to existing text

12                   Strikeout    ~~strikeout~~       Deletions to existing text

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16 For the convenience of the reader, existing text is shown as plain text and text deleted  
17 from existing text is shown as strikeout (~~strikeout~~). Added text is shown as underline  
18 (underline).  
19

1 **Amend** California Code of Regulations, title 22, division 4.5, chapter 23, section  
2 66261.4 to read:

3  
4 **§66261.4. Exclusions.**

5  
6 (a) Materials which are not wastes. The following materials are not wastes for the  
7 purpose of this chapter:

8 (1) industrial wastewater discharges that are point source discharges subject to  
9 regulation under section 402 of the federal Clean Water Act, as amended (33 U.S.C.  
10 section 1342). This exclusion applies only to the actual point source discharge. It does  
11 not exclude industrial wastewaters while they are being collected, stored or treated  
12 before discharge, nor does it exclude sludges that are generated by industrial  
13 wastewater treatment;

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16 (g) controlled substances;

17 (1) A conditionally exempt controlled substance, as defined in paragraph (2) of  
18 this subsection, which is managed in accordance with the requirements of paragraph (3)  
19 of this subsection, is not a waste for purposes of this division or Health and Safety  
20 Code, division 20, chapter 6.5.

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23 (h) CRT panel glass that meets the criteria specified in section 66273.81 of  
24 chapter 23 of this division and is destined for disposal in a class II or class III landfill  
25 pursuant to section 66273.75 of chapter 23 is not a hazardous waste for purposes of  
26 disposal therein, and is allowed to be disposed therein, if managed prior to disposal in  
27 accordance with the management standards specified in sections 66273.73 and  
28 66273.75 and article 8 of chapter 23.

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31 Note: Authority cited: Sections 25141, 25141.5, 25150, 25158.4, 25159, 25159.5,  
32 25214.9, 25214.10.2, 58004 and 58012, Health and Safety Code. Reference: Sections  
33 25117, 25124, 25141, 25141.5, 25143, 25143.1, 25143.2, 25143.4(a), 25143.11,  
34 25158.2, 25158.3, 25159, 25159.5 and 25214.9, Health and Safety Code; 40 CFR  
35 Section 261.4.

1 **Amend** California Code of Regulations, title 22, division 4.5, chapter 23, section  
2 66273.6 to read:

3  
4 **§ 66273.6. Applicability-Cathode Ray Tubes (CRTs).**

5  
6 (a) CRTs covered pursuant to chapter 23. The requirements of this chapter apply  
7 to CRTs, as defined in section 66273.9, except those listed in subsection (b) of this  
8 section.

9 (b) CRTs not covered pursuant to this chapter.

10 The requirements of this chapter do not apply to the following CRTs:

11 (1) CRTs that are not yet wastes pursuant to chapter 11 as provided in  
12 subsection (c) of this section;

13 (2) CRTs that do not exhibit a characteristic of a hazardous waste as set forth in  
14 article 3 of chapter 11 of this division;

15 (3) CRTs that are destined for recycling (or are recycled) by being "used in a  
16 manner constituting disposal," as described in section 66266.20, ~~or that are destined for~~  
17 ~~disposal (or are disposed) to a class I landfill.~~ Such CRTs shall be managed as  
18 hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this  
19 division;

20 (4) Except as otherwise provided in section 66273.72 of this chapter, CRTs that  
21 are destined for disposal (or are disposed) to a class I landfill. Such CRTs shall be  
22 managed as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through  
23 22 of this division;

24 (45) CRTs that are managed as hazardous waste pursuant to chapters 10  
25 through 16, 18, and 20 through 22 of this division;

26 (56) CRTs that were previously wastes pursuant to chapter 11 of this division, but  
27 are no longer wastes (e.g., a discarded CRT that is refurbished and is returned to  
28 service).

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32 Note: Authority cited: Sections 25141, 25141.5, 25150, 25150.6, 25201, 25214.9,  
33 25214.10.2, and 58012, Health and Safety Code; and Section 42475, Public Resources  
34 Code. Reference: Sections 25141, 25141.5, 25150, 25159.5, 25201 and 25214.9,  
35 Health and Safety Code.  
36

1 **Amend** California Code of Regulations, title 22, division 4.5, chapter 23, section  
2 66273.7 to read:

3  
4 **§ 66273.7. Applicability-Cathode Ray Tube (CRT) Glass.**

5  
6 (a) CRT glass covered pursuant to chapter 23. The requirements of this chapter  
7 apply to CRT glass, as defined in section 66273.9, except CRT glass listed in  
8 subsection (b) of this section.

9 (b) CRT glass not covered pursuant to this chapter.

10 The requirements of this chapter do not apply to the following CRT glass:

11 (1) CRT glass that is not yet a waste pursuant to chapter 11 of this division as  
12 provided in subsection (c) of this section;

13 (2) CRT glass that does not exhibit a characteristic of a hazardous waste as set  
14 forth in article 3 of chapter 11 of this division;

15 (3) CRT glass that is destined for recycling (or is recycled) by being "used in a  
16 manner constituting disposal," as described in section 66266.20, ~~or that is destined for~~  
17 ~~disposal (or is disposed) to a class I landfill~~. Such CRT glass shall be managed as a  
18 hazardous waste pursuant to chapters 10 through 16, 18, and 20 through 22 of this  
19 division; and

20 (4) Except as otherwise provided in section 66273.75 of this chapter, CRT glass  
21 that is destined for disposal (or is disposed) to a class I landfill. Such CRT glass shall  
22 be managed as a hazardous waste pursuant to chapters 10 through 16, 18, and 20  
23 through 22 of this division; and

24 (45) CRT glass that is managed as a hazardous waste pursuant to chapters 10  
25 16, 18, and 20 through 22 of this division.

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28  
29 Note: Authority cited: Sections 25141, 25141.5, 25150, 25150.6, 25201, 25214.9,  
30 25214.10.2, and 58012, Health and Safety Code; and Section 42475, Public Resources  
31 Code. Reference: Sections 25141, 25141.5, 25150, 25159.5, 25201 and 25214.9,  
32 Health and Safety Code.

1 **Amend** California Code of Regulations, title 22, division 4.5, chapter 23, section  
2 66273.9 to read:

3  
4 **§ 66273.9. Definitions.**

5  
6 When used in this chapter, the terms listed in this section have the meaning  
7 given below. Unless otherwise specified, listed terms that cross-reference the  
8 definitions of other terms refer to the definitions set forth in this section for those other  
9 terms. Terms that are also defined in chapter 10 of this division are duplicated here  
10 solely for convenience of the regulated community. Terms used in this chapter that are  
11 not defined in this section but are defined in chapter 10 of this division and/or chapter  
12 6.5 of division 20 of the Health and Safety Code have the meanings given in those  
13 sources.

14 "Ampule" means an airtight vial made of glass, plastic, metal, or any combination  
15 of these materials.

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18 "CESQUWG" see "Conditionally exempt small quantity universal waste  
19 generator."

20 "Class II landfill" – means a waste management unit at which waste is discarded  
21 in or on land for disposal, and is regulated as a permitted class II landfill pursuant to  
22 section 20250 of title 27 of the California Code of Regulations. A class II landfill does  
23 not mean surface impoundment, waste pile, land treatment or soil amendments.

24 "Class III landfill – means a waste management unit at which waste is discarded  
25 in or on land for disposal, and is regulated as a permitted class III landfill pursuant to  
26 section 20260 of title 27 of the California Code of Regulations. A class III landfill does  
27 not mean surface impoundment, waste pile, land treatment or soil amendments.

28 "Closure" means the act of closing a universal waste handler's facility pursuant  
29 to the requirements of article 7 of this chapter.

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32 "CRT device" means any electronic device that contains one or more CRTs  
33 including, but not limited to, computer monitors, televisions, cash registers and  
34 oscilloscopes.

35 "CRT funnel glass" means any glass separated from CRT panel glass derived  
36 from the treatment of one or more CRTs. CRT funnel glass consists of the neck and  
37 funnel section of a CRT, including the frit.

38 "CRT glass" means any glass released or derived from the treatment or  
39 breakage of one or more CRTs or CRT devices ~~and subsequently reclaimed at a CRT~~  
40 ~~glass manufacturer, or a primary or secondary lead smelter.~~ CRT glass includes CRT  
41 funnel glass and CRT panel glass.

42 "CRT panel glass" means any glass separated from CRT funnel glass derived  
43 from the treatment of one or more CRTs. CRT panel glass consists only of the face  
44 plate of a CRT containing a phosphor viewing surface. CRT panel glass does not  
45 include the frit.

46 "Current closure cost estimate" means the most recent of the estimates prepared

1 in accordance with article 7 of this chapter.

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4 "Foreign Destination" means the ultimate recycling, treatment or disposal facility  
5 in a receiving country to which universal waste will be sent.

6 "Frit" means a mixture of chemical solvent and powdered glass that joins the  
7 CRT funnel glass to the CRT panel glass.

8 "Gas flow regulator" means a piece of mercury-containing equipment used to  
9 regulate the flow of gas through a gas meter.

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12 "Household" means a single detached residence or a single unit of a multiple  
13 residence unit and all appurtenant structures. For the purposes of this section,  
14 household does not mean a hotel, motel, bunkhouse, ranger station, crew quarters,  
15 campground, picnic ground, or day-use recreation facility.

16 "Intermediate Facility" means a facility that manages CRTs and/or CRT glass  
17 pursuant to article 3 of this chapter or 40 Code of Federal Regulations part 261(a)(22),  
18 or as a destination facility or at a foreign destination.

19 "Lamp" means the bulb or tube portion of an electric lighting device. A lamp is  
20 specifically designed to produce radiant energy, most often in the ultraviolet, visible, and  
21 infra-red regions of the electromagnetic spectrum. Examples of common lamps include,  
22 but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high  
23 pressure sodium, and metal halide lamps.

