

**State of California
Office of Administrative Law**

In re:
Department of Toxic Substances Control

Regulatory Action:

Title 22, California Code of Regulations

Adopt sections: 66273.80, 66273.81,
66273.82, 66273.83,
66273.84

Amend sections: 66261.4, 66273.6, 66273.7,
66273.9, 66273.70,
66273.72, 66273.73,
66273.74, 66273.75

Repeal sections: 66273.90, 66273.91,
66273.100, 66273.101

**NOTICE OF APPROVAL OF CERTIFICATE OF
COMPLIANCE**

**Government Code Sections 11349.1 and
11349.6(d)**

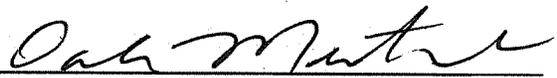
OAL Matter Number: 2018-0910-04

**OAL Matter Type: Certificate of Compliance
(C)**

This rulemaking action makes permanent emergency regulations, first adopted in 2012, which concern the recycling and proper disposal of cathode ray tubes (televisions, computer monitors, etc.), which otherwise present a threat to public health and the environment.

OAL approves this regulatory action pursuant to section 11349.6(d) of the Government Code.

Date: October 22, 2018



**Dale P. Mentink
Senior Attorney**

For: Debra M. Cornez
Director

Original: Barbara A. Lee, Director
Copy: Teresa Rizzardo



(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2018-0625-01	REGULATORY ACTION NUMBER 2018-0910-04C	EMERGENCY NUMBER
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<p>2018 SEP 10 P 4: 11</p> <p>OFFICE OF ADMINISTRATIVE LAW</p>	<p>NOTICE</p>
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ENDORSED - FILED
In the office of the Secretary of State
of the State of California

OCT. 22 2018

3:47pm

AGENCY WITH RULEMAKING AUTHORITY Department of Toxic Substances Control	AGENCY FILE NUMBER (if any) R-2011-03
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A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2018 27-2	PUBLICATION DATE 7/6/2018	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Disposition Options for Universal Waste CRTs	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2012-1003-01E, 2014-0905-03 EE, 2016-0902-04 EE
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)
ADOPT 66273.80, 66273.81, 66273.82, 66273.83, 66273.84
AMEND 66261.4, 66273.6, 66273.7, 66273.9, 66273.70, 66273.72, 66273.73, 66273.74, and 66273.75
TITLE(S) 22
REPEAL 66273.90, 66273.91, 66273.100, 66273.101

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input checked="" type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify)	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input checked="" type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY
<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify)

7. CONTACT PERSON Teresa Rizzardo	TELEPHONE NUMBER (916) 323-3624	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) teresa.rizzardo@dtsc.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 8/27/18
TYPED NAME AND TITLE OF SIGNATORY Barbara A. Lee, Director, Department of Toxic Substances Control	

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ENDORSED APPROVED
OCT 22 2018
Office of Administrative Law

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TEXT OF PROPOSED REGULATIONS
Disposition Options for Universal Waste
Cathode Ray Tubes (CRTs) and CRT Glass

Department Reference Number: R-2011-03
Office of Administrative Law Notice File Number: 2018-0625-01

DIVISION 4.5, TITLE 22, CALIFORNIA CODE OF REGULATIONS
CHAPTER 11. IDENTIFICATION AND LISTING OF HAZARDOUS WASTE
CHAPTER 23. STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

Legend: Changes are shown from the existing, currently published text of California Code of Regulations, title 22 as:

Underline	<u>underline</u>	Additions to existing text
Strikeout	strikeout	Deletions to existing text

1 **Amend** section 66261.4 of title 22 of the California Code of Regulations, to read:

2

3 **§66261.4. Exclusions.**

4

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

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

13

14 ***

15 (g) controlled substances;

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

20

21 ***

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

32 (i) CRT panel glass that is managed in accordance with section 25143.2.5 of the
33 Health and Safety Code is not subject to regulation by DTSC pursuant to Health and
34 Safety Code, division 20, chapter 6.5.

35

36

37 Note: Authority cited: Sections 25140, 25141, 25141.5, 25143.2.5, 25150, 25158.4,
38 25159, 25159.5, 25214.9, ~~25214.10.2~~, 58004 and 58012, Health and Safety Code.
39 Reference: Sections 25117, 25212, 25124, 25140, 25141, 25141.5, 25143, 25143.1,
40 25143.2, 25143.2.5, 25143.4(a), 25143.11, ~~25158.2, 25158.3~~, 25159, 25159.5 and
41 25214.9, Health and Safety Code; and 40 CFR Section 261.4.

