

**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, 66273.90,
66273.91, 66273.100,
66273.101

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

Repeal sections:

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

**Government Code Sections 11346.1 and
11349.6**

OAL Matter Number: 2016-0902-04

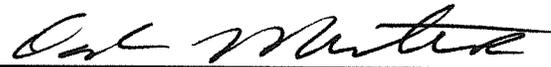
OAL Matter Type: Emergency Readopt (EE)

This rulemaking action is a second readoption, pursuant to Health and Safety Code section 25214.10.2, of the emergency regulations adopted by the Department of Toxic Substances Control (Department) in 2012, and first readopted in 2014, concerning the recycling of cathode ray tubes (CRTs) and devices. The regulations authorize a universal waste handler who treats CRTs to recycle or dispose of the generated CRT glass as fully regulated hazardous waste or to be excluded from regulation of this material as hazardous waste pursuant to the Health and Safety Code. The regulations also amend waste management standards and add notification, reporting, and recordkeeping requirements intended to promote enforcement of the waste management standards and add provisions for the protection of trade secrets.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 9/12/2016 and will expire on 9/11/2018. The Certificate of Compliance for this action is due no later than 9/10/2018.

Date: September 12, 2016



Dale P. Mentink
Senior Attorney

For: Debra M. Cornez
Director

Original: Barbara A. Lee

Copy: John Meerscheidt

NOTICE PUBLICATION REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

EMERGENCY

STD. 400 (REV. 01-09)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 2016-0902-04EE
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

SEP 12 2016

1:43 p.m.

2016 SEP -2 P 4: 34
OFFICE OF ADMINISTRATIVE LAW

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	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE

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
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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, 66273.90, 66273.91, 66273.100, and 66273.101.
AMEND 66261.4, 66273.6, 66273.7, 66273.9, 66273.70, 66273.72, 66273.73, 66273.74, and 66273.75.
TITLE(S) 22
REPEAL

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 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 checked="" 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)
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5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Effective 30th day after filing with Secretary of State <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 type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input checked="" type="checkbox"/> Other (Specify) <u>Notified special interested agencies, in compliance with Health & Safety Code section 25150(f)</u>

7. CONTACT PERSON John Meerscheidt	TELEPHONE NUMBER (916) 255-3552	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) John.Meerscheidt@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 September 2, 2016
TYPED NAME AND TITLE OF SIGNATORY Barbara Lee, Director, Department of Toxic Substances Control	

For use by Office of Administrative Law (OAL) only
ENDORSED APPROVED
SEP 12 2016
Office of Administrative Law

1 **Amend** California Code of Regulations, title 22, division 4.5, chapter 11, section
2 66261.4 to read:

3
4 **§66261.4. Exclusions.**

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

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

14
15 ***

16 (g) controlled substances;

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

21
22 ***

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

29
30
31 Note: Authority cited: Sections 25140, 25141, 25141.5, 25150, 25158.4, 25159,
32 25159.5, 25214.9, 25214.10.2, 58004 and 58012, Health and Safety Code. Reference:
33 Sections 25117, 25212, 25124, 25140, 25141, 25141.5, 25143, 25143.1, 25143.2,
34 25143.4(a), 25143.11, 25158.2, 25158.3, 25159, 25159.5 and 25214.9, Health and
35 Safety Code; and 40 CFR Section 261.4.
36

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

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

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

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

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

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

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

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

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

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

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

28
29 ***

30
31 Note: Authority cited: Sections 25141, 25141.5, 25150, 25150.6, 25201, 25214.9,
32 25214.10.2, and 58012, Health and Safety Code; and Section 42475, Public Resources
33 Code. Reference: Sections 25141, 25141.5, 25150, 25159.5, 25201 and 25214.9,
34 Health and Safety Code.
35

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

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

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

9 (b) CRT glass not covered pursuant to this chapter. The requirements of this
10 chapter do not apply to the following CRT glass:

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

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

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

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

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

25 ***

26
27
28 Note: Authority cited: Sections 25141, 25141.5, 25150, 25150.6, 25201, 25214.9,
29 25214.10.2 and 58012, Health and Safety Code; and Section 42475, Public Resources
30 Code. Reference: Sections 25141, 25141.5, 25150, 25159.5, 25201 and 25214.9,
31 Health and Safety Code.
32