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26 "Universal waste treatment unit" means a contiguous area of a universal waste  
27 handler's facility on or in which universal waste is managed pursuant to section  
28 66273.73, subsection (a)(2) or section 66273.73, subsection (b). Examples of universal  
29 waste treatment units include a disassembly or removal area, a shredder and  
30 associated equipment, a glass crusher, an accumulation area, or a container staging or  
31 storage area. A container alone does not constitute a universal waste treatment unit. A  
32 universal waste treatment unit includes containers and the land or pad upon which they  
33 are placed.

34 "Waste management unit" means an area of land, or a portion of a waste  
35 management facility, at which waste is discharged. The term includes containment  
36 features and ancillary features for precipitation and drainage control and monitoring.

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39 Note: Authority cited: Sections 25141, 25141.5, 25150, 25214.6, 25150.6, 25201,  
40 25214.9, 25214.10.2, 25219.1 and 58012, Health and Safety Code; and Section 42475,  
41 Public Resources Code. Reference: Sections 25141, 25141.5, 25150, 25159.5, 25201,  
42 25212, 25214.6, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code; 40  
43 CFR Sections 261.4, 261.5 and 273.9.

1 **Amend** California Code of Regulations, title 22, division 4.5, chapter 23, section  
2 66273.70 to read:

3  
4 **Article 7. Authorization Requirements for Universal Waste Handlers Who Treat**  
5 **Universal Wastes**

6  
7 **§66273.70. Applicability.**

8  
9 (a) Except as otherwise provided in subsections (b), (c), and (d) of this section, a  
10 universal waste handler, who treats universal waste, is subject to all applicable  
11 requirements of chapters 14, 15, 16, 18, 20, and 22 of this division with respect to the  
12 treatment of that universal waste.

13 (b) Except as otherwise provided in subsection (d) or (e) of this section, a  
14 universal waste handler who manages a universal waste and its integral components, or  
15 the components specified below that the handler has removed from the universal waste,  
16 for purposes of recycling it or its component(s) or for the purpose of disposing CRTs or  
17 CRT glass by performing one or more activities listed in one or more of the three  
18 categories given in subsection (c) of this section, shall be deemed authorized by the  
19 Department to conduct those activities, provided the universal waste handler complies  
20 with the applicable requirements of this article in addition to the applicable requirements  
21 of subsection (c) of section 66273.33, and to the applicable requirements of subsections  
22 (a)(1), (b)(1), and (c)(1) of section 66273.33.5, and to the applicable requirements of  
23 article 8 of this chapter. The authorization created by this subsection shall not be  
24 deemed to be any of the following:

- 25 (1) A permit-by-rule;  
26 (2) A conditional authorization; or  
27 (3) A conditional exemption.

28 (c) Activities eligible for authorization pursuant to subsection (b) of this section  
29 are any of the following:

30 (1) Removal activities. Removing user-replaceable components from electronic  
31 devices, as specified in section 66273.71.

32 (2) Disassembling/draining activities.

33 (A) Removing CRTs from electronic devices, as specified in section 66273.72,  
34 subsection (b);

35 (B) Dismantling electronic devices that are not CRT devices and/or removing  
36 yokes from CRTs, as specified in section 66273.72, subsection (c);

37 (C) Removing mercury ampules and/or mercury switches from mercury-  
38 containing equipment, as specified in section 66273.72, subsection (d); and/or

39 (D) Draining liquid mercury from pressure or vacuum gauges, as specified in  
40 section 66273.72, subsection (e).

41 (3) Treatment activities.

42 (A) Treating electronic devices and/or residual printed circuit boards, as specified  
43 in section 66273.73, subsection (a); and/or

44 (B) Treating CRTs and/or CRT glass, as specified in section 66273.73,  
45 subsection (b).

1 (d) A universal waste handler, who manages universal waste as a consequence  
2 of responding to a release in accordance with section 66273.37, is exempt from the  
3 otherwise applicable requirements of this article and of chapters 14, 15, 16, 18, 20, and  
4 22 of this division with respect to such treatment of the waste.

5 (e) This article does not apply to CRT panel glass recycled by being “used in a  
6 manner constituting disposal” as described in section 66266.20 of chapter 16 of this  
7 division.

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10 Note: Authority cited: Sections 25141, 25141.5, 25150, 25201, 25214.6, 25214.9,  
11 25214.10.2, 26219.1 and 58012, Health and Safety Code; and Section 42475, Public  
12 Resources Code. Reference: Sections 25141, 25141.5, 25150, 25159.5, 25201, 25212,  
13 25214.6, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code.

1 **Amend** California Code of Regulations, title 22, division 4.5, chapter 23, section  
2 66273.72 to read:

3  
4 **§66273.72. Authorization for Disassembling/Draining Activities.**

5  
6 (a)(1) Universal waste handlers shall not conduct any activity pursuant to this  
7 section if the activity involves the use or application of:

- 8 (A) Chemicals, including water; and/or  
9 (B) External heat.

10 (2) A universal waste handler shall perform a hazardous waste determination  
11 pursuant to section 66262.11 for all residuals resulting from the activities authorized by  
12 subsection (c) of this section, and shall:

13 (A) Be deemed the generator of all residuals that are hazardous waste.

14 (B) For all residuals that are hazardous wastes, comply with all the applicable  
15 requirements of chapters 12, 14, 15, 16, 18, 20, 22 and 23 of this division and the  
16 applicable notification requirements in Health and Safety Code section 25153.6, except  
17 as otherwise provided in subsections (a)(3), (a)(4), (a)(6) or (a)(7) of this section.

18 (3) Notwithstanding section 66261.3, subsection (c) and section 66262.11,  
19 subsection (d), a handler who is deemed the generator of a residual that is a hazardous  
20 waste pursuant to subsection (a)(2)(A) of this section may manage that hazardous  
21 waste residual pursuant to any applicable chapter 11 exclusion or exemption [e.g., the  
22 scrap metal exclusion provided in § 66261.6, subsec. (a)(3)(B)], except for residual  
23 printed circuit boards, which shall be managed pursuant to subsection (a)(4) and (a)(5),  
24 or (a)(6) of this section.

25 (4) Prior to conducting any subsequent treatment activity authorized by section  
26 66273.73 on any residual printed circuit board resulting from removal activities  
27 conducted under this section, a universal waste handler shall manage the residual  
28 printed circuit board in a manner that prevents a release to the environment by:

29 (A) Containing the residual printed circuit board in a container that is structurally  
30 sound and compatible with the residual printed circuit board,

31 (B) Labeling the container with the following phrase: "Residual Printed Circuit  
32 Boards," and

33 (C) If the residual printed circuit board is spilled or might reasonably be expected  
34 to cause a release to the environment under reasonably foreseeable conditions,  
35 cleaning it up and placing it in a container.

36 (5) A universal waste handler who conducts further treatment pursuant to section  
37 66273.73 on any residual printed circuit board, CRT-residual, and/or CRT glass-residual  
38 resulting from any activity authorized by this section shall also comply with the  
39 applicable requirements of that section.

40 (6) A universal waste handler who does not conduct further treatment pursuant to  
41 section 66273.73 on a residual printed circuit board resulting from removal activities  
42 conducted under this section shall manage the printed circuit board as prescribed in  
43 section 66273.75, subsection (c).

44 (7) Except as provided in subsections (a)(3), (a)(5) or (a)(6) of this section, a  
45 universal waste handler who conducts further treatment on any residual that is a  
46 hazardous waste resulting from any activity authorized by this section shall not conduct

1 such treatment, nor use any treatment method, unless that person obtains a hazardous  
2 waste facility permit or other form of authorization from the department.

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5 (b) Removing CRTs from electronic devices that are CRT devices. A universal  
6 waste handler who conducts the activity identified in subsection (b)(1) of this section on  
7 electronic devices that are CRT devices shall be deemed authorized by the Department  
8 to do so, provided the universal waste handler complies with the requirements specified  
9 in this subsection.

10 (1) The universal waste handler shall remove CRTs from electronic devices in a  
11 manner that prevents breakage of the CRTs.

12 (2) The universal waste handler shall: ~~be exempt from the notification, annual~~  
13 ~~reporting, and recordkeeping requirements specified in section 66273.74, but shall:~~

14 (A) Remove CRTs only over, on, or in, a containment device (e.g., a tray, a box,  
15 a workbench, a table, or an enclosed machine) sufficient in size and construction to  
16 contain any CRT glass that may be released to the environment under reasonably  
17 foreseeable conditions in the event of breakage;

18 (B) Ensure that persons removing CRTs are thoroughly familiar with the  
19 techniques and safety precautions required to remove CRTs safely (e.g., releasing the  
20 vacuum from each CRT and discharging the CRT);

21 (C) Place the removed CRTs in a container with packing materials, if such  
22 materials are necessary to prevent breakage of the CRTs during handling, storage and  
23 transportation; and

24 (D) Manage the packaged CRTs in accordance with the requirements of section  
25 66273.33.5, subsection (b).

26 (3) Except as provided in subsection (b)(4) of this section, the universal waste  
27 handler shall be exempt from the notification, annual reporting, and recordkeeping  
28 requirements specified in section 66273.74, but shall:

29 (A) Treat CRTs pursuant to subsection (c) of this section or section 66273.73 or  
30 send or take CRTs to another universal waste handler for treatment pursuant to  
31 subsection (c) of this section or section 66273.73 or manage CRTs pursuant to  
32 subsection (b)(4) of this section.