42

1 **Amend** section 66273.6 of title 22 of the California Code of Regulations, to read:

2

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

4

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

8 (1) CRTs that are treated pursuant to subsection (c) of section 66273.72 or
9 section 66273.73 of this chapter; and

10 (2) CRTs destined for reclamation at a CRT glass manufacturer or primary or
11 secondary lead smelter.

12 (b) CRTs not covered pursuant to this chapter. The requirements of this chapter
13 do not apply to the following CRTs:

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

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

18 (3) CRTs that are destined for recycling (or are recycled) by being "used in a
19 manner constituting disposal," as described in section 66266.20. Such CRTs shall be
20 managed as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through
21 22 of this division;

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

26 (5) CRTs that are managed as hazardous waste pursuant to chapters 10 through
27 16, 18, and 20 through 22 of this division; and

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

31

32 ***

33

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

38

1 **Amend** section 66273.7 of title 22 of the California Code of Regulations, to read:

2
3 **§ 66273.7. Applicability-Cathode Ray Tube (CRT) Glass.**

4
5 (a) CRT glass covered pursuant to chapter 23. The requirements of this chapter
6 apply to the following CRT glass, as defined in section 66273.9, except CRT glass listed
7 in subsection (b) of this section:

8 (1) CRT glass that is further treated pursuant to section 66273.73 of this chapter;

9 (2) CRT glass that is destined for reclamation at a CRT glass manufacturer or
10 primary or secondary lead smelter;

11 (3) CRT panel glass that is destined for disposal in a CRT panel glass approved
12 landfill; and

13 (4) CRT funnel glass that is destined for reclamation at a CRT glass
14 manufacturer or primary or secondary lead smelter.

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

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

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

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

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

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

29 (5) CRT panel glass that is received by a CRT panel glass approved landfill for
30 the purpose of disposal;

31 (6) CRT glass that is managed as a hazardous waste pursuant to chapters 10
32 through 16, 18, and 20 through 22 of this division; and

33 (7) CRT panel glass that is managed in accordance with section 25143.2.5 of the
34 Health and Safety Code.

35
36 ***

37
38 Note: Authority cited: Sections 25141, 25141.5, 25143.2.5, 25150, 25150.6, 25201,
39 25214.9, ~~25214.10.2~~ and 58012, Health and Safety Code; and Section 42475, Public
40 Resources Code. Reference: Sections 25141, 25141.5, 25143.2.5, 25150, 25159.5,
41 25201 and 25214.9, Health and Safety Code.
42

1 **Amend** section 66273.9 of title 22 of the California Code of Regulations, to read:

2

3 **§ 66273.9. Definitions.**

4

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

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

15 "Battery" means a device consisting of one or more electrically connected
16 electrochemical cells that is designed to receive, store, and deliver electric energy. An
17 electrochemical cell is a system consisting of an anode, a cathode, and an electrolyte,
18 plus such connections (electrical and mechanical) as may be needed to allow the cell to
19 deliver or receive electrical energy. The term battery also includes an intact, unbroken
20 battery from which the electrolyte has been removed.

21 "Cathode ray tube" means a vacuum tube or picture tube used to convert an
22 electrical signal into a visual image.

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

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

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

33

34 ***

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

38 "CRT funnel glass" means any glass separated from CRT panel glass that is
39 derived from the treatment of one or more CRTs. CRT funnel glass a CRT and that
40 consists of the neck and funnel section of a CRT, including the frit.

41 "CRT glass" means any glass released or derived from the treatment or
42 breakage of one or more CRTs or CRT devices. CRT glass includes CRT funnel glass
43 and CRT panel glass.

44 "CRT panel glass" means glass separated from CRT funnel glass that is derived
45 from the treatment of one or more CRTs. CRT panel glass a CRT and that consists only

1 of the face plate of a CRT containing a phosphor viewing surface. CRT panel glass
2 does not include the frit.

