

**California Code of Regulations
Title 22. Social Security
Division 4.5. Environmental Health Standards for the
Management of Hazardous Waste**

**Chapter 23. Standards for Universal Waste Management (page 10 to end)
[and various sections applicable to universal waste management (page 1-9)]**

This **unofficial**¹ version of the text of portions of title 22 of the California Code of Regulations, division 4.5 was compiled for the convenience of visitors to the Department of Toxic Substances Control's (DTSC's) Web site. The text found in this document was current as of the date of its preparation. While DTSC intends to keep this document updated to reflect any changes to the regulations, we recommend that you consult the official printed version of the regulations (published by Barclay's) or the online version, which is available on the Internet at <http://www.ccr.oal.ca.gov>.

¹ For a full explanation of these amendments, always refer to the 45-Day notice (for background), Initial Statement of Reasons, Final Statement of Reasons, and Response to Comments for the 45-day and 15-day public notices. These are found on the DTSC web site under the Laws, Regs, and Policies page.

Consolidated Universal Waste Regulations and Authorized Treatment of Electronic Hazardous Waste

§66260.201 Classification of an Electronic Device as a Covered Electronic Device.

(a) Subsequent to the dates set forth in Health and Safety Code section 25214.10.1, subdivision (d)(1) or (2) as appropriate, an electronic device that is listed in subsection (e) of this section and in subsection (c) of appendix X to chapter 11 of this division is a “covered electronic device” pursuant to chapter 8.5 of part 3 of division 30 of the Public Resources Code section 42460 et seq. unless the manufacturer of the electronic device has obtained the Department’s concurrence that the electronic device is nonhazardous pursuant to subsection (d) of this section. Upon issuance of the Department’s concurrence, the electronic device shall cease to be a covered electronic device. Health and Safety Code section 25214.10.1, subdivision (e)(1), prescribes the date on which the electronic device is no longer subject to chapter 8.5 of part 3 of division 30 of the Public Resources Code.

(b)(1) Each manufacturer of electronic devices sold in the State shall determine if it produces any electronic device(s) of the types listed in subsection (c) of appendix X of chapter 11 of this division, and if so, shall send an annual notice to retailers and the Board of Equalization pursuant to Health and Safety Code section 25214.10.1, subdivisions (c)(1) and (c)(2). The notice shall include all covered electronic devices listed in subsection (e) of this section that are manufactured by the manufacturer and shall include the information specified in subsection (b)(3) of this section .

(2) A manufacturer who distributes any covered electronic device for which a notice was not provided as required in subsection (b)(1) of this section, shall provide the notice to the retailer(s) no later than the date the retailer(s) first receives the covered electronic device. A manufacturer who provides a notice pursuant to subsection (b)(2) of this section remains subject to penalties for any noncompliance with subsection (b)(1) of this section .

(3) The notice shall include all of the following:

(A) The brand name(s) of each of the covered electronic devices.

(B) A general description of each of the covered electronic devices [e.g., cathode ray tube (CRT)-television, laptop computer, liquid crystal display (LCD) monitor, etc.].

(C) The viewable screen size for each covered electronic device. As used in this section, viewable screen size means the diagonal measurement of the output surface, as viewed by the operator of the covered electronic device, excluding any plastic, wood, metal, or other bezel material that surrounds the video display surface.

(D) At least one of the following: the product group or family, model number or series, part number or series, or a similar descriptor for each covered electronic device that will enable the retailers to determine that the electronic device is a covered electronic device. For example, a notification could include a statement such as “All (brand name) XYZ series, 15-inch through 21-inch, LCD-desktop computer monitors and all bundled computer systems containing these monitors,” rather than delineating each XYZ monitor individually.

(c) A manufacturer who incorrectly determines that a product it produces is not a listed device or fails to make a notification pursuant to subsection (b) of this section is in violation of the requirements of this division.

(d) A manufacturer may determine that it produces an electronic device which is listed in subsection (e) of this section but which is nonhazardous, and if so, may apply to the Department for concurrence with its nonhazardous determination through the procedure set forth in section 66260.200(d).

(e) The following electronic devices are covered electronic devices pursuant to chapter 8.5 of part 3 of division 30 of the Public Resources Code section 42460 et seq., if they have a viewable screen size [as defined in subsec. (b)(3)(C) of this section] greater than four inches:

- (1) CRT-containing devices (CRT devices);
- (2) CRTs;
- (3) CRT-containing computer monitors;
- (4) LCD-containing laptop computers;
- (5) LCD-containing desktop monitors;
- (6) CRT-containing televisions;
- (7) LCD-containing televisions (**excluding LCD projection televisions**);
- (8) Plasma televisions (**excluding plasma projection televisions**); and
- (9) Portable DVD players with LCDs.

§66260.202 Restrictions on the Use of Heavy Metals in Covered Electronic Devices.

(a) On or after January 1, 2007, no person shall sell or offer for sale in California, a covered electronic device if the device is prohibited from being sold or offered for sale in the European Union on or after its date of manufacture due to the concentration of one or more heavy metals in the device exceeding its maximum concentration value, as specified in the Commission of European Communities' Decision of August 18, 2005, amending Directive 2002/95/EC (European Union document 2005/618/EC), or as specified in a subsequent amendment to the Directive.

(b) The prohibition in subsection (a) applies only to a covered electronic device that is manufactured on or after January 1, 2007.

(c) The prohibition in subsection (a) does not apply to a covered electronic device that is sold or offered for sale in California only for purposes of resale or offering for resale to persons outside of California.

(d) In determining the concentrations of metals for compliance with subsection (a), the Department shall not consider any cadmium, chromium, lead, or mercury, or any component containing any of those metals, which has been exempted by Directive 2002/95/EC, or by an amendment to the Directive.

(e) The prohibition established by subsection (a) of this section does not apply to a covered electronic device that would be prohibited from sale or being offered for sale in California based solely on metals used to meet consumer, health or safety requirements.

Chapter 11

§66261.9. Requirements for Universal Waste.

(a) The hazardous wastes listed in this section are exempt from the management requirements of chapter 6.5 of division 20 of the Health and Safety Code and its implementing regulations except as specified in chapter 23 and, therefore, are not fully regulated as hazardous wastes. The wastes listed in this section are subject to regulation pursuant to chapter 23 and shall be known as "universal wastes."

(1) Batteries, as described in section 66273.2, subsection (a);

(2) Electronic devices, as described in section 66273.3, subsection (a);

(3) Mercury-containing equipment, as described in section 66273.4, subsection (a);

(4) Lamps, as described in section 66273.5, subsection (a) (including, but not limited to, M003 wastes);

(5) Cathode ray tubes, as described in section 66273.6, subsection (a);

(6) Cathode ray tube glass, as described in section 66273.7, subsection (a);

and

(7) Aerosol cans, as specified in Health and Safety Code section 25201.16.

(b) **Unless specified otherwise in section 66273.60**, universal wastes shall be managed as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division upon arrival at a destination facility.

Appendix X

List of Chemical Names and Common Names for Hazardous Wastes and Hazardous Materials

Waste epoxides (X, I)

Waste (or slop) oil (X)

Weed Killer (X)

(c) This subsection sets forth a list of electronic devices that are presumed to be hazardous wastes and that are "covered electronic device[s]" pursuant to chapter 8.5 of part 3 of division 30 of the Public Resources Code section 42460 et seq., if they have a viewable screen size [as defined in sec. 66260.201, subsec. (b)(3)(C)] greater than four inches, unless it is determined that the electronic device is not a hazardous waste pursuant to the procedures set forth in section 66262.11. The hazardous characteristic that serves as a basis for listing the common names of electronic devices is toxicity.

(1) Cathode ray tube (CRT)-containing devices (CRT devices);

(2) CRTs;

(3) CRT-containing computer monitors;

(4) Liquid crystal display (LCD)-containing laptop computers;

(5) LCD-containing desktop monitors;

(6) CRT-containing televisions;

- (7) LCD-containing televisions (**excluding LCD projection televisions**);
- (8) Plasma televisions (**excluding plasma projection televisions**); and
- (9) Portable DVD players with LCDs.

Chapter 14. Standards for Owners and Operators of Hazardous Waste Transfer, Treatment, Storage, and Disposal Facilities

Article 1. General

§66264.1. Purpose, Scope and Applicability.

(a) The purpose of this chapter is to establish minimum standards which define the acceptable management of hazardous waste.

(b) The standards in this chapter apply to owners and operators of all facilities which transfer, treat, store, or dispose of hazardous waste, except as specifically provided otherwise in this chapter or chapters 11, 12 or 13 of this division.

(c) The requirements of this chapter apply to a person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Federal Marine Protection, Research, and Sanctuaries Act (33 U.S.C. section 1401, et seq.) only to the extent they are included in a permit by rule granted to such a person under chapter 20 of this division. Such person shall comply with the requirements of chapter 14 of this division when transferring, treating or storing hazardous waste before it is loaded onto an ocean vessel for incineration or disposal at sea.

(d) The standards in this chapter apply to owners and operators of all destination facilities, as defined in section 66273.9, that transfer, treat, store, or dispose of universal waste listed in section 66261.9, except as specifically provided otherwise in section 66273.60, subsections (b) and (c).

(e) The requirements of this chapter apply to the owner or operator of a POTW which transfers, treats, stores, or disposes of hazardous waste only to the extent they are included in a permit by rule granted to such a person under chapter 20 of this division.