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

3
4 **§ 66273.9. Definitions.**
5

6 When used in this chapter, the terms listed in this section have the meanings
7 given below. Unless otherwise specified, listed terms that cross-reference the definitions
8 of other listed terms refer to the definitions set forth in this section for those other terms.
9 Terms that are also defined in chapter 10 of this division are duplicated here solely for
10 convenience of the regulated community. Terms used in this chapter that are not
11 defined in this section but are defined in chapter 10 of this division and/or chapter 6.5 of
12 division 20 of the Health and Safety Code have the meanings given in 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 derived
39 from the treatment of one or more CRTs. CRT funnel glass consists of the neck and
40 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 any glass separated from CRT funnel glass derived
45 from the treatment of one or more CRTs. CRT panel glass consists only of the face

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

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

5
6 ***

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

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

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

13
14 ***

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

19 "Intermediate Facility" means a facility that manages CRTs and/or CRT glass
20 pursuant to article 3 of this chapter or 40 Code of Federal Regulations section
21 261.4(a)(22), or as a destination facility or at a foreign destination.

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

27
28 ***

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

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

40
41
42 Note: Authority cited: Sections 25141, 25141.5, 25150, 25214.6, 25150.6, 25201,
43 25214.9, 25214.10.2, 25219.1 and 58012, Health and Safety Code; and Section 42475,
44 Public Resources Code. Reference: Sections 25141, 25141.5, 25150, 25159.5, 25201,
45 25212, 25214.6, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code; 40
46 CFR Sections 261.4, 261.5 and 273.9.

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

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

6
7 **§66273.70. Applicability.**

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

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

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

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

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

32 (2) Disassembling/draining activities.

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

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

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

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

41 (3) Treatment activities.

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

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

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

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

8
9
10 Note: Authority cited: Sections 25141, 25141.5, 25150, 25201, 25214.6, 25214.9,
11 25214.10.2, 26219.1 and 58012, Health and Safety Code; and Section 42475, Public
12 Resources Code. Reference: Sections 25141, 25141.5, 25150, 25159.5, 25201, 25212,
13 25214.6, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (D) Manage the packaged CRTs in accordance with the requirements of section
22 66273.33.5, subsection (b).

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

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

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

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

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

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

41 (D) Upon determining that the CRTs are destined for recycling by means other
42 than reclamation of CRT glass at a CRT glass manufacturer or primary or secondary
43 lead smelter pursuant to subsection (b)(4)(C) of this section, and notwithstanding
44 subsection (c) of section 66261.3, be deemed the generator of hazardous waste CRTs,
45 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 has the option to 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 (b)(4)(D)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 (E) Upon determining that the CRTs are destined for disposal pursuant to
31 subsection (b)(4)(C) or (b)(4)(D)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 CRTs 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(b)(3)(E)2.d submittal is based.

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

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

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

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

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

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

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

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

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

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

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

32 (H) Notwithstanding subsection (a) of section 66273.35, if on October 15, 2012
33 the universal waste handler has accumulated one or more CRTs for longer than six
34 months, meet the requirements as specified in subsection (b)(3)(A) or (b)(4)(C) of this
35 section on or before April 13, 2013.

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

41 (1) The universal waste handler:

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

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

46 (2) The universal waste handler shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 a. The quantity of CRTs to be disposed;

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

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

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

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

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

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

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

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

31 e. any other information the Department determines is necessary to demonstrate
32 that the CRTs cannot be recycled, including, but not limited to, the documentation on
33 which the handler's section 66273.72(c)(3)(D)2.d submittal is based.

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

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

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

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

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

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

1 d. For intermediate facilities in the United States, the type of intermediate facility;
2 e. A copy of the contractual arrangements between the universal waste handler
3 and the intermediate facility made pursuant to subsection (c)(3)(E)1 of this section, if
4 applicable;

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

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

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

12 (G) Notwithstanding subsection (a) of section 66273.35, if on October 15, 2012
13 the universal waste handler has accumulated one or more CRTs for longer than six
14 months, meet the requirements as specified in subsection (c)(2)(C) or (c)(3)(B) of this
15 section on or before April 13, 2013.