3 "CRT panel glass approved landfill" means a composite-lined portion of a unit of
4 a solid waste landfill that meets all requirements applicable to disposal of municipal
5 solid waste in California after October 9, 1993, and that is regulated by waste discharge
6 requirements issued pursuant to division 7 (commencing with § 13000) of the Water
7 Code for discharges of designated waste, as defined in section 13173 of the Water
8 Code, or CRT panel glass that is in compliance with section 66273.81 of this chapter.

9 "Current closure cost estimate" means the most recent of the estimates prepared
10 in accordance with article 7 of this chapter.

11
12 ***

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

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

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

19
20 ***

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

25 "Intermediate Facility" means a facility that manages CRTs and/or CRT glass
26 pursuant to article 3 of this chapter or 40 Code of Federal Regulations section
27 261.4(a)(22), ~~or as a destination facility or at a foreign destination.~~ and is not the final
28 destination of the CRTs and/or CRT glass.

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

34
35 ***

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

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

46

- 1 Note: Authority cited: Sections 25141, 25141.5, 25150, 25214.6, 25150.6, 25201,
- 2 25214.9, 25214.10.2, 25219.1, and 58012, Health and Safety Code; and Section 42475,
- 3 Public Resources Code. Reference: Sections 25141, 25141.5, 25150, 25159.5, 25201,
- 4 25212, 25214.6, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code; 40
- 5 CFR Sections 261.4, 261.5 and 273.9.

1 **Amend** section 66273.70 of title 22 of the California Code of Regulations, to read:

2
3 **Article 7. Authorization Requirements for Universal Waste Handlers Who Treat**
4 **Universal Wastes**

5
6 **§66273.70. Applicability.**
7

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

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

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

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

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

31 (2) Disassembling/draining activities.

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

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

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

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

40 (3) Treatment activities.

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

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

45 (d) A universal waste handler, who manages universal waste as a consequence
46 of responding to a release in accordance with section 66273.37, is exempt from the

1 otherwise applicable requirements of this article and of chapters 14, 15, 16, 18, 20, and
2 22 of this division with respect to such treatment of the waste.

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

6
7
8 Note: Authority cited: Sections 25141, 25141.5, 25150, 25201, 25214.6, 25214.9,
9 25214.10.2, 26219.1 and 58012, Health and Safety Code; and Section 42475, Public
10 Resources Code. Reference: Sections 25141, 25141.5, 25150, 25159.5, 25201, 25212,
11 25214.6, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code.
12

1 **Amend** section 66273.72 of title 22 of the California Code of Regulations, to read:

2

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

4

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

7 (A) Chemicals, including water; and/or

8 (B) External heat.

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

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

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

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

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

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

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

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

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

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

43 (7) Except as provided in subsections (a)(3), (a)(5) or (a)(6) of this section, a
44 universal waste handler who conducts further treatment on any residual that is a
45 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.

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

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

10 (2) The universal waste handler shall:

11 (A) Comply with the notification, annual reporting, and recordkeeping
12 requirements specified in section 66273.74;

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

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

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

23 (DE) Manage the packaged CRTs in accordance with the requirements of section
24 66273.33.5, subsection (b); and

25 (AF) Treat CRTs pursuant to subsection (c) of this section or section 66273.73 or
26 send or take CRTs to another universal waste handler for treatment pursuant to
27 subsection (c) of this section or section 66273.73, or manage CRTs pursuant to
28 subsection (b)(4) of this section.

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

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

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

38 ~~(BA) Ensure that the removed CRTs are recycled or disposed as required by this~~
39 ~~section;~~

40 ~~(CB) Ship the accumulated CRTs for reclamation at a CRT glass manufacturer or~~
41 ~~at a primary or secondary lead smelter or determine that they are to be recycled by~~
42 ~~other means or disposed; in accordance with subsection (b)(3)(D) of this section or ship~~
43 ~~the accumulated CRTs for disposal in accordance with subsection (b)(3)(C) of this~~
44 ~~section;~~

45 ~~(D) Upon determining that the CRTs are destined for recycling by means other~~
46 ~~than reclamation of CRT glass at a CRT glass manufacturer or primary or secondary~~

1 lead-smelter pursuant to subsection (b)(4)(C) of this section, and notwithstanding

2
3
4 ~~subsection (c) of section 66261.3, be deemed the generator of hazardous waste CRTs,~~
5 ~~and determine if the CRTs are a recyclable material excluded from regulation as~~
6 ~~hazardous wastes pursuant to subdivision (b) or (d) of Health and Safety Code section~~
7 ~~25143.2, as required by subsection (a) of section 66262.11:~~