33 (4) A universal waste handler who does not conduct further treatment on CRTs  
34 pursuant to subsection (c) of this section or section 66273.73 or send or take CRTs to  
35 another universal waste handler for treatment pursuant to subsection (c) of this section  
36 or section 66273.73 shall:

37 (A) Comply with the notification, annual reporting, and recordkeeping  
38 requirements specified in section 66273.74, subsections (a) through (c)(1);

39 (B) Ensure that the removed CRTs are recycled or disposed as required by this  
40 section;

41 (C) Ship the accumulated CRTs for reclamation at a CRT glass manufacturer or  
42 at a primary or secondary lead smelter or determine that they are to be recycled by  
43 other means or disposed;

44 (D) Upon determining that the CRTs are destined for recycling by means other  
45 than reclamation of CRT glass at a CRT glass manufacturer or primary or secondary  
46 lead smelter pursuant to subsection (b)(4)(C) of this section, and notwithstanding

1 subsection (c) of section 66261.3, be deemed the generator of hazardous waste CRTs,  
2 and determine if the CRTs are a recyclable material excluded from regulation as  
3 hazardous wastes pursuant to subdivision (b) or (d) of Health and Safety Code section  
4 25143.2, as required by subsection (a) of section 66262.11:

5 1. If the universal waste handler determines that the CRTs are a recyclable  
6 material excluded from regulation as hazardous wastes pursuant to subdivision (b) or  
7 (d) of Health and Safety Code section 25143.2, the handler may either proceed to  
8 manage the CRTs as an excluded recyclable material or apply to the Department for  
9 concurrence with the universal waste handler's determination through the application  
10 procedure set forth in article 9 of this chapter before managing the CRTs as an  
11 excluded recyclable material. A universal waste handler who incorrectly determines that  
12 a CRT is an excluded recyclable material and fails to manage the CRT as a fully  
13 regulated hazardous waste is in violation of the requirements of this division and is  
14 subject to enforcement action.

15 2. If the universal waste handler chooses to obtain the Department's  
16 concurrence, the handler shall submit an application to the Department which includes  
17 all information required by subsection (a)(1) of section 66273.91. Pending concurrence  
18 by the Department pursuant to article 9 of this chapter, the universal waste handler shall  
19 manage the CRTs as hazardous waste in accordance with all applicable requirements  
20 in chapters 12 through 16, 18, 20 and 22 of this division, except as provided in  
21 subsection (b)(4)(D)3 of this section.

22 3. Notwithstanding subsections (a) and (c) of section 66262.34 of chapter 12 of  
23 this division, a universal waste handler who applies for the Department's concurrence  
24 may accumulate the CRTs onsite without a permit for no more than 90 days after the  
25 universal waste handler receives notification of the Department's disapproval of the  
26 application pursuant to subsection (h) of section 66273.91 of this chapter.

27 4. If the universal waste handler or the Department determines that the CRTs are  
28 not a recyclable material excluded from regulation as hazardous wastes pursuant to  
29 subdivision (b) or (d) of Health and Safety Code section 25143.2, the handler shall  
30 manage the CRTs as hazardous waste in accordance with all applicable requirements  
31 in chapters 12 through 16, 18, 20 and 22 of this division.

32 (E) Upon determining that the CRTs are destined for disposal pursuant to  
33 subsection (b)(4)(C) or (b)(4)(D)4 of this section, be deemed the generator of hazardous  
34 waste CRTs and:

35 1. Manage the CRTs as hazardous waste in accordance with all applicable  
36 requirements of chapters 12 through 16, 18, 20 and 22 of this division; and

37 2. Upon request, submit to the Department the following information:

38 a. The quantity of CRTs to be disposed;

39 b. The quantity of CRTs recycled in the previous calendar year;

40 c. The quantity of CRTs generated in the previous calendar year; and

41 d. The technological, economic or other reasons for not recycling the CRTs,

42 taking into account relevant factors, which may include, but is not limited to:

43 (i) the quantity of CRTs available for recycling;

44 (ii) any chemical, physical or other properties of the CRTs that might affect its  
45 recyclability;

1 (iii) the treatment required in recycling the CRTs and the availability of and cost  
2 of suitable treatment technology;

3 (iv) the marketability of CRT glass for recycling, including current market prices  
4 for lead; and

5 (v) any information pertaining to facilities that could have potentially recycled the  
6 CRTs that influenced the universal waste handler's decision to dispose of the CRTs.

7 e. Any other information the Department determines is necessary to demonstrate  
8 that the CRTs cannot be recycled.

9 (F) For reclamation at a CRT glass manufacturer or primary or secondary lead  
10 smelter:

11 1. If the CRTs will be passing through an intermediate facility, prior to arranging  
12 for transport of the CRTs to the intermediate facility make contractual arrangements  
13 with the intermediate facility to ensure that CRTs are sent to the CRT glass  
14 manufacturer or primary or secondary lead smelter identified by the universal waste  
15 handler.

16 2. Submit to the Department upon request the following information:

17 a. The name, address and telephone number of the transporter;

18 b. The name and address of the CRT glass manufacturer or primary or  
19 secondary lead smelter;

20 c. If the CRTs will be passing through an intermediate facility for management,  
21 the name, address and telephone number of the intermediate facility;

22 d. For intermediate facilities in the United States, the type of intermediate facility;

23 e. A copy of the contractual arrangements between the universal waste handler  
24 and the intermediate facility made pursuant to subsection (b)(4)(F)1 of this section, if  
25 applicable;

26 f. The quantity of CRTs in each shipment; and

27 g. Confirmation receipts from the CRT glass manufacturer or primary or  
28 secondary lead smelter that the CRTs were received.

29 (G) Comply with article 10 of this chapter for documents or information that the  
30 universal waste handler submits to the Department pursuant to subsections (b)(4)(E)2,  
31 or (b)(4)(F)(2) of this section and for which the universal waste handler asserts a claim  
32 of trade secret protection.

33 (H) Notwithstanding subsection (a) of section 66273.35, if on **[OAL to insert the**  
34 **effective date of these regulations]** the universal waste handler has accumulated one  
35 or more CRTs for longer than six months, meet the requirements as specified in  
36 subsection (b)(3)(A) or (b)(4)(C) of this section on or before **[OAL to insert date 180**  
37 **days from the effective date of these regulations].**

38 (c) Dismantling electronic devices that are not CRT devices and/or removing  
39 yokes from CRTs. A universal waste handler who conducts any of the activities  
40 identified in subsection (c)(1) of this section shall be deemed authorized by the  
41 Department to do so, provided the universal waste handler complies with the  
42 requirements in this subsection.

43 (1) The universal waste handler:

44 (A) Dismantles, or otherwise manually segregates, components (e.g., circuit  
45 boards, integrated circuits, metals, plastic, wiring, batteries, lamps, etc.) from an  
46 electronic device, or

1 (B) Removes the yokes from CRTs but does not break the CRT glass.

2 (2) The universal waste handler shall:

3 (A) Comply with the notification, annual reporting, and recordkeeping  
4 requirements specified in section 66273.74, subsections (a) through (c)(1);

5 (B) Ensure that all residuals resulting from the activities authorized by subsection  
6 (c)(1) of this section that meet activity residuals meeting either the definition of scrap  
7 metal in section 66260.10 or the definition of CRT glass in section 66273.9 are recycled;  
8 and

9 (C) Except as provided in subsection (c)(3) of this section, treat the CRTs  
10 pursuant to section 66273.73 or send or take CRTs to another universal waste handler  
11 for treatment pursuant to section 66273.73.

12 (GD) Conduct the activities in a manner that protects persons managing the  
13 electronic devices and/or the CRTs, and that prevents releases of any universal wastes  
14 and/or any components of universal wastes, to the environment under reasonably  
15 foreseeable conditions, as follows:

16 \*\*\*

17  
18 (3) A universal waste handler who does not conduct further treatment on CRTs  
19 pursuant to section 66273.73 or send or take CRTs to another universal waste handler  
20 for treatment pursuant to section 66273.73 shall:

21 (A) Ensure that the CRTs are recycled or disposed as required by this section.

22 (B) Ship the accumulated CRTs for reclamation at a CRT glass manufacturer or  
23 at a primary or secondary lead smelter or determine that they are to be recycled by  
24 other means or disposed;

25 (C) Upon determining that the CRTs are destined for recycling by means other  
26 than reclamation of CRT glass at a CRT glass manufacturer or primary or secondary  
27 lead smelter pursuant to subsection (c)(3)(B) of this section, and notwithstanding  
28 subsection (c) of section 66261.3, be deemed the generator of hazardous waste CRTs,  
29 and determine if the CRTs are a recyclable material excluded from regulation as  
30 hazardous wastes pursuant to subdivision (b) or (d) of Health and Safety Code section  
31 25143.2, as required by subsection (a) of section 66262.11:

32 1. If the universal waste handler determines that the CRTs are a recyclable  
33 material excluded from regulation as hazardous wastes pursuant to subdivision (b) or  
34 (d) of Health and Safety Code section 25143.2, the handler may either proceed to  
35 manage the CRTs as an excluded recyclable material or apply to the Department for  
36 concurrence with the universal waste handler's determination through the application  
37 procedure set forth in article 9 of this chapter before managing the CRTs as an  
38 excluded recyclable material. A universal waste handler who incorrectly determines that  
39 a CRT is an excluded recyclable material and fails to manage the CRT as a fully  
40 regulated hazardous waste is in violation of the requirements of this division and is  
41 subject to enforcement action.

42 2. If the universal waste handler chooses to obtain the Department's  
43 concurrence, the handler shall submit an application to the Department which includes  
44 all information required by subsection (a)(1) of section 66273.91. Pending concurrence  
45 by the Department pursuant to article 9 of this chapter, the universal waste handler shall  
46 manage the CRTs as hazardous waste in accordance with all applicable requirements

1 in chapters 12 through 16, 18, 20 and 22 of this division, except as provided in  
2 subsection (c)(3)(C)3 of this section.

3 3. Notwithstanding subsections (a) and (c) of section 66262.34 of chapter 12 of  
4 this division, a universal waste handler who applies for the Department's concurrence  
5 may accumulate the CRTs onsite without a permit for no more than 90 days after the  
6 universal waste handler receives notification of the Department's disapproval of the  
7 application pursuant to subsection (h) of section 66273.91 of this chapter.

8 4. If the universal waste handler or the Department determines that the CRTs are  
9 not a recyclable material excluded from regulation as hazardous wastes pursuant to  
10 subdivision (b) or (d) of Health and Safety Code section 25143.2, the handler shall  
11 manage the CRTs as hazardous waste in accordance with all applicable requirements  
12 in chapters 12 through 16, 18, 20 and 22 of this division.