(f) (Reserved)

(g) The requirements of this chapter do not apply to:

(1) (reserved);

(2) the owner or operator of a facility managing recyclable materials described in section 66261.6(a)(2)(B) of this division (except to the extent they are referred to in article 8 of chapter 16 of this division);

(3) a generator accumulating waste on-site in compliance with section 66262.34 of this division;

(4) a farmer disposing of waste pesticides from the farmer's own use in compliance with section 66262.70 of this division;

(5) (reserved);

(6) (reserved);

(7) (reserved);

(8)(A) except as provided in subsection (g)(8)(B) of this section, a person engaged in treatment or containment activities during immediate response to any of the following situations:

1. a discharge of a hazardous waste;
2. an imminent and substantial threat of a discharge of hazardous waste;
3. a discharge of a material which, when discharged, becomes a hazardous

waste;

(B) an owner or operator of a facility otherwise regulated by this chapter shall comply with all applicable requirements of articles 3 and 4 of this chapter;

(C) any person who is covered by subsection (g)(8)(A) of this section and who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this chapter and chapter 21 of this division for those activities;

(D) In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit shall retain records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition. For the purposes of this subsection, the term "military munitions" is as defined in 40 Code of Federal Regulations section 260.10. The requirements of this subsection apply only to military munitions that are regulated under the federal act, as defined in Health and Safety Code section 25115.1;

(9) a transporter storing manifested shipments of hazardous waste in containers at a transfer facility, or a transfer facility storing manifested shipments of hazardous waste in containers, for six days or less, or 10 days or less for transfer facilities in areas zoned industrial by the local planning authority, and meeting the requirements of sections 66262.30 and 66263.18;

(10) the addition of absorbent material to waste in a container (as defined in section 66260.10 of this division) or the addition of waste to absorbent material in a container, provided that these actions occur at the time waste is first placed in the container; and sections 66264.17(b), 66264.171, and 66264.172 are complied with;

(11) persons managing hazardous waste in a hazardous waste management unit not subject to 40 Code of Federal Regulations Part 264 (incorporated by reference in section 66260.11 of this division) pursuant to an exemption in 40 Code of Federal Regulations Section 264.1(g), if the waste managed in that unit is identified as a hazardous waste solely because it exhibits the characteristic of toxicity set forth in section 66261.24(a)(1) of this division.

(12) universal waste handlers and universal waste transporters, as defined in chapter 23 of this division, who manage universal waste as listed in section 66261.9. These universal waste handlers and universal waste transporters are subject to regulation under chapter 23 when managing universal wastes listed in section 66261.9 of this division.

(h) The requirements of this chapter apply to owners or operators of all facilities that transfer, treat, store, or dispose of hazardous wastes referred to in chapter 18 of this division.

Chapter 15. Interim Status Standards for Owners and Operators of Hazardous Waste Transfer, Treatment, Storage, and Disposal Facilities

Article 1. General

§66265.1. Purpose, Scope, and Applicability.

(a) The purpose of this chapter is to establish minimum standards that define the acceptable management of hazardous waste during the period of interim status and until certification of final closure or, if the facility is subject to post-closure requirements, until post-closure responsibilities are fulfilled.

(b) Except as provided in section 66265.1080(b), the standards of this chapter, and of article 15.5 of chapter 14 of this division, apply to owners and operators of facilities that transfer, treat, store or dispose of hazardous waste who have fully complied with the requirements for interim status under Health and Safety Code section 25200.5 and section 66270.10 of this division until either a permit is issued under Health and Safety Code section 25200 or until applicable closure and post-closure responsibilities specified in this chapter are fulfilled, and those owners and operators of facilities in existence on November 19, 1980 who have failed to provide timely notification as required by 42 U.S.C. section 6930(a) and/or failed to file Part A of the permit application as required by section 66270.10(e) and (g). These standards apply to all transfer, treatment, storage and disposal of hazardous waste at these facilities, except as specifically provided otherwise in this chapter or chapters 11, 12 or 13 of this division.

(c) Notwithstanding subsection (b), no facility shall operate under interim status if the owner or operator has failed to file Part A of the permit application as required by section 66270.10(e) and (g). A facility operating under interim status shall not:

(1) manage hazardous wastes which are not specified in Part A of the permit application;

(2) employ processes not described in Part A of the permit application; or

(3) exceed the design capacities specified in Part A of the permit application.

(d) The standards in this chapter apply to owners and operators of all destination facilities, as defined in section 66273.9, that transfer, treat, store, or dispose of universal waste listed in section 66261.9, except as specifically provided otherwise in section 66273.60, subsections (b) and (c).

(e) The requirements of this chapter do not apply to:

(1) a person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Federal Marine Protection, Research, and Sanctuaries Act (33 U.S.C. section 1401, et. seq). Such person shall comply with the requirements of this chapter when transferring, treating or storing hazardous waste before it is loaded onto an ocean vessel for incineration or disposal at sea, as provided in subsection (b) of this section;

(2) [reserved];

(3) the owner or operator of a POTW which transfers, treats, stores, or disposes of hazardous waste;

(4) [reserved];

(5) [reserved];

(6) the owner or operator of a facility managing recyclable materials described in section 66261.6(a)(2)(B) of this division (except to the extent they are referred to in article 8 of chapter 16 of this division);

(7) a generator accumulating waste on-site in compliance with section 66262.34 of this division, except to the extent the requirements are included in section 66262.34 of this division;

(8) a farmer disposing of waste pesticides from the farmer's own use in compliance with section 66262.70 of this division;

(9) [reserved];

(10) [reserved];

(11)(A) except as provided in subsection (d)(11)(B) of this section, a person engaged in treatment or containment activities during immediate response to any of the following situations:

1. a discharge of a hazardous waste;
2. an imminent and substantial threat of a discharge of a hazardous waste;
3. a discharge of a material which, when discharged, becomes a hazardous waste;

(B) an owner or operator of a facility otherwise regulated by this chapter shall comply with all applicable requirements of articles 3 and 4 of this chapter;

(C) any person who is covered by subsection (d)(11)(A) of this section and who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this chapter and chapter 21 of this division for those activities.

(D) In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit shall retain records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition. For the purposes of this subsection, the term "military munitions" is as defined in 40 Code of Federal Regulations section 260.10. The requirements of this subsection apply only to military munitions that are regulated under the federal act, as defined in Health and Safety Code section 25115.1;

(12) a transporter storing manifested shipments of hazardous waste in containers at a transfer facility, or a transfer facility storing manifested shipments of hazardous waste in containers, for six days or less, or 10 days or less for transfer facilities in areas zoned industrial by the local planning authority, and meeting the requirements of sections 66262.30 and 66263.18;

(13) the addition of absorbent material to waste in a container (as defined in section 66260.10 of this division) or the addition of waste to the absorbent material in a container provided that these actions occur at the time waste is first placed in the containers; and sections 66265.17(b), 66265.171, and 66265.172 are complied with;

(14) persons managing hazardous waste in a hazardous waste management unit not subject to 40 Code of Federal Regulations Part 265 (incorporated by reference in section 66260.11 of this division) pursuant to an exemption in 40 Code of Federal Regulations section 265.1(c), if the waste managed in that unit is identified as a

hazardous waste solely because it exhibits the characteristic of toxicity set forth in section 66261.24(a)(1) of this division.

(15) universal waste handlers and universal waste transporters, as defined in chapter 23 of this division, who manage universal waste as listed in section 66261.9. These universal waste handlers and universal waste transporters are subject to regulation under chapter 23 when managing universal wastes listed in section 66261.9 of this division.

(f) The owner or operator of a facility under subsections (d)(1) through (3) of this section shall be subject to the requirements of chapter 14 of this division to the extent they are included in a permit granted to such a person under 40 Code of Federal Regulations Part 122 or under Subchapter H (commencing with Part 220) of chapter I of 40 Code of Federal Regulations.

(g) The following hazardous wastes shall not be managed at facilities subject to regulation under this chapter:

(1) EPA Hazardous Waste Nos. F020, F021, F022, F023, F026, or F027 unless:

(A) the wastewater treatment sludge is generated in a surface impoundment as part of the plant's wastewater treatment system;

(B) the waste is stored in tanks or containers;

(C) the waste is stored or treated in waste piles that meet the requirements of section 66264.250(c) as well as all other applicable requirements of article 12 of this chapter;

(D) the waste is burned in incinerators that are certified pursuant to the standards and procedures in section 66265.352; or

(E) the waste is burned in facilities that thermally treat the waste in a device other than an incinerator and that are certified pursuant to the standards and procedures in section 66265.383.

(h) The requirements of this chapter apply to owners or operators of all facilities which transfer, treat, store or dispose of hazardous waste referred to in chapter 18 of this division, and the chapter 18 standards are considered material conditions or requirements of the chapter 15 interim status standards.

Chapter 23. Standards for Universal Waste Management

Article 1. General

§66273.1. Scope.

(a) This chapter establishes requirements for managing universal wastes, as defined in section 66273.9. The following universal wastes are subject to regulation pursuant to this chapter:

(1) Batteries, as described in section 66273.2, subsection (a);

(2) Electronic devices, as described in section 66273.3, subsection (a);

(3) Mercury-containing equipment, as described in section 66273.4, subsection (a);

(4) Lamps, as described in section 66273.5, subsection (a) (including, but not limited to, M003 wastes);

(5) Cathode ray tubes, as described in section 66273.6, subsection (a);

(6) Cathode ray tube glass, as described in section 66273.7, subsection (a);

and

(7) Aerosol cans, as specified in Health and Safety Code section 25201.16.

(b) This chapter provides an alternative set of management standards in lieu of regulation as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division. **The alternative management standards of articles 1 through 3 of this chapter do not apply to destination facilities, as defined in section 66273.9, except as otherwise specified in section 66273.60, subsections (b) or (c).**

§66273.2. Applicability--Batteries.

(a) Batteries covered pursuant to chapter 23. The requirements of this chapter apply to persons managing batteries, as defined in section 66273.9, except those listed in subsection (b) of this section.

(b) Batteries not covered pursuant to this chapter.

(1) State Regulated Batteries.

The requirements of this chapter do not apply to persons managing the following batteries:

(A) Automotive-type spent lead-acid storage batteries. Automotive-type spent lead-acid storage batteries shall be managed pursuant to article 7 of chapter 16 of this division. Small sealed lead-acid storage batteries are not automotive-type lead-acid storage batteries.

(B) Batteries that are not yet wastes pursuant to chapter 11 of this division, including those that do not meet the criteria for waste generation in subsection (c) of this section.

(C) Batteries that do not exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11 of this division.

(2) Federally Regulated Batteries.

(A) The requirements of this chapter do not apply to persons collecting, storing or transporting batteries that are subject to subsection (a) of section 104 [42 U.S.C. §14323(a)] of the federal Mercury-Containing and Rechargeable

Battery Management Act (42 U.S.C. §14301, et. seq.). The Act requires that the collection, storage, and transportation of such batteries be regulated pursuant to applicable 40 Code of Federal Regulations part 273 standards.

(c) Generation of waste batteries.

(1) A used battery becomes a waste on the date it is discarded (e.g., when stored prior to being sent for reclamation).

(2) Unused batteries.

(A) An unused battery that is not a retrograde material becomes a waste on the date it is discarded (e.g., when stored prior to being sent for reclamation).

(B) An unused battery that is a retrograde material becomes a waste on the date that it becomes a recyclable material pursuant to subsection (e) of the definition of "recyclable materials" in section 66260.10.

§66273.3. Applicability—Electronic Devices.

(a) Electronic devices covered pursuant to chapter 23.