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

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

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

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

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

38 (C) For disposal at a permitted hazardous waste disposal facility:

39 1. Be deemed the generator of hazardous waste CRTs;

40 1.2. Manage the CRTs as hazardous waste in accordance with all applicable
41 requirements of chapters 12 through 16, 18, 20 and 22 of this division; and

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

43 a. The quantity of CRTs to be disposed;

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

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

1 d. ~~The technological, economic or other reasons for not recycling the CRTs,~~
 2 ~~taking into account relevant factors, which may include, but is not limited to:~~
 3 ~~(i) the quantity of CRTs available for recycling;~~
 4 ~~(ii) any chemical, physical or other properties of the CRTs that might affect its~~
 5 ~~recyclability;~~
 6 ~~(iii) the treatment required in recycling the CRTs and the availability of and cost~~
 7 ~~of suitable treatment technology;~~
 8 ~~(iv) the marketability of CRT glass for recycling, including current market prices~~
 9 ~~for lead; and~~
 10 ~~(v) any information pertaining to facilities that could have potentially recycled the~~
 11 ~~CRTs that influenced the universal waste handler's decision to dispose of the CRTs.~~
 12 e. ~~any other information the Department determines is necessary to demonstrate~~
 13 ~~that the CRTs cannot be recycled, including, but not limited to, the documentation on~~
 14 ~~which the handler's section 66273.72(b)(3)(E)2.d submittal is based.~~

15 3. Notify the Department in accordance with 66273.74(a)(2).

16 (FD) For reclamation at a CRT glass manufacturer or primary or secondary lead
 17 smelter:

18 1. ~~If the CRTs will be passing through~~sent to an intermediate facility, prior to
 19 arranging for transport of the CRTs to the intermediate facility, make contractual
 20 arrangements with the intermediate facility to ensure that CRTs are or the CRT glass is
 21 sent to the CRT glass manufacturer or primary or secondary lead smelter identified by
 22 the universal waste handler.

23 2. ~~Submit to the Department upon request~~Maintain onsite the following
 24 information:

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

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

28 c. ~~If the CRTs will be passing through~~sent to any intermediate facilityies for
 29 management, the name, address, and telephone number of the intermediate facilityies
 30 and a description of the facilities' activities;

31 d. ~~For intermediate facilities in the United States, the type of intermediate facility;~~
 32 ed. A copy Any copies of the contractual arrangements between the universal
 33 waste handler and the intermediate facility made pursuant to subsection (b)(43)(FD)1 of
 34 this section, if applicable;

35 fe. The quantity of CRTs in and the departure date of each shipment; and to any
 36 intermediate facility pursuant to subsection (b)(3)(D)1, if applicable; and

37 gf. Confirmation receipts from the CRT glass manufacturer or primary or
 38 secondary lead smelter that the indicating that the CRT glass shipments were received,
 39 no later than 90 days after the departure date specified in subsection (b)(3)(D)2.e. of
 40 this section.

41 ~~(G) Comply with article 10 of this chapter for documents or information that the~~
 42 ~~universal waste handler submits to the Department pursuant to subsections (b)(4)(E)2.~~
 43 ~~or (b)(4)(F)(2) of this section and for which the universal waste handler asserts a claim~~
 44 ~~of trade secret protection.~~

45 ~~(H) Notwithstanding subsection (a) of section 66273.35, if on October 15, 2012~~
 46 ~~the universal waste handler has accumulated one or more CRTs for longer than six~~

1 months, meet the requirements as specified in subsection (b)(3)(A) or (b)(4)(C) of this
2 section on or before April 13, 2013.

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

8 (1) The universal waste handler:

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

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

13 (2) The universal waste handler shall:

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

16 (B) Ensure that all residuals resulting from the activities authorized by subsection
17 (c)(1) of this section that meet the definition of scrap metal in section 66260.10 are
18 recycled; and

19 ~~(C) Except as provided in subsection (c)(3) of this section, treat the CRTs~~
20 ~~pursuant to section 66273.73 or send or take CRTs to another universal waste handler~~
21 ~~for treatment pursuant to section 66273.73; and~~

22 (D) Conduct the activities in a manner that protects persons managing the
23 electronic devices and/or the CRTs, and that prevents releases of any universal wastes
24 and/or any components of universal wastes, to the environment under reasonably
25 foreseeable conditions, as follows:

26
27 ***

28 (3) A universal waste handler who does not conduct further treatment on CRTs
29 pursuant to section 66273.73 or does not send or take CRTs to another universal waste
30 handler for treatment pursuant to section 66273.73 shall:

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

32 (B) Ship the accumulated CRTs for reclamation at a CRT glass manufacturer or
33 at a primary or secondary lead smelter ~~or determine that they are to be recycled by~~
34 ~~other means or disposed; in accordance with subsection (c)(3)(D) of this section or ship~~
35 the accumulated CRTs for disposal in accordance with subsection (c)(3)(C) of this
36 section;

37 (C) For disposal at a permitted hazardous waste disposal facility:

38 1. Be deemed the generator of hazardous waste CRTs;

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

41 3. Notify the Department in accordance with 66273.74(a)(2).

42 ~~(C) Upon determining that the CRTs are destined for recycling by means other~~
43 ~~than reclamation of CRT glass at a CRT glass manufacturer or primary or secondary~~
44 ~~lead smelter pursuant to subsection (c)(3)(B) of this section, and notwithstanding~~
45 ~~subsection (c) of section 66261.3, be deemed the generator of hazardous waste CRTs,~~
46 ~~and determine if the CRTs are a recyclable material excluded from regulation as~~

1 hazardous wastes pursuant to subdivision (b) or (d) of Health and Safety Code section
2 25143.2, as required by subsection (a) of section 66262.11:

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

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

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

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

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

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

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

36 a. The quantity of CRTs to be disposed;

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

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

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

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

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

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

- 1 (iv) the marketability of CRT glass for recycling, including current market prices
2 for lead; and
3 (v) any information pertaining to facilities that could have potentially recycled the
4 CRTs that influenced the universal waste handler's decision to dispose of the CRTs.
5 e. any other information the Department determines is necessary to demonstrate
6 that the CRTs cannot be recycled, including, but not limited to, the documentation on
7 which the handler's section 66273.72(c)(3)(D)2.d submittal is based.
8 (ED) For reclamation at a CRT glass manufacturer or primary or secondary lead
9 smelter:
10 1. If the CRTs will be passing through sent to an intermediate facility, prior to
11 arranging for transport of the CRTs to the intermediate facility, make contractual
12 arrangements with the intermediate facility to ensure that CRTs or the CRT glass are
13 sent to the CRT glass manufacturer or primary or secondary lead smelter identified by
14 the universal waste handler.
15 2. ~~Submit to the Department upon request~~ Maintain onsite the following
16 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 sent to any intermediate facilities for
21 management, the name, address, and telephone number of the intermediate facilities
22 and a description of the facilities' activities;
23 d. ~~For intermediate facilities in the United States, the type of intermediate facility;~~
24 ed. Any copies of the contractual arrangements between the universal waste
25 handler and the intermediate facility made pursuant to subsection (c)(3)(ED)1 of this
26 section, if applicable;
27 fe. The amount quantity of CRTs in each shipment and the departure date of each
28 shipment to any intermediate facility pursuant to subsection (c)(3)(D)1, if applicable; and
29 gf. Confirmation receipts from the CRT glass manufacturer or primary or
30 secondary lead smelter indicating that the CRTs glass shipments were received no later
31 than 90 days after the departure date specified in subsection (c)(3)(D)2.e. of this
32 section.
33 (F) ~~Comply with article 10 of this chapter for documents or information that the~~
34 ~~universal waste handler submits to the Department pursuant to subsections (c)(3)(D)2~~
35 ~~or (c)(3)(E)2 of this section and for which the universal waste handler asserts a claim of~~
36 ~~trade secret protection.~~
37 (G) ~~Notwithstanding subsection (a) of section 66273.35, if on October 15, 2012~~
38 ~~the universal waste handler has accumulated one or more CRTs for longer than six~~
39 ~~months, meet the requirements as specified in subsection (c)(2)(C) or (c)(3)(B) of this~~
40 ~~section on or before April 13, 2013.~~
41 (d) Removing mercury ampules and/or mercury switches from mercury-
42 containing equipment.
43
44 ***
45

1 Note: Authority cited: Sections 25141, 25141.5, 25143.2, 25150, 25173, 25201,
2 25214.6, 25214.9, 25214.10.2, 25219.1 and 58012, Health and Safety Code; and
3 Section 42475, Public Resources Code. Reference: Sections 25141, 25141.5, 25150,
4 25159.5, 25173, 25201, 25212, 25214.6, 25214.9, 25219, 25219.1 and 25219.2, Health
5 and Safety Code.