16 (d) Removing mercury ampules and/or mercury switches from mercury-
17 containing equipment.

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

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

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

5
6 (a) Treatment of electronic devices.

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8 ***

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

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

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

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

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

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

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

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

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39 Note: Authority cited: Sections 25141, 25141.5, 25143.2, 25150, 25201, 25214.9,
40 25214.10.2, 25219.1 and 58012, Health and Safety Code; and Section 42475, Public
41 Resources Code. Reference: Sections 25141, 25141.5, 25143.2, 25150, 25159.5,
42 25201, 25212, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code.

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

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

5
6 (a) Notification.

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

13 (A) Name of universal waste handler;

14 (B) Telephone number of universal waste handler;

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

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

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

23 (F) Facility ID Number, if issued;

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

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

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

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

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

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

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

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

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

5 (4) 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 landfill;

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

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

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

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13
14 (c) Recordkeeping.

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

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

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

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

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

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

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

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

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

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

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

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

45 11. A copy of the records that make the demonstration required by section
46 66273.81, subsection (d).

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

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

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

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

9 (a) Treatment.

10 The universal waste handler shall:

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

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

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

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

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

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

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

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

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

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

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

40 (b) Containment of residuals.

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43
44 (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 ***

23 (e) Zoning.

24
25 ***

26 (f) Management of CRT glass.

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

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

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

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

38 (C) Until the determination described in subsection (f)(2)(B) of this section is
39 made, manage the CRT panel glass in accordance with the requirements of section
40 66273.82;

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

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

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.

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

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

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

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

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

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

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

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

- 45 1. The quantity of CRT glass to be disposed in the current calendar year;
- 46 2. The quantity of CRT glass recycled in the previous calendar year;

1 3. The quantity of CRT glass generated in the previous calendar year;
2 4. The technological, economic or other reasons for not recycling the CRT glass,
3 taking into account relevant factors, which may include, but is not limited to:

4 (i) the quantity of CRT glass available for recycling;
5 (ii) any chemical, physical or other properties of the CRT glass that might affect
6 its recyclability;

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

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

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

14 5. any other information the Department determines is necessary to demonstrate
15 that the CRTs cannot be recycled, including, but not limited to, the documentation on
16 which the handler's section 66273.75(f)(5)(B)4 submittal is based.

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

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

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

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

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

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

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

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

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

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

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

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

1 Note: Authority cited: Sections 25141, 25141.5, 25143.2, 25150, 25201, 25214.9,
2 25214.10.2, 25219.1 and 58012, Health and Safety Code; and Section 42475, Public
3 Resources Code. Reference: Sections 25141, 25141.5, 25143.2, 25150, 25159.5,
4 25173, 25201, 25212, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code;
5 Sections 42479, Public Resources Code.
6

1 **Add California Code of Regulations, title 22, division 4.5, chapter 23, article 8, section**
2 **66273.80 to read:**

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

5
6 **§66273.80. Applicability.**

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

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

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

20
21
22 Note: Authority cited: Sections 25141.5, 25150, 25214.9, 25214.10.2 and 58012, Health
23 and Safety Code. Reference: Sections 25141.5, 25150, 25159.5 and 25214.9, Health
24 and Safety Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3
4 **§66273.82. Management of CRT Panel Glass Prior to Disposal.**
5

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

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

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

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

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

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

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

23 (1) The notification shall include the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5
6 **§66273.90. Applicability.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24
25
26 Note: Authority cited: Sections 25143.2, 25150, 25205.7, 25214.9, 25214.10.2 and
27 58012, Health and Safety Code. Reference: Sections 25143.2, 25150, 25159.5,
28 25205.7 and 25214.9, Health and Safety Code.
29

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33
34
35 Note: Authority cited: Sections 25150, 25173, 25214.9, 25214.10.2 and 58012, Health
36 and Safety Code. Reference: Sections 25150, 25173 and 25214.9, Health and Safety
37 Code.
38