(1) The requirements of this chapter apply to persons managing electronic devices, as defined in section 66273.9, except those listed in subsection (b) of this section.

(2) Discarded electronic devices that are hazardous solely because they exhibit the characteristic of toxicity specified in section 66261.24 and/or are listed in article 4.1 of chapter 11 of this division may be managed as universal wastes.

(b) Electronic devices not covered pursuant to this chapter.

The requirements of this chapter do not apply to persons managing the following electronic devices:

(1) Electronic devices that are not yet wastes pursuant to chapter 11 of this division. Subsection (c) of this section describes when electronic devices become wastes.

(2) Electronic devices that do not exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11 and that are not otherwise identified as hazardous waste pursuant to chapter 11 of this division.

(3) Electronic devices that exhibit any characteristic of a hazardous waste other than the characteristic of toxicity. Such electronic devices shall be managed as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division.

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

(5) Electronic devices that are managed as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division;

(6) Electronic devices that were previously identified as wastes pursuant to chapter 11, but are no longer identified as wastes (e.g., a discarded electronic device that is refurbished and is returned to service).

(c) Generation of waste electronic devices.

(1) A used electronic device becomes a waste on the date it is discarded (e.g., when stored prior to being sent for reclamation).

(2) Unused electronic devices.

(A) An unused electronic device that is not a retrograde material becomes a waste on the date it is discarded (e.g., when stored prior to being sent for reclamation).

(B) An unused electronic device that is a retrograde material becomes a waste on the date that it becomes a recyclable material pursuant to subsection (e) of the definition of "recyclable materials" in section 66260.10.

(d) A respondent in an action to enforce regulations implementing this division who claims that an electronic device is not a waste bears the burden of demonstrating that there is a known market or disposition for its use as an electronic device.

§66273.4. Applicability—Mercury-Containing Equipment.

(a) Mercury-containing equipment covered pursuant to chapter 23. Except as provided in subsection (b) of this section, the requirements of this chapter apply to persons managing the following mercury-containing equipment:

(1) Thermostats, as defined in section 66273.9.

(2) Mercury switches:

(A) Mercury-containing motor vehicle light switches, as defined in section 66273.9, that meet listing description M001 in section 66261.50, motor vehicles that contain such switches, and portions of motor vehicles that contain such switches;

(B) Non-automotive mercury switches, as defined in section 66273.9, that meet listing description M002 in section 66261.50, and products that contain such switches.

(3) Dental amalgam, as defined in section 66273.9.

(4) Pressure or vacuum gauges, as defined in section 66273.9.

(5) Mercury-added novelties, as defined in section 66273.9 that meet listing description M004 in section 66261.50.

(6) Mercury counterweights and dampers, as defined in section 66273.9, and products containing mercury counterweights and dampers.

(7) Thermometers, as defined in section 66273.9.

(8) Dilators and weighted tubing, as defined in section 66273.9.

(9) Mercury-containing rubber flooring, as defined in section 66273.9.

(10) Gas flow regulators, as defined in section 66273.9.

(b) Mercury-containing equipment not covered pursuant to this chapter. The requirements of this chapter do not apply to persons managing the following mercury-containing equipment:

(1) Mercury-containing equipment that is not yet a waste pursuant to chapter 11 of this division. Subsection (c) of this section describes when mercury-containing equipment becomes a waste.

(2) Mercury-containing equipment that does not exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11 and is not listed in article 4.1 of chapter 11 of this division.

(3) Mercury-containing equipment from which the mercury-containing components have been removed (e.g., motor vehicles, motor vehicle switches,

novelties). (If it exhibits a characteristic of a hazardous waste in article 3 of chapter 11, such equipment is regulated as a hazardous waste pursuant to chapters 10 through 16, 18, and 20 through 22 of this division.)

(4) Switches that do not contain mercury. (If they exhibit a characteristic of a hazardous waste in article 3 of chapter 11, such switches are regulated as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division.)

(5) Waste mercury-containing equipment other than thermostats, mercury-added novelties containing no liquid mercury, and mercury-containing rubber flooring, that is destined for disposal or is disposed to a class I landfill. Such mercury-containing equipment is regulated as a hazardous waste pursuant to chapters 10 through 16, 18, and 20 through 22 of this division.

(6) Waste motor vehicles, portions of motor vehicles, appliances, and portions of appliances from which all mercury light switches have not been removed (other than switches that cannot be removed due to accidental damage to the vehicle), and that are crushed, baled, sheared, or shredded. (If they exhibit a characteristic of a hazardous waste in article 3 of chapter 11, such motor vehicles, portions of motor vehicles, appliances, or portions of appliances are regulated as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division.)

(7) Empty used dental-amalgam capsules. (If they exhibit a characteristic of a hazardous waste in article 3 of chapter 11, such dental-amalgam capsules are regulated as hazardous wastes pursuant to chapters 10 through 22 of this division.)

(8) Waste thermometers that do not use the expansion and contraction of a column of mercury to measure temperature. (If they exhibit a characteristic of a hazardous waste in article 3 of chapter 11, such thermometers are regulated as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division.)

(c) Generation of waste mercury-containing equipment.

(1) Used mercury-containing equipment becomes a waste on the date it is discarded (e.g., when stored prior to being sent for reclamation) or, for M001 portions of motor vehicles, when the M001 portion is first removed from the motor vehicle.

(2) Unused mercury-containing equipment.

(A) Unused mercury-containing equipment that is not a retrograde material becomes a waste on the date it is discarded (e.g., when stored prior to being sent for reclamation).

(B) Unused mercury-containing equipment that is a retrograde material becomes a waste on the date that it becomes a recyclable material pursuant to subsection (e) of the definition of "recyclable materials" in section 66260.10.

(3) A motor vehicle from which any mercury-containing light switches have not been removed becomes a waste on the date the decision is made to crush, bale, shear, or shred it.

(4) Dental-amalgam particles contained in reusable chair side traps, reusable vacuum pump filters, and dental-amalgam separators become wastes on the date they are removed from these traps, filters, and separators.

(5) An unused mercury counterweight or damper, or an unused product containing one or more mercury counterweights or dampers, becomes a waste on the date the decision is made to discard it.

§66273.5. Applicability--Lamps.

(a) Lamps covered pursuant to chapter 23. Except as provided in subsection (b) of this section, the requirements of this chapter apply to persons managing the following:

(1) Lamps, as defined in section 66273.9, that exhibit a characteristic of a hazardous waste, as set forth in article 3 of chapter 11 of this division;

(2) Mercury-added lamps, as defined in section 66273.9, that meet listing description M003 in section 66261.50; and/or

(3) Products that contain lamps and/or mercury-added lamps.

(b) Lamps not covered pursuant to this chapter. The requirements of this chapter do not apply to persons managing the following:

(1) Lamps that are not yet wastes pursuant to chapter 11 of this division as provided in subsection (c) of this section.

(2) Lamps that do not exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11 of this division and do not contain mercury (i.e., lamps that do not meet the listing description for M003 wastes in section 66261.50).

(3) Lamps which are destined for disposal or are disposed to a class I landfill. Such lamps are regulated as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division.

(4) Vehicles that contain mercury-added lamps, unless such vehicles exhibit a characteristic of a hazardous waste, as set forth in article 3 of chapter 11 of this division.

(5) Waste motor vehicles from which all mercury-added lamps have not been removed that are crushed, baled, sheared, or shredded. (If they exhibit a characteristic of a hazardous waste in article 3 of chapter 11, such motor vehicles are regulated as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division.)

(c) Generation of waste lamps.

(1) A used lamp becomes a waste on the date it is discarded (e.g., when stored prior to being sent for reclamation).

(2) Unused lamps.

(A) An unused lamp that is not a retrograde material becomes a waste on the date it is discarded (e.g., when stored prior to being sent for reclamation) .

(B) An unused lamp that is a retrograde material becomes a waste on the date that it becomes a recyclable material pursuant to subsection (e) of the definition of "recyclable materials" in section 66260.10.

§66273.6. Applicability—Cathode Ray Tubes (CRTs).

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

(b) CRTs not covered pursuant to this chapter. The requirements of this chapter

do not apply to the following CRTs:

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

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

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

(4) CRTs that are managed as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division;

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

(c) Generation of waste CRTs.

A CRT becomes a waste on the date when the earlier of the following occurs:

(1) The owner discards the CRT; or

(2) The CRT is physically cracked, broken, or shattered.

(3) Unused CRTs.

(A) An unused CRT that is not a retrograde material becomes a waste on the date it is discarded (e.g., when stored prior to being sent for reclamation).

(B) An unused CRT that is a retrograde material becomes a waste on the date that it becomes a recyclable material pursuant to subsection (e) of the definition of “recyclable materials” in section 66260.10.

§66273.7. Applicability – Cathode Ray Tube (CRT) Glass.

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

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

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

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

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

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

(c) Generation of waste CRT glass.

(1) CRT glass becomes a waste on the date when CRT glass is released or derived from a CRT or a CRT device.

(2) Unused CRT glass.

(A) Unused CRT glass that is not a retrograde material becomes a waste on the date it is discarded (e.g., when stored prior to being sent for reclamation).

(B) Unused CRT glass that is a retrograde material becomes a waste on the date that it becomes a recyclable material pursuant to subsection (e) of the definition of "recyclable materials" in section 66260.10.

§66273.8. Exemptions.

(a) Household universal waste generator exemption.

A person who maintains a household, as defined in section 66273.9, and who produces universal waste derived from that household, is a generator, as defined in section 66273.9, of household universal waste. Such a generator is exempt from the requirements of this chapter applicable to a universal waste handler, as defined in section 66273.9, with respect to the management of that generator's household universal waste, provided that:

(1) The generator does not dispose of the universal waste;

(2) The universal waste is relinquished to another universal waste handler, a universal waste transporter (e.g., for curbside collection), a destination facility, or an authorized curbside household hazardous waste collection program;

(3) The generator does not treat the universal waste, except as follows:

(A) The generator treats the universal waste pursuant to one or more of the following provisions of this chapter and complies with subsection (a)(3)(B) of this section:

1. Section 66273.33, subsections (a)(2), (b)(3), (c)(5)(C)1.a., and/or (c)(7) as referenced in section 66273.33, subsections (c)(4)(B)2., (c)(5)(B)2.b., and/or (c)(5)(C)4.b.; and/or

2. Sections: 66273.71, subsection (b); 66273.72, subsections (b)(1), (c)(1), (d)(1), and/or (e)(1).

(B) The generator ensures that all materials produced from treating the universal waste are properly classified and managed in accordance with any applicable requirements of this division.