6

1 **Amend** section 66273.73 of title 22 of the California Code of Regulations, to read:

2

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

4

5 (a) Treatment of electronic devices.

6

7 ***

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

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

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

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

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

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

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

31 (F) Physical separation of CRT panel glass from CRT funnel glass for the
32 management of CRT panel glass in accordance with section 25143.2.5. of the Health
33 and Safety Code.

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

38

39 ***

40

41 Note: Authority cited: Sections 25141, 25141.5, 25143.2.5, 25150, 25201, 25214.9,
42 25214.10.2, 25219.1 and 58012, Health and Safety Code; and Section 42475, Public
43 Resources Code. Reference: Sections 25141, 25141.5, 25143.2.5, 25150, 25159.5,
44 25201, 25212, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code.

45

1 Amend section 66273.74 of title 22 of the California Code of Regulations, to read:

2

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

4

5 (a) Notification.

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

12 (A) Name of universal waste handler;

13 (B) Telephone number of universal waste handler;

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

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

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

22 (F) Facility ID Number, if issued;

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

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

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

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

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

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

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 (43) 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, a primary lead smelter, a secondary
4 lead smelter, a destination facility, or a class II or class III CRT panel glass approved
5 landfill;

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

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

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

13 ***

14
15 (c) Recordkeeping.

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

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

21 1. A copy of the notification submitted to the Department as required by
22 subsection (a)(1) of this section.

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.

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).~~

1 448. 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** section 66273.75 of title 22 of the California Code of Regulations, to read:

2

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

4

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

8 (a) Treatment.

9 The universal waste handler shall:

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

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

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

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

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

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

28 (7) Treat electronic devices that are not CRT devices and/or residual printed
29 circuit boards only for the purpose of recycling one or more of their components.

30 (8) Treat CRTs only for the purpose of recycling one or more types of CRT glass
31 at a CRT glass manufacturer or at a primary or secondary lead smelter; for disposal; or
32 for the management of CRT panel glass according to section 25143.2.5 of the Health
33 and Safety Code.

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

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

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

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

43 (b) Containment of residuals.

44

45 ***

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

1 (1) A universal waste handler shall perform a hazardous waste determination
2 pursuant to section 66262.11 for all residuals resulting from the activities authorized by
3 section 66273.73, and shall:

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

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

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

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

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

21 ***

22 (e) Zoning.

23 ***

24 (f) Management of CRT glass.

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

27 (2) For disposal of CRT panel glass generated pursuant to subsection (a)(89) of
28 this section in a ~~class II or class III~~ CRT panel glass approved landfill pursuant to article
29 8 of this chapter, a universal waste handler shall:

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

32 (B) Within 30 days of initially generating CRT panel glass and before disposing of
33 any CRT panel glass in a ~~class II or class III~~ CRT panel glass approved landfill,
34 determine that the CRT panel glass meets the criteria specified in section 66273.81 and
35 repeat the determination thereafter, as required by section 66273.81;

36 (C) Until the determination described in subsection (f)(2)(B) of this section is
37 made, manage the CRT panel glass in accordance with the requirements of section
38 66273.82;

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

41 (E) If the universal waste handler determines that the CRT panel glass does not
42 meet the criteria specified in subsection (f)(2)(B) of this section, immediately manage
43 the CRT panel glass pursuant to subsection (f)(3) of this section.
44
45

1 (3) A universal waste handler shall ship the accumulated CRT glass for
2 reclamation at a CRT glass manufacturer or at a primary or secondary lead smelter or
3 determine that it is to be recycled by other means or disposed at a class I landfill in
4 accordance with subsection (f)(5) of this section, or ship the accumulated CRT glass for
5 disposal in accordance with subsection (f)(4) of this section.