13 (D) Upon determining that the CRTs are destined for disposal pursuant to  
14 subsection (c)(3)(B) or(c)(3)(C)4 of this section, be deemed the generator of hazardous  
15 waste CRTs and:

16 1. Manage the CRTs as hazardous waste in accordance with all applicable  
17 requirements of chapters 12 through 16, 18, 20 and 22 of this division; and

18 2. Upon request, submit to the Department the following information:

19 a. The quantity of CRTs to be disposed;

20 b. The quantity of CRTs recycled in the previous calendar year;

21 c. The quantity of CRTs generated in the previous calendar year; and

22 d. The technological, economic or other reasons for not recycling the CRTs,  
23 taking into account relevant factors, which may include but is not limited to:

24 (i) the quantity of CRTs available for recycling;

25 (ii) any chemical, physical or other properties of the CRT that might affect its  
26 recyclability;

27 (iii) the treatment required in recycling the CRTs and the availability of and cost  
28 of suitable treatment technology;

29 (iv) the marketability of CRT glass for recycling, including current market prices  
30 for lead; and

31 (v) any information pertaining to facilities that could have potentially recycled the  
32 CRTs that influenced the universal waste handler's decision to dispose of the CRTs.

33 e. Any other information the Department determines is necessary to demonstrate  
34 that the CRTs cannot be recycled.

35 (E) For reclamation at a CRT glass manufacturer or primary or secondary lead  
36 smelter:

37 1. If the CRTs will be passing through an intermediate facility, prior to arranging  
38 for transport of the CRTs to the intermediate facility make contractual arrangements  
39 with the intermediate facility to ensure that CRTs are sent to the CRT glass  
40 manufacturer or primary or secondary lead smelter identified by the universal waste  
41 handler.

42 2. Submit to the Department upon request the following information:

43 a. The name, address and telephone number of the transporter;

44 b. The name and address of the CRT glass manufacturer or primary or  
45 secondary lead smelter;

1 c. If the CRTs will be passing through an intermediate facility for management,  
2 the name, address and telephone number of the intermediate facility;

3 d. For intermediate facilities in the United States, the type of intermediate facility;

4 e. A copy of the contractual arrangements between the universal waste handler  
5 and the intermediate facility made pursuant to subsection (c)(3)(E)1 of this section, if  
6 applicable;

7 f. The amount of CRTs in each shipment; and

8 g. Confirmation receipts from the CRT glass manufacturer or primary or  
9 secondary lead smelter that the CRTs were received.

10 (F) Comply with article 10 of this chapter for documents or information that the  
11 universal waste handler submits to the Department pursuant to subsections (c)(3)(D)2  
12 or (c)(3)(E)2 of this section and for which the universal waste handler asserts a claim of  
13 trade secret protection.

14 (G) Notwithstanding subsection (a) of section 66273.35, if on [OAL to insert the  
15 **effective date of these regulations**] the universal waste handler has accumulated one

16 or more CRTs for longer than six months, meet the requirements as specified in  
17 subsection (c)(2)(C) or (c)(3)(B) of this section on or before [OAL to insert date 180  
18 **days from the effective date of these regulations**].

19 (d) Removing mercury ampules and/or mercury switches from mercury-  
20 containing equipment.

21 \*\*\*

22  
23  
24 Note: Authority cited: Sections 25141, 25141.5, 25143.2, 25150, 25173, 25201,  
25 25214.6, 25214.9, 25214.10.2, 25219.1 and 58012, Health and Safety Code; and  
26 Section 42475, Public Resources Code. Reference: Sections 25141, 25141.5, 25150,  
27 25159.5, 25173, 25201, 25212, 25214.6, 25214.9, 25219, 25219.1 and 25219.2, Health  
28 and Safety Code.

1 **Amend** California Code of Regulations, title 22, division 4.5, chapter 23, section  
2 66273.73 to read:

3  
4 **§66273.73. Authorization for Treatment (Processing) Activities.**

5  
6 (a) Treatment of electronic devices.

7  
8 \*\*\*

9 (c) Electronic device, CRT, and residual printed circuit board treatment methods  
10 allowed.

11 (1) Except as otherwise provided in subsection (c)(2) of this section, one or more  
12 of the following treatment methods is eligible for authorization pursuant to this section, if  
13 performed by a universal waste handler described in subsections (a) and/or (b) of this  
14 section:

15 (A) Physical treatment that changes only the physical properties of electronic  
16 devices, residual printed circuit boards, and/or CRTs, such as cutting, sawing, breaking,  
17 shredding, crushing, grinding, screening, sieving, acceleration, or compacting (e.g.,  
18 screening to separate different particle sizes of the same component);

19 (B) Physical separation based on differences in physical properties such as size,  
20 color, density, or ferromagnetism (e.g., screening to separate different components  
21 based on differences in their sizes);

22 (C) Use of a pinpoint torch or hot wire to check (i.e., thermally crack) CRTs for  
23 glass separation; ~~and/or~~

24 (D) Sampling, burning (ashing) and ball-milling of samples of electronic devices  
25 and/or treatment residues thereof [i.e., shredded circuit boards excluded under 40  
26 C.F.R. sec. 261.4(a)(13)] provided the sample size does not exceed 250 kg, and no  
27 more than 250 kg (one sample) is subject to thermal assay per 24 hour period; and/or

28 (E) Physical separation of CRT panel glass from CRT funnel glass for the  
29 purpose of qualifying CRT panel glass for recycling by other means or disposal in a  
30 class II or class III landfill pursuant to article 8 of this chapter.

31 (2) Any treatment activity identified in subsection (c)(1) of this section is not  
32 eligible for authorization pursuant to this article, but is instead subject to all applicable  
33 requirements of chapters 14, 15, 16, 18, 20, and 22 of this division, if the treatment  
34 activity involves:

35  
36 \*\*\*

37  
38 Note: Authority cited: Sections 25141, 25141.5, 25143.2, 25150, 25201, 25214.9,  
39 25214.10.2, 25219.1 and 58012, Health and Safety Code; and Section 42475, Public  
40 Resources Code. Reference: Sections 25141, 25141.5, 25143.2, 25150, 25159.5,  
41 25201, 25212, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code.

1 **Amend** California Code of Regulations, title 22, division 4.5, chapter 23, section  
2 66273.74 to read:

3  
4 **§66273.74. Notification, Annual Reporting, and Recordkeeping.**

5  
6 (a) Notification.

7 (1) Universal waste handlers of electronic devices and/or CRTs. Except as  
8 otherwise provided in sections 66273.71 and 66273.72, a universal waste handler who  
9 intends to treat any electronic device and/or CRT pursuant to this article shall submit to  
10 the Department at the address given in subsection (e) or (f) of this section, an electronic  
11 or written notification containing the following information no later than 30 calendar days  
12 prior to treating any electronic device and/or CRT:

13 (A) Name of universal waste handler;

14 (B) Telephone number of universal waste handler;

15 (C) Mailing address of universal waste handler, and physical address, including  
16 county, if different from the mailing address;

17 (D) If different from the notifier pursuant to subsection (a) of this section, the  
18 name and mailing address of the organization (as authorized to transact business in  
19 California) that owns and/or operates the facility;

20 (E) Name, business telephone number, and e-mail address (if available) of the  
21 person at the universal waste handler's site who should be contacted regarding  
22 universal waste management activities;

23 (F) Facility ID Number, if issued;

24 (G) A general description of the source(s) of electronic devices and/or CRTs  
25 [e.g., residential collection(s), other collector(s), etc.];

26 (H) Type(s) of electronic devices and/or CRTs expected to be treated;

27 (I) A description of the treatment process(es) to be used; and

28 (J) Documentation that the facility operator has notified the facility property owner  
29 (if different from the operator of the facility) that the facility operator is treating electronic  
30 devices and/or CRTs at the facility.

31 (2) A universal waste handler who is deemed the generator of hazardous waste  
32 CRTs and/or CRT glass pursuant to subsections (b)(4)(D), (b)(4)(E), (c)(3)(C) or  
33 (c)(3)(D) of section 66273.72 or subsection (f)(4) or (f)(5) of section 66273.75 of this  
34 chapter shall submit to the Department, at the address provided in subsection (f) of this  
35 section, a written notification containing the following information no later than 15  
36 calendar days after determining that the CRTs and/or CRT glass is destined for  
37 recycling by means other than through reclamation at a CRT glass manufacturer or  
38 primary or secondary lead smelter or disposal at a class I landfill:

39 (A) The ID number for the universal waste handler's facility where the CRTs  
40 and/or CRT glass was generated;

41 (B) A description of the authorized treatment method(s) used to generate the  
42 CRTs and/or CRT glass, and whether the CRTs and/or CRT glass is destined for  
43 disposal or recycling; and

44 (C) A description of the recycling method(s), as specified in this subsection, to be  
45 used, if applicable.

1           (3) A universal waste handler shall comply with article 10 of this chapter for  
2 documents or information that the universal waste handler submits to the Department  
3 pursuant to subsection (a)(2) of this section and for which the universal waste handler  
4 asserts a claim of trade secret protection.

5           (24) Universal waste handlers of mercury ampules, mercury switches, and/or  
6 pressure or vacuum gauges: Any universal waste handler who intends to treat any  
7 equipment containing mercury ampules and/or mercury switches, and/or to treat any  
8 pressure or vacuum gauge, pursuant to this article is not required to notify the  
9 Department pursuant to this section.

10           (b) Annual reporting.

11           (1) Universal waste handlers of electronic devices and/or CRTs. Except as  
12 otherwise provided in sections 66273.71 and 66273.72, a universal waste handler who  
13 treated any electronic device and/or CRT pursuant to this article in a calendar year  
14 shall, by February 1 of the following year, submit to the Department at the address  
15 given in subsection (e) or (f) of this section, an electronic or written annual report  
16 containing the information specified in subsection (b)(1)(A) through (b)(1)(J) of this  
17 section. The information submitted shall cover the electronic device treatment and CRT  
18 treatment activities conducted during the previous calendar year.