(b) Conditionally exempt small quantity universal waste generator exemption.

A conditionally exempt small quantity universal waste generator, as defined in section 66273.9, is exempt from the requirements of this chapter applicable to a universal waste handler, as defined in section 66273.9, with respect to the management of that generator's universal waste, provided the conditions set forth in **subsections (a)(1) through (a)(3) of this section are met.**

§66273.9. Definitions.

When used in this chapter, the terms listed in this section have the meanings given below. Unless otherwise specified, listed terms that cross-reference the definitions of other listed terms refer to the definitions set forth in this section for those other terms.

Terms that are also defined in chapter 10 of this division are duplicated here solely for convenience of the regulated community. Terms used in this chapter that are not defined in this section but are defined in chapter 10 of this division and/or chapter 6.5 of division 20 of the Health and Safety Code have the meanings given in those sources.

“Ampule” means an airtight vial made of glass, plastic, metal, or any combination of these materials.

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

“Cathode ray tube” means a vacuum tube or picture tube used to convert an electrical signal into a visual image.

“CESQUWG” see “Conditionally exempt small quantity universal waste generator.”

“Closure” means the act of closing a universal waste handler’s facility pursuant to the requirements of article 7 of this chapter.

“Conditionally exempt small quantity universal waste generator” means a generator of universal waste who:

(a) generates no more than 100 kilograms (220 pounds) of RCRA hazardous wastes, including universal wastes that are RCRA hazardous wastes, and no more than 1 kilogram (2.2 pounds) of acutely hazardous waste in any calendar month; and

(b) remains in compliance with 40 CFR section 261.5.

“CRT” see “Cathode ray tube.”

“CRT glass” means any glass released or derived from the treatment or breakage of one or more CRTs or CRT devices and subsequently reclaimed at a CRT glass manufacturer, or a primary or secondary lead smelter.

“Current closure cost estimate” means the most recent of the estimates prepared in accordance with article 7 of this chapter.

“Dental amalgam” means dental amalgam chunks, dental amalgam fines, mixtures containing dental amalgam fines, single-use dental amalgam traps that contain dental amalgam, dental amalgam sludge, vacuum pump filters that contain dental amalgam, and extracted teeth with amalgam restorations.

“Destination facility” means a facility that treats, disposes of, or recycles a particular category of universal waste pursuant to section 66273.60. A facility at which a particular category of universal waste is only accumulated is not a destination facility for purposes of managing that category of universal waste.

“Dilators and weighted tubing” means mercury-containing dilators and weighted tubing used in medical procedures. “Dilators and weighted tubing” include, but are not limited to, bougie tubes, Canter tubes, and Miller-Abbot tubes.

“Electronic device” means any electronic device that is identified as hazardous waste because it either exhibits the characteristic of toxicity as specified in article 3 of chapter 11 of this division, and/or is a listed hazardous waste as specified in article 4.1

of chapter 11 of this division. Examples of electronic devices include: computer monitors, televisions, cash registers and oscilloscopes (**CRT devices**), computers, computer peripherals, telephones, answering machines, radios, stereo equipment, tape players/recorders, phonographs, video cassette players/recorders, compact disc players/recorders, calculators, and some appliances. **Electronic device does not mean a major appliance, as defined in Public Resources Code section 42166, or other devices which are comprised largely of metals, qualify as "scrap metal" as defined in section 66260.10, and are recycled.**

"Flame sensor" means a device, usually found in a gas-fired appliance, that uses the expansion and contraction of liquid mercury contained in a probe to open and shut a valve.

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

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

"Gauge" see "Pressure or vacuum gauge."

"Generator" means:

(a) Any person, by site, whose act or process produces hazardous waste identified or listed in chapter 11 of this division or whose act first causes a hazardous waste to become subject to regulation.

(b) Any person, by site, whose act or process produces universal waste or whose act first causes a universal waste to become subject to regulation.

"Handler of universal waste" see "Universal waste handler."

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

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

"Management" means the handling, storage, transportation, processing, treatment, recovery, recycling, transfer and disposal of hazardous waste (including universal waste).

"Mercury-added lamp" means a lamp to which elemental mercury has been added as an essential part of the manufacturing process used to create that lamp. Examples of common mercury-added lamps include, but are not limited to, fluorescent lamps and mercury vapor lamps.

"Mercury-added novelty" means a mercury-added product intended mainly for personal or household enjoyment or adornment. A "mercury-added novelty" includes, but is not limited to, any item intended for use as a practical joke, figurine, adornment, toy, game, card, ornament, yard statue or figure, candle, jewelry, holiday decoration, and item of apparel, including footwear.

"Mercury-containing equipment" means a thermostat, mercury switch,

thermometer, dental amalgam, pressure or vacuum gauge, mercury-added novelty, mercury counterweight and damper, dilator and weighted tubing, mercury-containing rubber flooring, and gas flow regulator.

“Mercury-containing motor vehicle light switch” means any light switch found in the hood or in the trunk lid of a motor vehicle, if the light switch contains mercury.

“Mercury-containing motor vehicle switch” means any motor vehicle switch that contains mercury including, but not limited to, a mercury-containing motor vehicle light switch.

“Mercury-containing rubber flooring” means any rubber flooring material formulated with intentionally added mercury.

“Mercury counterweights and dampers” means enclosed devices that use liquid mercury for weight or dampening; “mercury counterweights and dampers” includes, but is not limited to, a mercury bow stabilizer used in archery, a mercury recoil suppressor used in shooting, and a mercury counterweight used in a clock.

“Mercury gas flow regulator” see “Gas flow regulator.”

“Mercury switch” means an electrical switch that employs mercury to make an electrical contact. “Mercury switch” includes, but is not limited to, the following mercury-containing switches: mercury-containing motor vehicle switches, tilt switches, vibration-sensing switches, off-balance switches, float switches, silent light switches, and relays.

“Mercury thermometer” see “Thermometer.”

“Non-automotive mercury switch” means any mercury switch other than a mercury-containing motor vehicle switch.

“Onsite” means the same or geographically contiguous property which may be divided by public or private right-of-way, provided that the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along the right-of-way. Non-contiguous properties owned by the same person but connected by a right-of-way which the person controls and to which the public does not have access, are also considered onsite property.

“Pressure or vacuum gauge” means any device in which pressure or vacuum is measured using the height of a column of liquid mercury. “Pressure or vacuum gauge” includes, but is not limited to, barometers, manometers, and sphygmomanometers.

“Producer” see “Generator.”

"Scrap metal" means (a) any one or more of the following, except as provided in subsection (b) of this section:

(1) manufactured, solid metal objects and products;

(2) metal workings, including cuttings, trimmings, stampings, grindings, shavings and sandings;

(3) solid metal residues of metal production; or

(4) printed circuit boards that are recycled [except for printed circuit boards referenced in subsec. (b)(7) of this section].

(b) "Scrap metal" excludes all of the following:

(1) lead-acid storage batteries, waste elemental mercury, and water-reactive metals such as sodium, potassium and lithium;

(2) magnesium borings, trimmings, grindings, shavings and sandings and any other forms capable of producing independent combustion;

(3) beryllium borings, trimmings, grindings, shavings, sandings and any other forms capable of producing adverse health effects or environmental harm in the opinion of the Department;

(4) any metal contaminated with a hazardous waste, such that the contaminated metal exhibits any characteristic of a hazardous waste under article 3 of chapter 11 of this division;

(5) any metal contaminated with an oil that is a hazardous waste and that is free-flowing;

(6) sludges, fine powders, semi-solids and liquid solutions that are hazardous wastes; and

(7) any printed circuit board that has been removed from a universal waste electronic device by a universal waste handler as a result of the handler's conduct of activities authorized by sections 66273.71, 66273.72, and/or 66273.73 of chapter 23 of this division and is subject to management as a hazardous waste pursuant to sections 66273.71, 66273.72 and/or 66273.73.

“Thermometer” means any thermometer that uses the expansion and contraction of a column of mercury to measure temperature.

“Thermostat” means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element, and mercury-containing ampules that have been removed from these temperature control devices in compliance with the requirements of section 66273.33(c)(5).

“Treatment” or “treat” or “treating” means any method, technique, or process which changes or is designed to change the physical, chemical, or biological character or composition of any hazardous waste or any material contained therein, or removes or reduces its harmful properties or characteristics for any purpose including, but not limited to, energy recovery, material recovery or reduction in volume.

“Universal waste” means any of the wastes that are listed in section 66261.9.

“Universal waste dental amalgam” see “Dental amalgam.”

“Universal waste dilators and weighted tubing” see “Dilators and weighted tubing.”

“Universal waste gas flow regulator” see “Gas flow regulator.”

“Universal waste gauge” see “Pressure or vacuum gauge.”

“Universal waste handler”:

(a) Means:

(1) **A generator** (as defined in section 66260.10 and this section) of universal waste; or

(2) The **owner or operator of a facility**, including all contiguous property, **that receives** universal waste from other universal waste handlers, **accumulates** universal waste, and **sends universal waste** to another universal waste handler, to a destination facility, or to a foreign destination; or

(3) **The owner or operator of a facility who is authorized to treat universal waste pursuant to article 7 of this chapter.**

(b) Does not mean:

(1) A person who treats or recycles (except as allowed/authorized in this chapter), or disposes of, universal waste; or

(2) A person engaged in the offsite transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility; or

(3) The owner or operator of a destination facility.

“Universal waste lamp” see “Lamp.”

“Universal waste mercury counterweights and dampers” see “Mercury counterweights and dampers.”

“Universal waste mercury switch” see “Mercury switch.”

“Universal waste rubber flooring” see “Mercury-containing rubber flooring.”

“Universal waste thermometer” see “Thermometer.”

“Universal waste transfer facility” means any transportation-related facility including loading docks, parking areas, storage areas and other similar areas where shipments of universal waste are held during the normal course of transportation for ten days or less.

“Universal waste transporter” means a person engaged in the offsite transportation of universal waste by air, rail, highway, or water.

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

Article 2. [Reserved]

Article 3. Standards for Universal Waste Handlers

§66273.30. Applicability.

This article applies to universal waste handlers (as defined in section 66273.9).

§66273.31. Prohibitions.

A universal waste handler is:

(a) Prohibited from disposing of universal waste [however, a universal waste handler may send or take batteries, thermostats, mercury-added novelties containing no liquid mercury, and mercury-containing rubber flooring that are universal wastes to a destination facility for disposal]; and

(b) Prohibited from diluting or treating universal waste, except by responding to releases as provided in section 66273.37, or by managing specific wastes as provided in sections 66273.33 and 66273.33.5.