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

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

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

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

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

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

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

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

- 1 1. The quantity of CRT glass to be disposed in the current calendar year;
- 2 2. The quantity of CRT glass recycled in the previous calendar year;
- 3 3. The quantity of CRT glass generated in the previous calendar year;
- 4 4. The technological, economic or other reasons for not recycling the CRT glass,
- 5 taking into account relevant factors, which may include, but is not limited to:
- 6 (i) the quantity of CRT glass available for recycling;
- 7 (ii) any chemical, physical or other properties of the CRT glass that might affect
- 8 its recyclability;
- 9 (iii) the treatment required in recycling the CRT glass and the availability of and
- 10 cost of suitable treatment technology;
- 11 (iv) the marketability of CRT glass for recycling, including current market prices
- 12 for lead; and
- 13 (v) any information pertaining to facilities that could have potentially recycled the
- 14 CRT glass that influenced the universal waste handler's decision to dispose of the CRT
- 15 glass.
- 16 5. any other information the Department determines is necessary to demonstrate
- 17 that the CRTs cannot be recycled, including, but not limited to, the documentation on
- 18 which the handler's section 66273.75(f)(5)(B)4 submittal is based.
- 19 (4) For disposal at a permitted hazardous waste disposal facility:
- 20 (A) Be deemed the generator of hazardous waste CRT glass;
- 21 (B) Manage the CRT glass as a hazardous waste in accordance with all
- 22 applicable requirements in chapters 12 through 16, 18, 20 and 22 of this division; and
- 23 (C) Notify the Department in accordance with 66273.74(a)(2).
- 24 (65) 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 sent to an intermediate facility, prior
- 27 to 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 Maintain onsite the following
- 32 information:
- 33 1. The name, address, and telephone number of the transporter;
- 34 2. The name and address of the CRT glass manufacturer or primary or
- 35 secondary lead smelter;
- 36 3. If the CRT glass will be passing through ansent to any intermediate facilities
- 37 for management, the name, address, and telephone number of the intermediate
- 38 facilities and a description of the facilities' activities;
- 39 4. For intermediate facilities in the United States, the type of intermediate facility;
- 40 54. Any copyies of contractual arrangements between the universal waste
- 41 handler and the intermediate facility made pursuant to subsection (f)(65)(A) of this
- 42 section, if applicable;
- 43 65. The quantity of CRT glass and the departure date of in each shipment to any
- 44 intermediate facility, pursuant to subsection (f)(5)(A), if applicable; and
- 45 76. Confirmation receipts from the CRT glass manufacturer or primary or
- 46 secondary lead smelter indicating that the CRT glass shipments were was received no

1 later than 90 days after the departure date specified in subsection (f)(5)(B)5 of this
2 section.

3 ~~(7) A universal waste handler shall comply with article 10 of this chapter for~~
4 ~~documents or information that the universal waste handler submits to the Department~~
5 ~~pursuant to subsections (f)(5)(B) or (f)(6)(B) of this section and for which the universal~~
6 ~~waste handler asserts a claim of trade secret protection.~~

7 (8) Notwithstanding subsection (a) of section 66273.35, if on October 15, 2012
8 the universal waste handler has accumulated CRT glass for longer than six months, the
9 universal waste handler shall meet the requirements as specified in subsection (f)(3) of
10 this section on or before April 13, 2013.

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14 Note: Authority cited: Sections 25141, 25141.5, ~~25143.2~~, 25150, 25201, 25214.9,
15 25214.10.2, 25219.1 and 58012, Health and Safety Code; and Section 42475, Public
16 Resources Code. Reference: Sections 25141, 25141.5, ~~25143.2~~, 25150, 25159.5,
17 25173, 25201, 25212, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code;
18 Sections 42479, Public Resources Code.

19

1 **Add** section 66273.80 of title 22 of the California Code of Regulations, to read:

2
3 **Article 8. Requirements for the Disposal of CRT Panel Glass**

4
5 **§66273.80. Applicability.**

6
7 (a) This article applies to a universal waste handler who manages CRT panel
8 glass pursuant to section 66273.75 for disposal within a ~~composite-lined portion of a~~
9 ~~class II or class III landfill that meets all requirements applicable to disposal of municipal~~
10 ~~solid waste in California after October 9, 1993, and that is regulated by waste discharge~~
11 ~~requirements issued pursuant to division 7 (commencing with § 13000) of the Water~~
12 ~~Code for discharges of designated waste, as defined in section 13173 of the Water~~
13 ~~Code~~CRT panel glass approved landfill.