19           (A) Name, mailing address (and physical address, including county, if different  
20 from the mailing address), and telephone number of the universal waste handler;

21           (B) A description of the facility;

22           (C) Name and mailing address of the organization (as authorized to transact  
23 business in California) that owns and/or operates the facility;

24           (D) Name, title, telephone number, and e-mail address (if available) of the  
25 contact person at the universal waste handler's physical address who should be  
26 contacted regarding universal waste management activities at that location;

27           (E) Facility ID Number, if issued;

28           (F) Number of days the facility operated;

29           (G) Types of electronic devices and/or CRTs treated at the facility;

30           (H) Treatment method used for each type of electronic device and/or CRT  
31 treated at the facility;

32           (I) The following quantities treated, which include any quantities treated but not  
33 shipped:

34           1. The total quantity of CRT devices (count) treated during the previous calendar  
35 year;

36           2. The total quantity of CRTs (count) treated during the previous calendar year;  
37 and/or

38           3. The total quantity of electronic devices other than CRT devices (count or  
39 weight) treated during the previous calendar year.

40           (J) A list consisting of:

41           1. The name, address, and telephone number for each of the locations to which  
42 the universal waste handler shipped CRTs, CRT glass, scrap metal, yokes, universal  
43 waste (e.g., lamps, batteries, etc.), and/or exempt materials during the previous  
44 calendar year; and

45           2. The following quantities shipped to each of those locations:

1 a. The total quantity of CRTs (count) or CRT glass (weight) shipped to that  
2 location during the previous calendar year, including in this case a declaration of  
3 whether that location is a CRT glass manufacturer, ~~and/or~~ a primary lead smelter, ~~or~~ a  
4 secondary lead smelter, a destination facility or a class II or class III landfill;

5 b. The total quantity of residual printed circuit boards and scrap metal (weight)  
6 from all treatment activities reported pursuant to this subsection shipped to that location  
7 during the previous calendar year;

8 c. The total quantity of yokes (weight) shipped to that location during the previous  
9 calendar year; and/or

10 d. The total quantity of universal waste (weight) shipped to that location during  
11 the previous calendar year.

12 \*\*\*

13  
14 (c) Recordkeeping.

15 (1)(A) Universal waste handlers of electronic devices and/or CRTs.

16 Except as otherwise provided in sections 66273.71 and 66273.72, a universal waste  
17 handler who treats any electronic device and/or CRT pursuant to this article shall  
18 maintain on file at the universal waste handler's facility, the following documents as  
19 specified:

20 1. A copy of the notification submitted to the Department as required by  
21 subsection (a)(1) of this section, ~~beginning no later than 30 days prior to treating any~~  
22 ~~electronic device and/or CRT at the universal waste handler's facility;~~

23 2. A copy of the notification submitted to the Department as required by  
24 subsection (a)(2) of this section.

25 3. A copy of the most recent annual report submitted to the Department as  
26 required by subsection (b) of this section, beginning no later than February 1 of the year  
27 following the most recent calendar year during which the universal waste handler  
28 treated any electronic device and/or CRT at the universal waste handler's facility  
29 pursuant to this article; ~~and/or~~

30 4. A current copy of any local air district permit and/or other relevant permit  
31 required for the facility, beginning no later than the date on which the local air district  
32 and/or other relevant permitting authority required the universal waste handler to  
33 possess such a permit.

34 5. A copy of the documents that contain the information specified in section  
35 66273.72, subsection (b)(4)(E)2.

36 6. A copy of the documents that contain the information specified in section  
37 66273.72, subsection (b)(4)(F)2.

38 7. A copy of the documents that contain the information specified in section  
39 66273.72, subsection (c)(3)(D)2.

40 8. A copy of the documents that contain the information specified in section  
41 66273.72, subsection (c)(3)(E)2.

42 9. A copy of the documents that contain the information specified in section  
43 66273.75, subsection (f)(5)(B).

44 10. A copy of the documents that contain the information specified in section  
45 66273.75, subsection (f)(6)(B).

1           11. A copy of the records that make the demonstration required by section  
2 66273.81, subsection (d).

3  
4 \*\*\*

5  
6 Note: Authority cited: Sections 25141, 25141.5, 25143.2, 25150, 25201, 25214.6,  
7 25214.9, 25214.10.2, 26219.1 and 58012, Health and Safety Code; and Section 42475,  
8 Public Resources Code. Reference: Sections 25141, 25141.5, 25143.2, 25150,  
9 25159.5, 25179.6, 25201, 25212, 25214.6, 25214.9, 25219, 25219.1 and 25219.2,  
10 Health and Safety Code.

11

1 **Amend** California Code of Regulations, title 22, division 4.5, chapter 23, section  
2 66273.75 to read:

3  
4 **§66273.75. Treatment (Processing) Standards.**

5  
6 A universal waste handler who treats electronic devices, residual printed circuit  
7 boards, and/or CRTs pursuant to section 66273.73 shall comply with the following  
8 standards:

9 (a) Treatment.

10 The universal waste handler shall:

11 (1) Utilize only treatment methods identified in section 66273.73, subsection (c);

12 (2) Ensure that all mercury-containing lamps, PCB capacitors, and other  
13 components containing fluids (i.e., liquids or gases) that would be identified as  
14 hazardous wastes, are removed prior to treatment methods that may release the fluids  
15 such as cutting, sawing, breaking, shredding, crushing, grinding, screening, sieving,  
16 acceleration, or compacting;

17 (3) Conduct treatment activities over, or in, a containment device (e.g., a tray, a  
18 box, a workbench, a table, or an enclosed machine) sufficient in size and construction to  
19 contain any materials that might be released to the environment under reasonably  
20 foreseeable conditions.

21 (4) Ensure that all hazardous wastes generated from treatment activities and  
22 sent offsite for disposal are managed (i.e., manifested) in accordance with the  
23 applicable requirements of article 2 of chapter 12 of this division.

24 (5) Comply with the requirements of sections 66265.18 and 66265.25 of chapter  
25 15 of this division to the extent that those requirements apply to facility location and  
26 design standards.

27 (6) Ensure that all treatment is conducted in compliance with all applicable state  
28 and local air pollution control laws and regulations.

29 (7) Treat electronic devices that are not CRT devices and/or residual printed  
30 circuit boards only for the purpose of recycling one or more of their components, ~~and~~  
31 ~~ensure that all treatment residuals meeting the definition of scrap metal in section~~  
32 ~~66273.9 are recycled and that all treatment residuals meeting the definition of CRT~~  
33 ~~glass in section 66273.9 are recycled as specified below.~~

34 ~~(8) Treat CRTs only for the purpose of recycling one or more types of CRT glass~~  
35 ~~and ensure that all the CRT glass is reclaimed at a CRT glass manufacturer or at a~~  
36 ~~primary or secondary lead smelter.~~

37 (8) For disposal of CRT panel glass at a class II or class III landfill pursuant to  
38 this section and article 8 of this chapter:

39 (A) Separate CRT panel glass from CRT funnel glass; and

40 (B) Remove all phosphor powders from the CRT panel glass.

41 (9) Not accept for treatment, any electronic devices or CRTs that are managed,  
42 or that are required to be managed, as hazardous wastes pursuant to chapters 10  
43 through 16, 18, 20 and 22 of this division, unless authorized to do so pursuant to a  
44 hazardous waste facility permit or other authorization granted by the Department  
45 pursuant to those chapters.

46 (b) Containment of residuals.

1  
2 \*\*\*

3 (c) Management of residuals other than CRT glass.

4 (1) A universal waste handler shall perform a hazardous waste determination  
5 pursuant to section 66262.11 for all residuals resulting from the activities authorized by  
6 subsection (a) of this section 66273.73, and shall:

7 (A) Be deemed the generator of all residuals that are hazardous waste.

8 (B) For all residuals that are hazardous wastes, comply with all the applicable  
9 requirements of chapters 12, 14, 15, 16, 18, 20, 22 and 23 of this division and the  
10 applicable notification requirements in Health and Safety Code section 25153.6, except  
11 as otherwise provided in subsection (c)(1)(C) of this section.

12 (C) Notwithstanding section 66261.3, subsection (c) and section 66262.11,  
13 subsection (d), a universal waste handler who is deemed the generator of a residual  
14 that is a hazardous waste pursuant to subsection (c)(1) of this section may manage that  
15 hazardous waste residual pursuant to any applicable chapter 11 exclusion or exemption  
16 [e.g., the scrap metal exclusion provided in § 66261.6, subsec. (a)(3)(B)].

17 (D) Except as allowed pursuant to subsection (c)(1)(C) of this section, a universal  
18 waste handler who conducts further treatment on any residual that is a hazardous waste  
19 resulting from any activity authorized by this section shall not conduct such treatment,  
20 nor use any treatment method, unless that person obtains a hazardous waste facility  
21 permit or other form of authorization from the Department.

22 (2) A universal waste handler shall ensure that all treatment residuals meeting  
23 the definition of scrap metal in section 66273.9 are recycled.

24 ~~(2) A universal waste handler whose treatment of electronic devices and/or CRTs~~  
25 ~~generates CRT glass as defined in section 66273.9 shall ensure that all CRT glass-~~  
26 ~~residuals are sent to a CRT glass manufacturer or to a primary or secondary lead~~  
27 ~~smelter and recycled.~~

28  
29 \*\*\*

30 (e) Zoning.

31  
32 \*\*\*

33 (f) Management of CRT glass.

34 (1) A universal waste handler shall ensure that the CRT glass generated from  
35 treatment pursuant to section 66273.73 is recycled or disposed.