§66273.32. USEPA Notification, Department Notification, and Reporting Requirements for Universal Waste Handlers.

(a) USEPA notification requirements.

(1) Except as provided in subsections (a)(2) and (b) of this section, a universal waste handler shall have sent written notification of universal waste management to the Regional Administrator, and received a federal ID Number, before accumulating 5,000 kilograms of universal waste.

(2) A universal waste handler who has already notified the USEPA of the universal waste handler's hazardous waste management activities and has received an EPA Identification Number is not required to renotify pursuant to this section.

(b) A universal waste handler who accumulates 5,000 kilograms of universal waste, but who would not be required to notify the Regional Administrator pursuant to 40 Code of Federal Regulations section 273.32(a)(1) because the universal wastes handled are non-RCRA hazardous waste shall obtain an ID Number, as defined in section 66260.10, from the Department.

(c) Department notification requirements for universal waste handlers of **electronic devices, CRTs, and CRT glass.**

(1) Any universal waste handler who might accept and accumulate, but not treat, any **electronic device, CRT, and/or CRT glass from an offsite source** shall submit to the Department at the address given in subsection (e) or (f) of this section, an electronic or written notification containing the information specified in subsection (c)(2) of this section **no later than 30 calendar days prior to accepting** any electronic device, CRT and/or CRT glass.

(2) This notification shall include:

(A) Name of universal waste handler **(If the facility owner is different than the facility operator, also include the owner's name.);**

(B) ID Number of the universal waste handler, if applicable;

(C) Telephone number of universal waste handler;

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

(E) Name of the contact person at the universal waste handler's site who should be contacted regarding universal waste management activities;

(F) Telephone number of the contact person;

(G) An e-mail address for the contact person or organization, if available;

(H) The types of electronic devices, CRTs, and/or CRT glass expected to be handled;

(I) The sources of the electronic devices, CRTs, and/or CRT glass (i.e., residential collections, business asset recovery, other collectors, etc.); and

(J) A statement indicating whether the universal waste handler might accumulate 5,000 kilograms or more of universal waste at one time.

(3) Notifications made pursuant to this subsection shall be made for each location at which the universal waste handler accepts or accumulates electronic devices, CRTs and/or CRT glass from an offsite source.

(d) **Annual reporting** requirements for universal waste handlers of **electronic devices, CRTs, and CRT glass**.

(1) A universal waste handler that **accepts more than 100 kilograms (or 220 pounds) of electronic devices, CRTs, and CRT glass calculated collectively, from any offsite sources** in a calendar year shall, by February 1 of the following year, submit to the Department at the address given in subsection (e) or (f) of this section, an electronic or written annual report containing the information specified in subsection (d)(3) of this section. The information submitted pursuant to this subsection (d)(1) shall cover the electronic-device-handling, CRT-handling, and CRT-glass-handling activities conducted during the previous calendar year.

(2) A universal waste handler that **generates 5,000 kilograms (or 11,000 pounds; e.g., about 200 CRTs) or more of electronic devices, CRTs, and CRT glass calculated collectively**, in a calendar year shall, by February 1 of the following year, submit to the Department at the address given in subsection (e) or (f) of this section, an electronic or written annual report containing the information specified in subsection (d)(3) of this section. The information submitted pursuant to this subsection (d)(2) shall:

(A) Identify the electronic device-handling, CRT-handling, and CRT glass-handling activities conducted during the previous calendar year; and

(B) Include [in addition to the information specified in subsection (d)(3) of this section] the types of universal wastes (i.e., electronic devices, CRTs, and/or CRT glass calculated collectively) that the universal waste handler accumulated.

(3) This annual report shall include:

(A) Name of universal waste handler;

(B) ID Number of the universal waste handler, if applicable;

(C) Telephone number of universal waste handler;

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

(E) Name of the contact person at the universal waste handler's site who should be contacted regarding universal waste management activities;

(F) Telephone number of the contact person;

(G) An e-mail address for the contact person or organization, if available;

(H) The types of electronic devices, CRTs, and CRT glass handled;

(I) The following quantities handled, which include any quantities handled but not shipped:

1. The total quantity of electronic devices that are also CRT devices (count), handled during the previous calendar year;

2. The total quantity of CRTs (count) handled during the previous calendar year;

3. The total quantity of CRT glass (weight) handled during the previous calendar year; and

4. The total quantity of electronic devices that are not also CRT devices (count or weight) handled during the previous calendar year;

(J) A list consisting of:

1. The name, address, and telephone number for each of the locations to which the universal waste handler shipped electronic devices, CRTs, and CRT glass during the previous calendar year; and

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

a. The total quantity of electronic devices that are also CRT devices (count), shipped to that location during the previous calendar year;

b. The total quantity of CRTs (count) shipped to that location during the previous calendar year;

c. The total quantity of CRT glass (weight) shipped to that location during the previous calendar year; and

d. The total quantity of electronic devices that are not also CRT devices (count or weight) shipped to that location during the previous calendar year;

(K) Whenever necessary, a universal waste handler who utilizes a mass-based inventory system to quantify electronic devices that are also CRT devices, CRTs, and electronic devices that are not also CRT devices, may convert mass data to count data through application of an appropriate conversion factor (e.g., 30 pounds per CRT) to fulfill the annual reporting requirement of subsection (d) of this section. A universal waste handler who performs such a data conversion(s) shall indicate that the count data were derived from mass data and shall include the conversion factor(s) used, in the annual report.

(e) Electronic submissions. If submitted electronically through the Department's universal waste web-based reporting system, Department notifications and annual reports required pursuant to subsections (c) and (d) of this section shall be addressed to the Department at <http://www.dtsc.ca.gov>.

(f) Written submissions. If submitted in writing, Department notifications and annual reports required pursuant to subsections (c) and (d) of this section shall be sent to the Department by certified mail, return receipt requested, at the following address: Department of Toxic Substances Control, Universal Waste Notification and Reporting Staff, P.O. Box 806, Sacramento, CA 95812-0806, with the words "Attention: Universal Waste Handling Activities" prominently displayed on the front of the envelope.

§66273.33. Universal Waste Management Requirements for Batteries, Lamps, and Mercury-Containing Equipment.

The requirements of this section apply only to universal waste handlers of batteries, lamps **(including M003 wastes that contain lamps)**, and mercury-containing equipment. The corresponding requirements for universal waste handlers of electronic devices, CRTs, and CRT glass are set forth in section 66273.33.5. **Handlers of universal wastes that are both electronic devices and M003 wastes [e.g., an electronic device that contains a lamp [an M003 waste]] shall comply with this section and section 66273.33.5 for the management of those universal wastes. However, once lamp removal is completed on such waste, such waste shall no longer to be managed as M003 waste and it shall be managed as an electronic device pursuant to section 66273.33.5, if applicable.**

(a) Batteries. A universal waste handler shall manage batteries in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) A universal waste handler shall contain any battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container shall be closed, structurally sound, compatible with the battery and its contents, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(2) A universal waste handler may conduct the following activities as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but shall be immediately closed after removal):

- (A) Sorting batteries by type;
- (B) Mixing battery types in one container;
- (C) Discharging batteries so as to remove the electric charge;
- (D) Regenerating used batteries;
- (E) Disassembling batteries or battery packs into individual batteries or cells;
- (F) Removing batteries from consumer products; or
- (G) Removing electrolyte from batteries.

(3) A universal waste handler who removes electrolyte from batteries, or who generates other waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed in subsection (a)(2) of this section, shall determine whether the electrolyte and/or other waste exhibit a characteristic of hazardous waste identified in article 3 of chapter 11.

(A) If the electrolyte and/or other waste exhibit a characteristic of hazardous waste, it shall be managed in compliance with all applicable requirements of this division. The universal waste handler is considered the generator of the hazardous electrolyte and/or other waste and is subject to chapter 12.

(B) If the electrolyte or other waste is not hazardous, the universal waste handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

(b) Lamps (including M003 wastes that contain lamps). A universal waste handler shall manage lamps in a way that prevents releases of any universal waste or

component of a universal waste to the environment, as follows:

(1) A universal waste handler shall contain any lamp in a container or package that is structurally sound, adequate to prevent breakage, and compatible with the contents of the lamp. Such a container or package shall remain closed and shall lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

(2) A universal waste handler shall immediately clean up and place in a container any lamp that is broken and shall place in a container any lamp that shows evidence of leakage or damage that could cause the release of mercury or other hazardous constituents to the environment. Containers shall be closed, structurally sound, compatible with the contents of the lamps and shall lack evidence of leakage, spillage, or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions.

(3) A universal waste handler may remove a lamp from a product or structure, provided the universal waste handler removes the lamp in a manner designed to prevent breakage.

(c) Mercury-containing equipment.

(1) Accumulation. A universal waste handler who accumulates any mercury-containing equipment received from another universal waste handler shall:

(A) Comply with all applicable requirements for handling hazardous materials;

(B) Disclose in all applicable business and use permitting applications that mercury is being handled;

(C) Comply with the location standards in section 66265.18;

(D) Comply with the seismic and precipitation design standards in section 66265.25;

(E) Accumulate mercury-containing equipment only in locations that are zoned for commercial or industrial uses, are consistent with local zoning requirements and land use patterns, and do not pose site-specific land-use hazards or contain sensitive habitat area, based on a review of state and local planning documents and constraints mapping.

(2) Prevention of releases to the environment. A universal waste handler, who manages the types of mercury-containing equipment identified in subsections (c)(3) through (c)(5) of this section, shall comply with the requirements specified in those subsections.

(3) Mercury-containing rubber flooring. A universal waste handler shall manage mercury-containing rubber flooring in a way that prevents releases of any universal waste or component of a universal waste to the environment under reasonably foreseeable conditions.

(4) Dental amalgams and/or pressure or vacuum gauges. A universal waste handler shall manage dental amalgams and/or pressure or vacuum gauges in a way that prevents releases of any universal waste or component of a universal waste to the environment under reasonably foreseeable conditions, and shall:

(A) Comply with all of the following with respect to the dental amalgams:

1. Place dental amalgams (e.g., dental-amalgam scraps and fines, single-use dental-amalgam traps and filters, and extracted teeth with dental-amalgam restorations)

in airtight containers. The containers shall be kept closed, except when dental amalgams are being added or removed.