14 (b) ~~This article does not apply to CRT panel glass recycled by being “used in a~~
15 ~~manner constituting disposal” described in section 66266.20 of chapter 16 of this~~
16 ~~division.~~

17 (c) ~~This article does not apply to CRT glass generated prior to October 15, 2012,~~
18 ~~including CRT glass that may meet the definition of CRT panel glass.~~

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21 Note: Authority cited: Sections 25141.5, 25150, 25214.9, ~~25214.10.2~~and 58012, Health
22 and Safety Code. Reference: Sections 25141.5, 25150, 25159.5 and 25214.9, Health
23 and Safety Code.

24

1 **Add section 66273.81 of title 22 of the California Code of Regulations, to read:**

2

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

4

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

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

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

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

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

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

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

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

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

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

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

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

41 (c) A universal waste handler shall repeat the procedures required by subsection
42 (b) of this section as necessary to ensure the CRT panel glass meets the criteria as
43 specified in subsection (a) of this section. At a minimum, the procedures shall be
44 repeated when the universal waste handler is notified, or has reason to believe that the
45 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~~identify and ~~quantifies~~quantify all hazardous constituents, as
10 specified in subsection (b) of this section; and

11 (3) The frequency ~~at~~with which the procedures will be reviewed or repeated to
12 ensure that the analysis and sampling method ~~is~~are 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 subsection (f)(3) of section 66273.75.

16
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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.

21

1 **Add** section 66273.82 of title 22 of the California Code of Regulations, to read:

2

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

4

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

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

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

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

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

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

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

22 (1) The notification shall include the following:

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

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

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

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

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

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

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

[Disposition Options for Universal Waste Cathode Ray Tubes (CRTs) and CRT 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.

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

1 **Add section 66273.83 of title 22 of the California Code of Regulations, to read:**

2

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

4

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

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

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

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

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

18 (b) The universal waste handler shall retain each record described in subsection
19 (a) of this section for at least three years from the date of departure of the
20 corresponding shipment of CRT panel glass shipped to the ~~class II or III~~CRT panel
21 glass approved 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, Health
29 and Safety Code. Reference: Sections 25141.5, 25150, 25159.5 and 25214.9, Health
30 and Safety Code.

31

1 **Add section 66273.84 of title 22 of the California Code of Regulations, to read:**

2

3 **§66273.84. Offsite Transportation.**

4

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

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

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

14 (A) Obtain the dated signature of the owner or operator of the ~~class II or class~~
15 IIICRT panel glass approved landfill 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~~CRT panel glass approved 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~~
22 class IIICRT panel glass approved landfill owner or operator, send a copy of the signed
23 notification and certification to the universal waste handler who initiated shipment of the
24 CRT panel glass pursuant to this article.

25

26

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

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Article 9. Recycling Concurrence Process for CRTs and CRT Glass

§66273.90. Applicability.

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

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

Note: Authority cited: Sections 25143.2, 25150, 25214.9, 25214.10.2 and 58012, Health and Safety Code. Reference: Sections 25143.2, 25150, 25159.5 and 25214.9, Health and Safety Code.

1
2 **§66273.91. Classification of CRTs or CRT Glass.**
3

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

8 (1) Submit to the Department an application that includes all the following
9 information:

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

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

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

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

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

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

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

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

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

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

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

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

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

43 (f) If the applicant cannot submit the additional information within the time frame
44 specified in subsection (e) of this section, the applicant shall notify the Department in
45 writing of the reason(s) for the delay and shall specify an additional time frame, up to 90
46 days, within which the information shall be submitted.

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

5 ~~(h) If the Department disapproves the application, the Department shall specify in~~
6 ~~writing the reason(s) for the disapproval.~~

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

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

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

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

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24 Note: Authority cited: Sections 25143.2, 25150, 25205.7, 25214.9, 25214.10.2, and
25 58012, Health and Safety Code. Reference: Sections 25143.2, 25150, 25159.5,
26 25205.7 and 25214.9 Health and Safety Code.
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2 Article 10. Trade Secret Protection

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4 §66273.100. Assertion of a Claim of Trade Secret Protection.

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

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

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

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

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

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

23 (6) The estimated value of the information to the person and the person's
24 competitors;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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27 Note: Authority cited: Sections 25150, 25173, 25214.9, 25214.10.2 and 58012 Health
28 and Safety Code. Reference: Sections 25150, 25173 and 25214.9 Health and Safety
29 Code.
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2 **§66273.101. Department Review of Trade Secrecy Claims.**

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

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

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

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

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