36 (2) For disposal of CRT panel glass generated pursuant to subsection (a)(8) of  
37 this section in a class II or class III landfill pursuant to article 8 of this chapter, a  
38 universal waste handler shall:

39 (A) Manage the CRT panel glass and the CRT funnel glass as separate and  
40 discrete waste streams and not allow any commingling of these two types of glass;

41 (B) Within 30 days of initially generating CRT panel glass and before disposing of  
42 any CRT panel glass in a class II or class III landfill, determine that the CRT panel glass  
43 meets the criteria specified in section 66273.81 and repeat the determination thereafter,  
44 as required by section 66273.81;

1 (C) Until the determination described in subsection (f)(2)(B) of this section is  
2 made, manage the CRT panel glass in accordance with the requirements of section  
3 66273.82;

4 (D) Upon making the determination required by subsection (f)(2)(B) of this  
5 section, manage the CRT panel glass pursuant to article 8 of this chapter; and

6 (E) If the universal waste handler determines that the CRT panel glass does not  
7 meet the criteria specified in subsection (f)(2)(B) of this section, immediately manage  
8 the CRT panel glass pursuant to subsection (f)(3) of this section.

9 (3) A universal waste handler shall ship the accumulated CRT glass for  
10 reclamation at a CRT glass manufacturer or at a primary or secondary lead smelter, or  
11 determine that it is to be recycled by other means or disposed at a class I landfill.

12 (4) Upon determining that the CRT glass is destined for recycling by means other  
13 than reclamation of CRT glass at a CRT glass manufacturer or primary or secondary  
14 lead smelter pursuant to subsection (f)(3) of this section, and notwithstanding  
15 subsection (c) of section 66261.3, a universal waste handler shall be deemed the  
16 generator of hazardous waste CRT glass, and shall determine if the CRT glass is a  
17 recyclable material excluded from regulation as hazardous waste pursuant to  
18 subdivision (b) or (d) of Health and Safety Code section 25143.2, as required by  
19 subsection (a) of section 66262.11:

20 (A) If the universal waste handler determines that the CRT glass is a recyclable  
21 material excluded from regulation as hazardous waste pursuant to subdivision (b) or (d)  
22 of Health and Safety Code section 25143.2, the handler may either proceed to manage  
23 the CRT glass as an excluded recyclable material or apply to the Department for  
24 concurrence with the universal waste handler's determination through the application  
25 procedure set forth in article 9 of this chapter before managing the CRT glass as an  
26 excluded recyclable material. A universal waste handler who incorrectly determines that  
27 CRT glass is an excluded recyclable material and fails to manage the CRT glass as fully  
28 regulated hazardous waste is in violation of the requirements of this division and is  
29 subject to enforcement action.

30 (B) If the universal waste handler chooses to obtain the Department's  
31 concurrence, the handler shall submit an application to the Department which includes  
32 all information required by subsection (a)(1) of section 66273.91. Pending concurrence  
33 by the Department pursuant to article 9 of this chapter, the universal waste handler shall  
34 manage the CRT glass as hazardous waste in accordance with all applicable  
35 requirements in chapters 12 through 16, 18, 20 and 22 of this division, except as  
36 provided in subsection (f)(4)(C) of this section.

37 (C) Notwithstanding subsections (a) and (c) of section 66262.34 of chapter 12 of  
38 this division, a universal waste handler who applies for the Department's concurrence  
39 may accumulate the CRT glass onsite without a permit for no more than 90 days after  
40 the universal waste handler receives notification of the Department's disapproval of the  
41 application pursuant to subsection (h) of section 66273.91 of this chapter.

42 (D) If the universal waste handler or the Department determines that the CRT  
43 glass is not a recyclable material excluded from regulation as hazardous waste  
44 pursuant to subdivision (b) or (d) of Health and Safety Code section 25143.2, the  
45 handler shall manage the CRT glass as hazardous waste in accordance with all  
46 applicable requirements in chapters 12 through 16, 18, 20 and 22 of this division.

1 (5) Upon determining that the CRT glass is destined for disposal pursuant to  
2 subsection (f)(3) or (f)(4)(D) of this section, a universal waste handler shall be deemed  
3 the generator of hazardous waste CRT glass and:

4 (A) Manage the CRT glass as a hazardous waste in accordance with all  
5 applicable requirements in chapters 12 through 16, 18, 20 and 22 of this division; and

6 (B) Upon request, submit to the Department the following information:

7 1. The quantity of CRT glass to be disposed in the current calendar year;

8 2. The quantity of CRT glass recycled in the previous calendar year;

9 3. The quantity of CRT glass generated in the previous calendar year;

10 4. The technological, economic or other reasons for not recycling the CRT glass,  
11 taking into account relevant factors, which may include, but is not limited to:

12 (i) the quantity of CRT glass available for recycling;

13 (ii) any chemical, physical or other properties of the CRT glass that might affect  
14 its recyclability;

15 (iii) the treatment required in recycling the CRT glass and the availability of and  
16 cost of suitable treatment technology;

17 (iv) the marketability of CRT glass for recycling, including current market prices  
18 for lead; and

19 (v) any information pertaining to facilities that could have potentially recycled the  
20 CRT glass that influenced the universal waste handler's decision to dispose of the CRT  
21 glass.

22 5. Any other information the Department determines is necessary to demonstrate  
23 that the CRT glass cannot be recycled.

24 (6) For reclamation at a CRT glass manufacturer or primary or secondary lead  
25 smelter, a universal waste handler shall:

26 (A) If the CRT glass will be passing through an intermediate facility, prior to  
27 arranging for transport of the CRT glass to the intermediate facility make contractual  
28 arrangements with the intermediate facility to ensure that the CRT glass is sent to the  
29 CRT glass manufacturer or primary or secondary lead smelter identified by the universal  
30 waste handler.

31 (B) Submit to the Department upon request the following information:

32 1. The name, address and telephone number of the transporter;

33 2. The name and address of the CRT glass manufacturer or primary or  
34 secondary lead smelter;

35 3. If the CRT glass will be passing through an intermediate facility for  
36 management, the name, address and telephone number of the intermediate facility;

37 4. For intermediate facilities in the United States, the type of intermediate facility;

38 5. A copy of the contractual arrangements between the universal waste handler  
39 and the intermediate facility made pursuant to subsection (f)(6)(A) of this section, if  
40 applicable;

41 6. The quantity of CRT glass in each shipment; and

42 7. Confirmation receipts from the CRT glass manufacturer or primary or  
43 secondary lead smelter that the CRT glass was received.

44 (7) A universal waste handler shall comply with article 10 of this chapter for  
45 documents or information that the universal waste handler submits to the Department

1 pursuant to subsections (f)(5)(B) or (f)(6)(B) of this section and for which the universal  
2 waste handler asserts a claim of trade secret protection.

3 (8) Notwithstanding subsection (a) of section 66273.35, if on [OAL to insert the  
4 **effective date of these regulations**] the universal waste handler has accumulated  
5 CRT glass for longer than six months, the universal waste handler shall meet the  
6 requirements as specified in subsection (f)(3) of this section on or before [OAL to insert  
7 **date 180 days from the effective date of these regulations**].

8  
9  
10 Note: Authority cited: Sections 25141, 25141.5, 25143.2, 25150, 25201, 25214.9,  
11 25214.10.2, 25219.1 and 58012, Health and Safety Code; and Section 42475, Public  
12 Resources Code. Reference: Sections 25141, 25141.5, 25143.2, 25150, 25159.5,  
13 25173, 25201, 25212, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code;  
14 Sections 42479, Public Resources Code.  
15



1 **Add** California Code of Regulations, title 22, division 4.5, chapter 23, article 8, section  
2 66273.81 to read:

3  
4 **§66273.81. Criteria for Determining CRT Panel Glass Eligible for Disposal**

5  
6 (a) CRT panel glass destined for disposal in a class II or class III landfill shall  
7 meet the following criteria:

8 (1) The CRT panel glass shall not exhibit the RCRA hazardous waste  
9 characteristic of toxicity.

10 (2) The CRT panel glass shall not exhibit the toxicity characteristic of a  
11 hazardous waste by exceeding the Soluble Threshold Limit Concentration, as defined in  
12 section 66260.10 and as specified in section 66261.24 of chapter 11 of this division.

13 (3) The CRT panel glass shall be identified as hazardous waste solely because it  
14 exhibits the characteristic of toxicity only by exceeding the Total Threshold Limit  
15 Concentration, as defined in section 66260.10 of chapter 10 and as specified in section  
16 66261.24 of chapter 11 of this division.

17 (4) The CRT panel glass shall not exceed a Total Threshold Limit Concentration  
18 of 30,000 mg/kg for lead.

19 (5) The CRT panel glass shall meet the land disposal restrictions treatment  
20 standards specified in article 4 of chapter 18 of this division (e.g., the treatment  
21 standard for lead containing wastes is 0.75 mg/L by use of Method 1311).

22 (b) In order to determine that CRT panel glass meets the criteria required by  
23 subsection (a) of this section, a universal waste handler shall use the following  
24 procedures:

25 (1) Sampling of the CRT panel glass shall be conducted in accordance to  
26 sampling methods described in "Test Methods for Evaluating Solid Waste,  
27 Physical/Chemical Methods," SW-846, 3rd edition, U.S. Environmental Protection  
28 Agency, 1986, (incorporated by reference per section 66260.11 of chapter 10 of this  
29 division) or one of the sampling methods listed in Appendix I, Chapter 11 of this division;  
30 and

31 (2) Analysis of the CRT panel glass shall be conducted according to:

32 (A) Method 1311, as specified in "Test Methods for Evaluating Solid Waste,  
33 Physical/Chemical Methods," SW-846, 2nd edition, U.S. Environmental Protection  
34 Agency, 1982 (incorporated by reference per section 66260.11 of chapter 10 of this  
35 division);

36 (B) Method 3052, as specified in "Test Methods for Evaluating Solid Waste,  
37 Physical/Chemical Methods," SW-846, 3rd edition, U.S. Environmental Protection  
38 Agency, 1996, (incorporated by reference per section 66260.11 of chapter 10 of this  
39 division); and

40 (C) Waste Extraction Test (WET), as specified in Appendix II, Chapter 11 of this  
41 division or an alternative test method approved pursuant to 22 CCR section 66260.21.