2. Not rinse dental-amalgam traps or filters into a sink.
3. Not place dental amalgams into medical waste containers.

(B) Comply with all of the following with respect to the pressure or vacuum gauges:

1. Manage pressure or vacuum gauges as follows:

a. All openings through which mercury could escape shall be securely closed with appropriately sized stoppers or other closures that are compatible with the contents of the pressure or vacuum gauge.

b. Each pressure or vacuum gauge shall be sealed in a plastic bag. Plastic bags containing pressure or vacuum gauges shall be placed into a container or package that is structurally sound, adequate to prevent breakage, and compatible with the contents of the pressure or vacuum gauge. The container or package shall remain closed (except when pressure or vacuum gauges are added or removed), and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container shall contain packing materials adequate to prevent breakage during storage, handling, and transportation.

c. Pressure or vacuum gauges shall be kept upright at all times during handling, accumulation, and transportation.

d. A mercury clean-up system shall be readily available to transfer immediately any mercury resulting from spills or leaks from pressure or vacuum gauges to an airtight container that meets the requirements of subsection (c)(4)(B)1.b. of this section.

2. Meet the requirements of subsection (c)(7) of this section, if removing liquid mercury from a pressure or vacuum gauge.

(5) All other mercury-containing equipment. A universal waste handler of the mercury-containing equipment listed in subsections (c)(5)(A) through (c)(5)(F) of this section (i.e., thermostats, mercury switches, mercury-added novelties, gas flow regulators, mercury counterweights and dampers, and/or dilators and weighted tubing) shall manage such equipment in a way that prevents releases of any universal waste or component of a universal waste to the environment under reasonably foreseeable conditions, and shall comply with the additional requirements specified in those subsections.

(A) Thermostats. A universal waste handler shall manage thermostats (and ampules removed from thermostats) in accordance with the requirements of subsection (c)(6)(A) of this section.

(B) Mercury switches and/or thermometers. A universal waste handler shall manage mercury switches and/or thermometers in accordance with the requirements of subsection (c)(6)(C) of this section and with the following requirements, as applicable:

1.a. Contain in a sealed plastic bag in a container, any mercury switch or thermometer that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container shall be closed (except when a mercury switch or thermometer is added or removed), structurally sound, and compatible with the contents of the mercury switches and/or thermometers, and shall lack evidence of leakage, spillage, or damage that could cause leakage under

reasonably foreseeable conditions. The container shall contain packing materials adequate to prevent breakage of mercury switches and/or thermometers during storage, handling, and transportation.

b. Accumulate thermometers in closed, non-leaking containers that are in good condition and shall pack thermometers with packing materials adequate to prevent breakage during storage, handling, and transportation.

2. Do the following, prior to crushing, baling, shearing, or shredding a motor vehicle equipped with one or more mercury switches that are also mercury-containing motor vehicle light switches:

a. Remove all such mercury switches (except those that cannot be removed due to accidental damage to the vehicle) or ensure that all such mercury switches (except those that cannot be removed due to accidental damage to the vehicle) have already been removed; and

b. Comply with subsection (c)(7) of this section, if removing a mercury-containing motor vehicle light switch.

(C) Mercury-added novelties. A universal waste handler shall manage mercury-added novelties in accordance with the requirements of subsection (c)(6)(C) of this section and with the following requirements, as applicable:

1. Manage mercury-added novelties, whose only mercury is contained in a button cell or other battery, pursuant to the requirements for batteries specified in subsection (a) of this section.

a. A universal waste handler, who is also a conditionally exempt small quantity universal waste generator, may remove from such mercury-added novelties batteries containing mercury if they are removable.

b. Batteries removed from such mercury-added novelties may be managed pursuant to subsection (a) of this section.

2. Accumulate in an airtight container, mercury-added novelties that are painted with paint containing mercury. The container shall be closed (except when mercury-added novelties are added or removed), structurally sound, and compatible with the mercury-added novelties, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

3. Manage mercury-added novelties that contain liquid mercury, as follows:

a. Such mercury-added novelties shall be packed in an airtight container, with packing materials adequate to prevent breakage during storage, handling, and transportation. The container shall: be closed (except when mercury-added novelties are added or removed), structurally sound, and compatible with the mercury-added novelties, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

b. Any such mercury-added novelty that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions shall be placed in an airtight container. The container shall meet the requirements of subsection (c)(5)(C)3.a. of this section.

c. A mercury clean-up system shall be readily available.

4. Manage mercury-added novelties, whose only mercury is contained in mercury switches, pursuant to the requirements of subsection (c)(5)(B) of this section.

a. A universal waste handler may manage mercury switches removed from mercury-added novelties as mercury switches.

b. A universal waste handler shall comply with subsection (c)(7) of this section, if removing a mercury switch from a mercury-added novelty.

(D) Gas flow regulators. A universal waste handler shall manage gas flow regulators in accordance with the requirements of subsection (c)(6)(C) of this section and with all of the following requirements:

1. Ensure that gas flow regulators are kept upright at all times during accumulation and transportation.

2. Place each gas flow regulator into an airtight container or package that is structurally sound, adequate to prevent breakage, and compatible with the contents of the gas flow regulator. The container or package shall remain closed and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

3. Ensure that a mercury clean-up system is readily available to transfer immediately any mercury resulting from spills or leaks from gas flow regulators, to an airtight container that meets the requirements of subsection (c)(5)(D)2. of this section.

(E) Mercury counterweights and dampers. A universal waste handler shall manage mercury counterweights and dampers in accordance with the requirements of subsections (c)(6)(B) and (c)(6)(C) of this section and with all of the following requirements:

1. Prior to shipping mercury counterweights and dampers to a recycler, pack them in a container, with packing materials adequate to prevent breakage during storage, handling, and transportation. The container shall be closed (except when mercury counterweights and dampers are added or removed), structurally sound, and compatible with the contents of the mercury counterweight or damper; and lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

2. Ensure that a mercury clean-up system is readily available.

(F) Dilators and weighted tubing. A universal waste handler shall manage dilators and weighted tubing in accordance with the requirements of subsections (c)(6)(B) and (c)(6)(C) of this section, and with all of the following requirements:

1. Prior to shipping dilators and weighted tubing, pack them in a container with packing materials adequate to prevent breakage during storage, handling, and transportation. The container shall be closed (except when dilators and weighted tubing are added or removed), structurally sound, and compatible with the contents of the dilators and weighted tubing, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

2. Ensure that a mercury clean-up system is readily available.

(6) General requirements. A universal waste handler shall manage the mercury-containing equipment identified in subsection (c)(5) of this section in accordance with the following requirements, as specified in that subsection:

(A) Place in a container any mercury-containing equipment with uncontained elemental mercury or that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container shall: be closed

(except when mercury-containing equipment is added or removed), structurally sound, and compatible with the contents of the mercury-containing equipment; lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(B) Place into a sealed plastic bag in an airtight container, any mercury-containing equipment that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container shall: be closed (except when mercury-containing equipment is added or removed), structurally sound, and compatible with the contents of the mercury-containing equipment; and lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(C) Characterize residuals as follows:

1. Determine whether the following exhibit a characteristic of hazardous waste identified in article 3 of chapter 11 of this division:
 - a. Mercury or clean-up residues resulting from spills or leaks; and/or
 - b. Other wastes generated as a result of handling mercury-containing equipment.
2. If the mercury, residues, and/or other wastes exhibit a characteristic of hazardous waste, the universal waste handler shall manage the wastes in compliance with all applicable requirements of this division. The universal waste handler is considered the generator of the mercury, residues, and/or other wastes and shall manage them pursuant to chapter 12 of this division.
3. If the mercury, residues, and/or other wastes do not exhibit a characteristic of hazardous waste, the universal waste handler may manage the wastes in any way that complies with all applicable federal, state and local solid waste regulations.

(7) Treatment. A universal waste handler, who treats any mercury-containing equipment (e.g., removes ampules and mercury switches, drains pressure or vacuum gauges), shall comply with the applicable requirements of article 7 of this chapter in addition to the requirements of subsection (c) of this section with respect to the mercury-containing equipment.

§66273.33.5. Universal Waste Management Requirements for Electronic Devices, CRTs, and CRT Glass.

The requirements of this section apply only to universal waste handlers of electronic devices, CRTs, and/or CRT glass.

(a) Electronic devices.

(1) A universal waste handler of electronic devices shall:

(A) **Comply with** the applicable requirements of sections **66273.30 through 66273.32, and of sections 66273.34 through 66273.39**, of this article with respect to the management of those electronic devices; and

(B) Manage electronic devices in a way that **prevents releases** of any universal waste or component of a universal waste to the environment under **reasonably foreseeable conditions, as follows**:

1. a. A universal waste handler **shall contain** any electronic device in a manner that prevents breakage and release of components to the environment. If a container is used, such a container shall prevent leakage, spillage or damage that could cause

leakage **under reasonably foreseeable conditions.**

b. **Intact electronic devices** that are managed in a manner that prevents breakage of the electronic devices and release of components of the electronic devices to the environment under reasonably foreseeable conditions (e.g., **stretch-film** on a pallet) shall be deemed to comply with subsection (a)(1)(B)1.a. of this section.

2. A universal waste handler shall **immediately clean up** and place in a container any electronic device that is **accidentally or unintentionally broken** and **may be expected to cause a release** of hazardous constituents to the environment under reasonably foreseeable conditions. The container shall be structurally sound, compatible with the contents of the electronic devices and shall prevent releases of components to the environment under reasonably foreseeable conditions.

(2) Except as otherwise provided in subsection (a)(3) of this section, a universal waste handler of electronic devices shall comply with the applicable requirements of article 7 of this chapter in addition to the requirements of subsection (a)(1) of this section with respect to the electronic devices.

(3) A universal waste handler of electronic devices shall be exempt from the requirements of article 7 of this chapter with respect to the electronic devices, if the universal waste handler:

(A) Manages only electronic devices that are intact (except for the occasional electronic device that is accidentally or unintentionally broken and that is managed according to the applicable provisions of this chapter);

(B) Ensures that the intact electronic devices remain intact (except for the occasional electronic device that is accidentally or unintentionally broken and that is managed according to the applicable provisions of this chapter) throughout the entire time they are in the universal waste handler's custody; and

(C) Complies with the requirements of section (a)(1) of this section.

(b) CRTs.