42 (c) A universal waste handler shall repeat the procedures required by subsection  
43 (b) of this section as necessary to ensure the CRT panel glass meets the criteria as  
44 specified in subsection (a) of this section. At a minimum, the procedures shall be  
45 repeated when the universal waste handler is notified, or has reason to believe that the  
46 concentration of hazardous constituents in the CRTs or treatment method generating

1 the CRT panel glass has changed to the extent that the certification required by  
2 subsection (g) of section 66273.82 is no longer valid.

3 (d) A universal waste handler who claims CRT panel glass meets the criteria, as  
4 specified in this section, shall maintain records that demonstrate that CRT panel glass  
5 meets the criteria required by subsection (a) of this section. The records shall include  
6 the following information:

7 (1) A description of the treatment method used to generate the CRT panel glass;

8 (2) Documentation of the analysis(es) and the sampling method(s) of the CRT  
9 panel glass that identifies and quantifies all hazardous constituents, as specified in  
10 subsection (b) of this section; and

11 (3) The frequency at which the procedures will be reviewed or repeated to ensure  
12 that the analysis and sampling method is accurate and up to date.

13 (e) A universal waste handler shall immediately manage CRT panel glass that  
14 does not meet all of the criteria specified in subsection (a) of this section pursuant to  
15 subdivision (f)(3) of section 66273.75.

16  
17  
18 Note: Authority cited: Sections 25141.5, 25150, 25214.9, 25214.10.2, and 58012,  
19 Health and Safety Code. Reference: Sections 25141.5, 25150, 25159.5, 25179.6 and  
20 25214.9, Health and Safety Code.

1 **Add** California Code of Regulations, title 22, division 4.5, chapter 23, article 8, section  
2 66273.82 to read:

3  
4 **§66273.82. Management of CRT Panel Glass Prior to Disposal.**

5  
6 (a) A universal waste handler shall manage CRT panel glass that meets the  
7 criteria specified in section 66273.81 and is destined for disposal in a class II or class III  
8 landfill in accordance with the requirements of this section.

9 (b) The universal waste handler shall manage the CRT panel glass in  
10 accordance with subsection (c)(1)(B) of section 66273.33.5.

11 (c) The universal waste handler shall clearly mark or label the accumulation  
12 areas and/or containers used to contain the CRT panel glass with the words “Excluded  
13 Hazardous Waste – CRT Panel Glass”.

14 (d) The universal waste handler shall not accumulate the CRT panel glass for  
15 longer than 180 days from the date of generation.

16 (e) The universal waste handler shall provide personnel training to persons who  
17 manage CRT panel glass for disposal in a class II or class III landfill, pursuant to section  
18 66273.36.

19 (f) The universal waste handler shall comply with the response to releases  
20 requirements of section 66273.37.

21 (g) The universal waste handler shall submit a notification and certification to the  
22 Department at least 60 days prior to the initial shipment of CRT panel glass.

23 (1) The notification shall include the following:

24 (A) Name(s), address(es) and telephone number(s) of the class II or class III  
25 landfill(s) receiving the CRT panel glass shipment(s);

26 (B) A description of the CRT panel glass and how it was generated; and

27 (C) The ID number for the universal waste handler facility where the CRT panel  
28 glass was generated.

29 (2) The certification shall be signed by an authorized representative of the  
30 handler’s facility and shall state as follows:

31 “I certify under penalty of law that I have personally examined and am familiar  
32 with the treatment technology and operation of the treatment process used to support  
33 this certification. Based on my inquiry of those individuals immediately responsible for  
34 obtaining this information, I believe that the treatment process has been operated and  
35 maintained properly so as to generate CRT panel glass that meets the criteria specified  
36 in section 66273.81 without impermissible dilution. I am aware that there are significant  
37 penalties for submitting a false certification, including the possibility of fine and  
38 imprisonment.”

39 (3) The universal waste handler shall submit the notification and certification  
40 pursuant to subsection (f) of section 66273.74.

41 (h) If the concentration of hazardous constituents in the CRTs or the treatment  
42 method generating the CRT panel glass changes to the extent that the certification  
43 required by subsection (g) of this section is no longer valid or the class II or class III  
44 landfill to receive the CRT panel glass changes, the universal waste handler shall  
45 update the notification and certification and submit them to DTSC at least 60 days prior  
46 to any subsequent shipment of CRT panel glass.

1           (i) A universal waste handler shall comply with article 10 of this chapter for  
2 documents or information that the universal waste handler submits to the Department  
3 pursuant to subsection (g) of this section and for which the universal waste handler  
4 asserts a claim of trade secret protection.

5  
6  
7 Note: Authority cited: Sections 25141.5, 25150, 25173, 25214.9, 25214.10.2, and  
8 58012, Health and Safety Code. Reference: Sections 25141.5, 25150, 25159.5, 25173,  
9 25179.6 and 25214.9, Health and Safety Code.

10

1 **Add** California Code of Regulations, title 22, division 4.5, chapter 23, article 8, section  
2 66273.83 to read:

3  
4 **§66273.83. Tracking Shipments of CRT Panel Glass.**

5  
6 (a) The universal waste handler shall keep a record of each shipment of CRT  
7 panel glass sent from the universal waste handler's facility to a class II or class III  
8 landfill. The record may take the form of a log, invoice, manifest, bill of lading or other  
9 shipping document. The record for each shipment of CRT panel glass managed  
10 pursuant to this section shall include the following information:

11 (1) The quantity [weight, consistent with, for example, §66273.32, subsec. (d)] of  
12 CRT panel glass;

13 (2) The date of departure of the shipment of CRT panel glass;

14 (3) A copy of the notification and certification required by subsection (g) of  
15 section 66273.82; and

16 (4) A copy of the notification and certification required by subsection (g) of  
17 section 66273.82 signed by the class II or class III landfill owner or operator pursuant to  
18 subsection (a)(2)(A) of section 66273.84.

19 (b) The universal waste handler shall retain each record described in subsection  
20 (a) of this section for at least three years from the date of departure of the  
21 corresponding shipment of CRT panel glass shipped to the class II or III landfill.

22 (c) The universal waste handler shall provide the person who transports the CRT  
23 panel glass with at least two copies of the notification and certification described in  
24 subsection (g) of section 66273.82, prior to each shipment of CRT panel glass being  
25 transported offsite.

26  
27  
28 Note: Authority cited: Sections 25141.5, 25150, 25214.9, 25214.10.2, and 58012,  
29 Health and Safety Code. Reference: Sections 25141.5, 25150, 25159.5 and 25214.9,  
30 Health and Safety Code.

1 **Add** California Code of Regulations, title 22, division 4.5, chapter 23, article 8, section  
2 66273.84 to read:

3  
4 **§66273.84. Offsite Transportation.**

5  
6 (a) A person who transports CRT panel glass that meets the criteria specified in  
7 section 66273.81 to a class II or class III landfill shall comply with the applicable  
8 requirements of subsections (b) and (c) of section 66273.51, sections 66273.52,  
9 66273.53, 66273.54, subsection (b) of section 66273.55, and section 66273.56 and  
10 shall:

11 (1) Take two copies of the notification and certification required in subsection (g)  
12 of section 66273.82 with the shipment of CRT panel glass;

13 (2) Upon relinquishing the CRT panel glass to a class II or class III landfill:

14 (A) Obtain the dated signature of the owner or operator of the class II or III landfill  
15 on one copy of the notification and certification;

16 (B) Include on the signed copy a statement that the CRT panel glass was  
17 received by the class II or class III landfill owner or operator;

18 (C) Keep the signed copy of the notification and certification; and

19 (D) Leave the other copy of the notification and certification with the owner or  
20 operator.

21 (3) Within 30 days from receipt of the CRT panel glass by the class II or class III  
22 landfill owner or operator, send a copy of the signed notification and certification to the  
23 universal waste handler who initiated shipment of the CRT panel glass pursuant to this  
24 article.

25  
26  
27 Note: Authority cited: Sections 25141.5, 25150, 25214.9, 25214.10.2, and 58012,  
28 Health and Safety Code. Reference: Sections 25141.5, 25150, 25159.5 and 25214.9,  
29 Health and Safety Code.

1 **Add** California Code of Regulations, title 22, division 4.5, chapter 23, article 9, section  
2 66273.90 to read:

3  
4 **Article 9. Recycling Concurrence Process for CRTs and CRT Glass**

5  
6 **§66273.90. Applicability.**

7  
8 (a) This article applies to a universal waste handler who is deemed the generator  
9 of CRTs pursuant to subsections (b)(4)(D) or (c)(3)(C) of section 66273.72 or the  
10 generator of CRT glass in subsection (f)(4) of section 66273.75 of this chapter and  
11 chooses to obtain Department concurrence that CRTs or CRT glass are recyclable  
12 material excluded from regulation as a hazardous waste pursuant to subdivision (b) or  
13 (d) of Health and Safety Code section 25143.2.

14 (b) This article does not apply to a universal waste handler who is not authorized  
15 to perform one or more of the activities listed in subsection (c)(2) or (c)(3) of section  
16 66273.70 of this chapter on CRT devices, CRTs and/or CRT glass.

17  
18  
19 Note: Authority cited: Sections 25143.2, 25150, 25214.9, 25214.10.2 and 58012, Health  
20 and Safety Code. Reference: Sections 25143.2, 25150, 25159.5 and 25214.9, Health  
21 and Safety Code.

1 **Add** California Code of Regulations, title 22, division 4.5, chapter 23, article 9, section  
2 66273.91 to read:

3  
4 **§66273.91. Classification of CRTs or CRT Glass.**

5  
6 (a) A universal waste handler who applies to the Department for concurrence that  
7 CRTs or CRT glass are a recyclable material excluded from regulation as a hazardous  
8 waste pursuant to subdivision (b) or (d) of Health and Safety Code section 25143.2  
9 shall:

10 (1) Submit to the Department an application that includes all the following  
11 information:

12 (A) The name and address of the universal waste handler.

13 (B) The address where the CRTs or CRT glass are generated.