(1) A universal waste handler of CRTs shall:

(A) **Comply with** the applicable requirements of **sections 66273.30 through 66273.32, and of sections 66273.34 through 66273.39**, of this article with respect to the management of those CRTs; and

(B) Manage CRTs in a manner that **prevents releases** of any CRTs or component of any CRTs to the environment **under reasonably foreseeable conditions**, as follows:

1. A universal waste handler shall contain any CRT in a container or package that is structurally sound, adequate to prevent breakage of the CRT, and compatible with the contents of the CRT. Such a container or package shall lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

2. A universal waste handler shall immediately clean up and place in a container any CRT that is broken and shall place in a container any CRT that shows evidence of breakage, leakage, or damage that could cause the release of CRT glass or other hazardous constituents to the environment under reasonably foreseeable conditions. The containers shall be structurally sound, compatible with the contents of the CRTs and shall lack evidence of leakage, spillage or damage that could cause leakage or

releases of CRT glass or other hazardous constituents to the environment under reasonably foreseeable conditions.

3. A universal waste handler shall place CRTs in a container with packing materials, if such material is necessary to prevent breakage during handling, storage and transportation.

(2) A universal waste handler of CRTs shall comply with the applicable requirements of article 7 of this chapter in addition to the requirements of subsection (b)(1) of this section with respect to the CRTs.

(c) CRT glass.

(1) A universal waste handler of CRT glass shall:

(A) **Comply with** the applicable requirements of **sections 66273.30 through 66273.32, and of sections 66273.34 through 66273.39**, of this article with respect to the management of the CRT glass; and

(B) Manage CRT glass in a way that **prevents releases** of any CRT glass to the environment **under reasonably foreseeable conditions**, as follows:

1. A universal waste handler shall contain any CRT glass in a container or package that is structurally sound and compatible with the contents of the CRT glass to prevent releases to the environment. Such a container or package shall lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

2. A universal waste handler shall **immediately clean** up and place in a container any CRT glass that is released from a broken CRT or that is spilled. A universal waste handler shall immediately clean up and place in another container any CRT glass that is released as a result of breakage, leakage, or damage to a container of CRT glass, and shall place in that other container any unreleased CRT glass remaining in the broken, leaking, or damaged container. The containers into which CRT glass is placed shall be structurally sound, compatible with the contents of the CRT glass, and shall lack evidence of leakage, spillage or damage that could cause leakage or releases of CRT glass or other hazardous constituents to the environment under reasonably foreseeable conditions.

(2) A universal waste handler of CRT glass shall comply with the applicable requirements of article 7 of this chapter in addition to the requirements of subsection (c)(1) of this section with respect to the CRT glass.

§66273.34. Labeling/Marking.

Except as otherwise provided in subsection (g) of this section, a universal waste handler shall label or mark universal waste to identify the type of universal waste as specified in subsections (a) through (f) of this section.

(a) Batteries (i.e., each battery), or a container in which the batteries are contained, shall be labeled or marked clearly with the following phrase: **“Universal Waste--Battery(ies)”**.

(b) Mercury-containing equipment (i.e., each individual mercury-containing equipment), or a container in which the mercury-containing equipment is contained, shall be labeled or marked clearly with the following phrase: **“Universal Waste--Mercury-Containing Equipment”**.

(c) Lamps (including M003 wastes that contain lamps) (i.e., each lamp), or a container or package in which the lamps are contained, shall be labeled or marked clearly with the following phrase: "Universal Waste--Lamp(s)".

(d) Electronic devices (i.e., each electronic device), or container or pallet in or on which the electronic devices are contained, shall be labeled or marked clearly with the following phrase: "Universal Waste--Electronic Device(s)".

(e) CRTs (i.e., each CRT), or a container or pallet in or on which the CRTs are contained, shall be labeled or marked clearly with the following phrase: "Universal Waste--CRT(s)".

(f) A container of CRT glass shall be labeled or marked clearly with the following phrase: "Universal Waste--CRT glass".

(g) In lieu of labeling individual electronic devices, CRTs, and/or containers of CRT glass pursuant to subsections (d) through (f) of this section, a universal waste handler **may combine, package, and accumulate those universal wastes in appropriate containers or within a designated area demarcated by boundaries** that are clearly labeled with the applicable portion(s) of the following phrase: "Universal Waste--Electronic Device(s)/Universal Waste--CRT(s)/Universal Waste--CRT Glass".

§66273.35. Accumulation Time Limits.

(a) A universal waste handler shall accumulate universal waste for **no longer than one year from the date** the universal waste was **generated, or was received** from another universal waste handler.

(b) A universal waste handler shall be able to demonstrate the length of time that the universal waste has been accumulated from the date it became a waste or was received. The universal waste handler may make this demonstration by:

(1) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;

(2) Marking or labeling the individual item of universal waste (e.g., each battery or thermostat) with the date it became a waste or was received;

(3) Maintaining an inventory system onsite that identifies the date the universal waste being accumulated became a waste or was received;

(4) Maintaining an inventory system onsite that identifies the earliest date that any universal waste in a group of items of universal waste or a group of containers of universal waste became a waste or was received;

(5) Placing the universal waste in a specific accumulation area and marking or labeling the area to identify the earliest date that any universal waste in the area became a waste or was received; or

(6) Any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it became a waste or was received.

§66273.36. Personnel Training.

(a) A universal waste handler shall ensure that **all personnel who manage universal wastes from offsite sources** at the universal waste handler's facility are

thoroughly familiar with **proper universal waste management** and **emergency response procedures relative to those persons' responsibilities**, as specified in subsections (b) and (c) of this section.

(1) For purposes of this section, **“personnel who manage universal waste from offsite sources”** means **any persons who consolidate, sort, treat, recycle, package for transport, offer for transport, or physically relocate containers of universal waste.**

(2) **Persons who**, in the course of their normal duties, **only generate universal wastes from onsite sources and place them into accumulation containers, areas or locations are not “personnel who manage universal waste from offsite sources”** (e.g., **an office worker** who removes spent batteries from an electronic device).

(b) A universal waste handler shall **initially train and provide annually**, thereafter, **training to all personnel who manage or who supervise those who manage universal wastes from offsite sources.** **Training materials** shall be in the form of **any written media** (e.g., brochures, electronic mail, company letters, pamphlets, posters, etc.) and shall **include the date of that material.** This training shall include, **at a minimum:**

(1) The types and hazards associated with the universal waste that personnel may manage at the facility (e.g., hazards due to leaded glass in CRT devices or CRTs);

(2) The proper disposition of universal wastes managed at the facility (e.g., the locations of universal waste containers, or the location of a centralized universal waste accumulation area);

(3) The proper procedures for responding to releases of universal wastes (e.g., spilled CRT glass) including the position titles and the means of contacting those personnel at the facility who are designated to respond to reports of releases (e.g., spilled CRT glass) and/or to respond to questions received from other personnel at the facility; and

(4) The applicable requirements contained in this chapter regarding labeling, collecting, handling, consolidating, and shipping universal wastes at the facility, including, but not limited to, the prohibition on the disposal of universal wastes, and **for personnel involved in shipping universal wastes who are “hazmat employees”**, as defined in 49 Code of Federal Regulations section 171.8, the applicable requirements prescribed in 49 Code of Federal Regulations section 172.704.

(c) The universal waste handler shall **maintain a written record by date** (e.g., a list of personnel who have received either initial or annual training information) indicating the names of personnel who received the information specified in subsection (b) of this section.

(d) The universal waste handler shall **maintain the record specified in subsection (c) of this section for at least three years from the date the person last managed any universal waste at the facility.** The record of training for a “hazmat employee”, as defined in 49 Code of Federal Regulations section 171.8, shall meet the applicable requirements of 49 Code of Federal Regulations section 172.704(d). The training record may accompany a person who is transferred within the same company.

§66273.37. Response to Releases.

(a) A universal waste handler shall immediately contain all releases of universal wastes and of residues from universal wastes to the environment.

(b) A universal waste handler shall determine whether any material resulting from such a release is a hazardous waste, and if so, shall manage the hazardous waste in compliance with all applicable requirements of this division. The universal waste handler is considered the generator of the hazardous waste resulting from the release, and is subject to the requirements of chapter 12.

(c) Hazardous waste consisting only of residue of leaking, broken, or otherwise damaged universal waste may be managed as universal waste provided that the leaking, broken, or otherwise damaged universal waste is repackaged according to the standards of section 66273.33 or 66273.33.5.

§66273.38. Offsite Shipments.

(a) **A universal waste handler is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.**

(b) If a universal waste handler self-transportes universal waste offsite, the universal waste handler becomes a universal waste transporter for those self-transportation activities and shall comply with the transporter requirements of article 5 of this chapter while transporting the universal waste.

(c) If a universal waste being offered for offsite transportation meets the definition of hazardous material pursuant to 49 CFR parts 171 through 180, a universal waste handler shall package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with the applicable Department of Transportation regulations pursuant to 49 CFR parts 172 through 180;

(d) Prior to sending a shipment of universal waste to another universal waste handler or to a destination facility, the originating universal waste handler shall ensure that the receiving universal waste handler or destination facility agrees **(e.g., verbal or written communication)** to receive the shipment.

(e) If a universal waste handler sends a shipment of universal waste to another universal waste handler or to a destination facility and the shipment is rejected by the receiving universal waste handler or destination facility, the originating universal waste handler shall either:

(1) Receive the universal waste back when notified that the shipment has been rejected; or

(2) Agree with the receiving universal waste handler on a destination facility to which the shipment will be sent.

(f) A universal waste handler may reject a shipment containing universal waste, or a portion of a shipment containing universal waste that the universal waste handler has received from another universal waste handler. If a universal waste handler rejects a shipment or a portion of a shipment, the universal waste handler shall contact and notify the originating universal waste handler of the rejection and to discuss reshipment of the load. The universal waste handler shall:

(1) Send the shipment back to the originating universal waste handler; or
(2) If agreed to by both the originating and receiving universal waste handler, send the shipment to a destination facility.

(g) If a universal waste handler receives as universal waste, a shipment containing hazardous waste that is not a universal waste, the universal waste handler shall immediately notify the Department of the illegal shipment, and provide the name, address, and telephone number of the originating shipper. The Department will provide instructions for managing the hazardous waste.

(h) If a universal waste handler receives as universal waste, a shipment of nonhazardous waste, the universal waste handler shall manage the nonhazardous waste in any way that is in compliance with applicable federal, state and local solid waste regulations.

§66273.39. Tracking Universal Waste Shipments.