14 (C) A description of the CRTs or CRT glass which shall include its physical state,  
15 hazardous constituents, quantity and rate of generation.

16 (D) A description of the facility that will use or reuse the CRT or CRT glass  
17 including:

18 1. The process by which the CRTs or CRT glass will be used or reused at the  
19 facility, including the equipment used for the process and training records for  
20 employees;

21 2. Information from the facility that shows the CRTs or CRT glass are being used  
22 in a production process including the ingredient or product it substitutes; and

23 3. Data showing a market exists for the CRTs or CRT glass.

24 (E) Any other information the Department finds relevant during its review of the  
25 application to ensure the CRTs or CRT glass meet the conditions in section 25143.2 of  
26 Health and Safety Code, including the information in section 25143.2 (f).

27 (2) Within 30 days after the date of the written notification required by subsection  
28 (c) of this section, enter into a written agreement with the Department, pursuant to  
29 which the universal waste handler shall reimburse the Department its costs incurred in  
30 processing the application, as required by Health and Safety Code section 25205.7.

31 (b) The Department, within 30 days of receipt of an application for concurrence  
32 pursuant to subsection (a) of this section, shall acknowledge in writing receipt of the  
33 application.

34 (c) The Department, within 60 days of receipt of an application for concurrence  
35 pursuant to subsection (a) of this section, shall notify the applicant in writing that  
36 classification of the CRTs or CRT glass is approved or disapproved or that the  
37 application is incomplete or inadequate and what additional information is needed.

38 (d) If the application is incomplete or inadequate, the Department, within 60 days  
39 of receipt of adequate additional information, shall notify the applicant in writing that  
40 classification of the CRTs or CRT glass is approved or disapproved.

41 (e) When the Department has notified the applicant in writing that the application  
42 is incomplete or inadequate and what additional information is needed, provide the  
43 additional information, or obtain an extension of time pursuant to subsection (f) of this  
44 section, within 90 days from the date the information was requested.

45 (f) If the applicant cannot submit the additional information within the time frame  
46 specified in subsection (e) of this section, the applicant shall notify the Department in

1 writing of the reason(s) for the delay and shall specify an additional time frame, up to 90  
2 days, within which the information shall be submitted.

3 (g) The application will be considered disapproved if the applicant fails to enter  
4 into a written agreement with the Department pursuant to subsection (a)(2) of this  
5 section or provide the additional information pursuant to subsection (e) or subsection (f)  
6 of this section.

7 (h) If the Department disapproves the application, the Department shall specify in  
8 writing the reason(s) for the disapproval.

9 (i) Upon receipt of written concurrence from the Department, the applicant may  
10 manage the CRTs or CRT glass as indicated therein.

11 (j) If the Department at any time finds that the information submitted or generated  
12 for a concurrence pursuant to this section was erroneous because it was based on  
13 fraudulently derived information, the Department may notify that person in writing of the  
14 deficiencies.

15 (k) A person, upon receipt of a notice pursuant to subsection (j) of this section  
16 shall immediately cease managing the CRTs or CRT glass pursuant to the applicable  
17 Health and Safety Code section 25143.2 exclusion and Health and Safety Code  
18 sections 25143.9 and 25143.10 and shall manage the CRTs or CRT glass as  
19 hazardous waste.

20 (l) A universal waste handler shall comply with article 10 of this chapter for  
21 documents or information that the universal waste handler submits to the Department  
22 pursuant to this section and for which the universal waste handler asserts a claim of  
23 trade secret protection.

24  
25  
26 Note: Authority cited: Sections 25143.2, 25150, 25205.7 25214.9, 25214.10.2, and  
27 58012, Health and Safety Code. Reference: Sections 25143.2, 25150, 25159.5,  
28 25205.7 and 25214.9 Health and Safety Code.

1 **Add** California Code of Regulations, title 22, division 4.5, chapter 23, article 10, section  
2 66273.100 to read:

3  
4 **Article 10. Trade Secret Protection**

5  
6 **§66273.100. Assertion of a Claim of Trade Secret Protection.**

7  
8 (a) A person who asserts a claim of trade secret protection with respect to  
9 documents or information submitted to the Department in response to a request from  
10 the Department for information relating to the recycling or disposal of CRTs or CRT  
11 glass pursuant to article 7 of this chapter, subsection (g) of section 66273.82, or section  
12 66273.91 shall, at the time of submission, furnish the Department with all of the  
13 following supporting information:

14 (1) The identity of the person asserting the claim;

15 (2) A brief description of the nature of the information for which trade secret  
16 protection is being claimed;

17 (3) The extent to which the information is known by employees or others involved  
18 with the facility or business of the person, and whether or not those individuals are  
19 bound by non-disclosure agreements;

20 (4) The extent to which the information is known outside of the facility or business  
21 of the person, and whether or not individuals with such knowledge are bound by non-  
22 disclosure agreements;

23 (5) The measures taken to restrict access to and safeguard the information, and  
24 whether or not the person plans to continue utilizing such measures;

25 (6) The estimated value of the information to the person or and the person's  
26 competitors;

27 (7) The estimated amount of effort or money expended by the person in  
28 developing the information;

29 (8) The estimated ease or difficulty with which the information could be properly  
30 acquired or duplicated by others, including for any chemical claimed as trade secret, an  
31 explanation of why the chemical identity is not readily discoverable through reverse  
32 engineering;

33 (9) Copies of, or references to, any pertinent trade secret or other confidentiality  
34 determinations previously made by the Department or other public agencies;

35 (10) A description of the nature and extent of harm that would be caused if the  
36 information were made public, including an explanation of the causal relationship  
37 between disclosure and the harmful effects claimed;

38 (11) The signature of the person's general counsel or other executive with  
39 knowledge of the preparation of the substantiating information, certifying under penalty  
40 of perjury and based upon the knowledge and belief of the signatory that:

41 (A) The substantiating information is true, accurate, and complete;

42 (B) The information for which trade secret protection is claimed is not otherwise  
43 publicly available; and

44 (C) There is a reasonable basis to assert trade secret protection for the  
45 information so claimed.

1           (12) Contact information for the individual to be contacted if part of the claimed  
2 information is requested to be disclosed under the California Public Records Act.

3           (b) The substantiating information required in subsections (a)(1) through (a)(10)  
4 shall be provided for each individual trade secret claim, although such information may  
5 be incorporated by reference to apply to multiple claims, as appropriate. The  
6 requirements of subsections (a)(11) and (a)(12) may be met once for all claims  
7 submitted at one time.

8           (c) A person who asserts a claim of trade secret protection shall also, at the time  
9 of submission, provide the Department with both of the following:

10           (1) A complete copy of the documentation being submitted, which shall include  
11 the information for which trade secret protection is claimed; and

12           (2) A redacted copy of the documentation being submitted, which shall exclude  
13 the information for which trade secret protection is claimed. The Department may make  
14 the redacted copy of the documentation available to the public at its discretion.

15           (d) A person who asserts a claim of trade secret protection shall make such  
16 assertion at the time of submission by marking the words "Trade Secret", conspicuously  
17 on each page containing the information for which trade secret protection is claimed. A  
18 header, footer or watermark may be used for electronic submittals. If no claim of trade  
19 secret protection is made at the time of submission, the Department may make the  
20 submitted information available in full to the public without further notice.

21           (e) If the documentation supporting a claim of trade secret protection contains  
22 information that is itself subject to a claim of trade secret protection, such supporting  
23 documentation shall be separately supplied in both complete and redacted form as  
24 required by subsection (c), and marked as required by subsection (d), but shall not itself  
25 require further supporting documentation. Such documentation shall be separate from  
26 documentation used to comply with other provisions of this chapter.

27  
28  
29 Note: Authority cited: Sections 25150, 25173, 25214.9, 25214.10.2 and 58012 Health  
30 and Safety Code. Reference: Sections 25150, 25173 and 25214.9 Health and Safety  
31 Code.

1 **Add** California Code of Regulations, title 22, division 4.5, chapter 23, article 10, section  
2 66273.101 to read:

3  
4 **§66273.101. Department Review of Trade Secrecy Claims.**

5  
6 (a) Upon receipt of documents or information submitted pursuant to section  
7 66273.100 that contains information identified as being subject to trade secret  
8 protection, or at any time thereafter, the Department may review the trade secret claim  
9 and supporting information for compliance with the requirements of this article.

10 (b) If the Department determines that information provided in support of a request  
11 for trade secret protection is incomplete or insufficiently responsive, the Department  
12 shall: notify the submitter of the Department's finding of insufficiency; identify the  
13 specific area(s) for which additional information is needed; provide an explanation as to  
14 why the Department has determined the information to be insufficient; and the date by  
15 which the submitter must provide the requested information. If the submitter fails to  
16 provide the information within the timeframe specified, the Department shall notify the  
17 submitter by certified mail that the claimant is out of compliance with this article, and  
18 that the information claimed to be trade secret will be considered a public record subject  
19 to disclosure by the Department thirty (30) days after such notice is mailed. During this  
20 30-day period, the submitter may seek judicial review by filing an action for a preliminary  
21 injunction and/or declaratory relief.

22 (c) If the Department determines that information provided in support of a request  
23 for trade secret protection does not meet the substantive criteria for trade secret  
24 designation, the Department shall notify the submitter by certified mail of its  
25 determination, and that the information claimed to be trade secret will be considered a  
26 public record subject to disclosure by the Department thirty (30) days after such notice  
27 is mailed. During this 30-day period, the submitter may seek judicial review by filing an  
28 action for a preliminary injunction and/or declaratory relief.

29 (d) If a person asserting a claim of trade secrecy initiates an action under  
30 subsection (b) or (c), the Department may not publicly release or disclose the  
31 information that is the subject of the trade secrecy claim until resolution of any court  
32 challenge, including appeals, if any.

33  
34  
35 Note: Authority cited: Sections 25150, 25173, 25214.9, 25214.10.2 and 58012 Health  
36 and Safety Code. Reference: Sections 25150, 25173 and 25214.9 Health and Safety  
37 Code.