(a) Receipt of shipments. A universal waste handler shall keep a record of each shipment of universal waste received at the universal waste handler's facility. The record may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The record for each shipment of universal waste received shall include the following information:

(1) The name and address of the originating universal waste handler from which the universal waste was sent;

(2) The quantity [count or weight, consistent with, for example, section 66273.32, subsection (d)] of each type of universal waste received (e.g., batteries, thermostats, lamps, electronic devices, CRTs, CRT glass); and

(3) The date of receipt of the shipment of universal waste.

(b) For purposes of compliance with subsection (a) of this section, a universal waste handler who receives universal wastes from household generators and conditionally exempt small quantity universal waste generators, as defined in section 66273.9, may

(1) in lieu of the originating universal waste handler's name and address, record "household generator" and/or "CESQUWG", and

(2) record the total quantity of each type of universal waste as an aggregate from households and/or conditionally exempt small quantity universal waste generators, as defined in section 66273.9.

(c) Shipments offsite. A universal waste handler shall keep a record of each shipment of universal waste sent from the universal waste handler's facility to another facility. The record may take the form of a log, invoice, manifest, bill of lading or other shipping document. The record for each shipment of universal waste sent shall include the following information:

(1) The name and address of the universal waste handler or destination facility to which the universal waste was sent;

(2) The quantity [count or weight, consistent with, for example, section 66273.32, subsection (d)] of each type of universal waste sent (e.g., batteries, thermostats, lamps, electronic devices, CRTs, CRT glass);

(3) The date of departure of the shipment of universal waste.

(d) Record retention.

(1) A universal waste handler shall retain each record described in subsection (a) of this section for at least three years from the date of receipt of the corresponding shipment of universal waste.

(2) A universal waste handler shall retain each record described in subsection (b) of this section for at least three years from the date of departure of the corresponding shipment of universal waste.

Article 4. Export and Import Requirements

§66273.40. Exports.

(a) Universal waste handler requirements.

(1) A universal waste handler who sends universal waste, not including electronic devices, CRTs, and CRT glass, to an OECD country specified in section 66262.58, subsection (a)(1), is subject to the requirements of article 8 of chapter 12.

(2) A universal waste handler who sends universal waste, not including electronic devices, CRTs, and CRT glass, to a foreign destination in a country other than an OECD country specified in section 66262.58(a)(1), shall:

(A) Comply with the requirements applicable to a primary exporter in sections 66262.53, 66262.56(a)(1) through (a)(4), (a)(6), and (b), and 66262.57;

(B) Export such universal waste only upon consent of the receiving country and in conformance with article 5 of chapter 12 and the EPA Acknowledgment of Consent, as defined in section 66260.10; and

(C) Provide to the transporter transporting the universal waste for export, a copy of the EPA Acknowledgment of Consent for that universal waste.

(3) A universal waste handler who sends electronic devices, CRTs, and/or CRT glass to any foreign destination shall do all of the following:

(A) For used CRTs to be exported for reclamation, comply with the federal notification and EPA Acknowledgment of Consent requirements of 40 Code of Federal Regulations section 261.39(a)(5), if applicable.

(B) For used, intact CRTs to be exported for reuse, comply with the federal notification and recordkeeping requirements of 40 Code of Federal Regulations section 261.41, if applicable.

(C) In accordance with subsection (a)(4) of this section, **notify the Department** of an intended export before any electronic devices, CRTs, and/or CRT glass are scheduled to leave the United States. A completed notification shall be submitted to the address specified in subsections (a)(5) and (a)(6) of this section **sixty (60) calendar days before the initial shipment is intended to be shipped offsite**. This notification shall cover export activities extending over a twelve (12) month or lesser period.

(D) Concurrently send a copy of the notification required pursuant to subsection (a)(3)(C) of this section, to the CUPA having jurisdiction over the universal waste handler's facility, or, if there is no such CUPA, to the agency authorized pursuant to subdivision (f) of Health and Safety Code section 25404.3.

(4) The notification submitted pursuant to subsection (a)(3)(C) of this section shall be in writing, be signed by the universal waste handler, and include:

(A) The name, mailing address, telephone number, and **ID Number (if applicable)** of the universal waste handler; and

(B) The following information with respect to each foreign destination of electronic devices, CRTs, and/or CRT glass:

1. The quantity (by count or by weight) and **volume** of the electronic devices, the CRTs, and/or the CRT glass, respectively, to be exported to the foreign destination;

2. The estimated frequency or rate at which the electronic devices, the CRTs, and/or the CRT glass, respectively, are to be exported to the foreign destination, and

the period of time over which the electronic devices, the CRTs, and/or the CRT glass, respectively, are to be exported to that destination;

3. All points of entry to and departure from each foreign country through which the electronic devices, the CRTs, and/or the CRT glass, respectively, will pass en route to the foreign destination;

4. A description of the **means by which each shipment** of the electronic device, the CRTs, and/or the CRT glass, respectively, will be transported (e.g., mode of transportation vehicle, type(s) of containers).

5. If the foreign destination is a destination facility that recycles the electronic devices, CRTs, and/or CRT glass, **a description of the means by which** the electronic devices, the CRTs, and/or the CRT glass, respectively, **will be recycled** at the destination facility;

6. The name and site address of the foreign destination or any alternate foreign destination.

7. For used CRTs to be exported for reclamation, a copy of the notification forwarded by the exporter to USEPA pursuant to 40 Code of Federal Regulations section 261.39(a)(5)(i).

8. For used, intact CRTs to be exported for reuse, a copy of the one time notification submitted by the exporter to the USEPA pursuant to 40 Code of Federal Regulations section 261.41.

9. For CRT glass to be exported, the name and location of the lead smelter or CRT glass furnace that will recycle the CRT glass.

(5) Electronic submissions. If submitted electronically, Department notifications submitted pursuant to subsection (a)(3) of this section shall be sent to the Department at <http://www.dtsc.ca.gov>. For electronic export notifications, the universal waste handler signature required by subsection (a)(4) of this section shall be submitted to the address provided in subsection (a)(6) of this section.

(6) Written submissions. If submitted in writing, Department notifications submitted pursuant to subsection (a)(3) of this section shall be sent to the Department by certified mail, return receipt requested, at the following address: Department of Toxic Substances Control, Universal Waste Notification and Reporting Staff, P.O. Box 806, Sacramento, CA 95812-0806, with "Attention: Notification to Export Electronic Devices, CRTs, and/or CRT Glass" prominently displayed on the front of the envelope.

(b) A person who exports used CRTs for reclamation shall forward a copy of the completed EPA Acknowledgment of Consent forwarded to the person by USEPA pursuant to 40 Code of Federal Regulations section 261.39(a)(5)(iv) to the Department. This copy shall be forwarded to the Department at the address shown in subsection (a)(5) or (a)(6) of this section within 30 calendar days of receipt. If submitted by mail, "Attention: Acknowledgment of Consent to Export CRTs" shall be prominently displayed on the front of the envelope.

(c) A person who exports shall keep copies of notifications and all applicable records which demonstrate compliance pursuant to subsections (a)(4)(B)7. through (a)(4)(B)9. and subsection (b) of this section for a period of three years from the date of shipment.

(d) A person who exports covered electronic wastes shall also comply with the applicable export requirements of Public Resources Code, division 30, part 3, chapter 8.5.

(e) Export requirements for universal waste transporters are set forth in article 5 of this chapter.

§66273.41. Imports.

(a) A person who manages a universal waste that is imported into the United States from a country, other than an OECD country specified in section 66262.58, subsection (a)(1), is subject to the applicable requirements of this chapter, beginning immediately after the universal waste enters the United States, as indicated in subsections (a)(1) through (a)(3) of this section:

(1) A universal waste transporter is subject to the universal waste transporter requirements of article 5 of this chapter.

(2) A universal waste handler is subject to the universal waste handler requirements of article 3 of this chapter, as applicable.

(3) An owner or operator of a destination facility is subject to the destination facility requirements of article 6 of this chapter.

(b) A person who manages a universal waste that is imported into the United States from an OECD country specified in section 66262.58, subsection (a)(1), is subject to subsections (a)(1) through (a)(3) of this section, in addition to the requirements of article 8 of chapter 12.

Article 5. Standards for Universal Waste Transporters

§66273.50. Applicability.

This article applies to universal waste transporters (as defined in section 66273.9).

§66273.51. Prohibitions.

A universal waste transporter is:

- (a) Prohibited from disposing of universal waste;
- (b) Prohibited from diluting or treating universal waste, except as a consequence of responding to a release as provided in section 66273.54;
- (c) Prohibited from transporting more than five CRTs at any one time unless the CRTs are contained as described in section 66273.33.5, subsection (b)(1)(B); and
- (d) Prohibited from transporting more than 100 kilograms or 220 pounds of electronic devices at any one time unless the electronic devices are contained as described in section 66273.33.5, subsection (a)(1)(B).

§66273.52. Waste Management.

(a) A universal waste transporter shall comply with all applicable DOT regulations in 49 CFR parts 171 through 180 for transport of any universal waste that meets the definition of a hazardous material in 49 CFR 171.8. For purposes of the DOT regulations, a material is considered a hazardous waste if it is subject to the Hazardous Waste Manifest Requirements of USEPA specified in 40 CFR part 262. Because universal waste does not require a hazardous waste manifest, it is not considered hazardous waste pursuant to the DOT regulations.

(b) Some universal waste materials are regulated by DOT as hazardous materials because they meet the criteria for one or more hazard classes specified in 49 CFR 173.2. As universal waste shipments do not require a manifest pursuant to chapter 12, they shall not be described by the DOT proper shipping name "hazardous waste, (l) or (s), n.o.s.", nor shall the hazardous material's proper shipping name be modified by adding the word "waste".

§66273.53. Storage Time Limits.

(a) A universal waste transporter shall only store universal waste at a universal waste transfer facility for ten days or less in an area zoned "industrial" and for six days or less in all other areas.

(b) If a universal waste transporter stores a universal waste for more than ten days in an area zoned "industrial" or for more than six days in any other area, the transporter becomes a universal waste handler with respect to that universal waste and shall comply with the applicable requirements of article 3 of this chapter while storing the universal waste.

§66273.54. Response to Releases.

(a) A universal waste transporter shall immediately contain all releases of universal wastes and of residues from universal wastes to the environment.

(b) A universal waste transporter shall determine whether any material resulting from such a release is a hazardous waste, and if so, shall manage the hazardous waste in compliance with all applicable requirements of this division. The universal waste transporter is considered the generator of any hazardous waste resulting from the release, and is subject to the requirements of chapter 12.

(c) Hazardous waste consisting only of residue of leaking, broken, or otherwise damaged universal waste may be managed as universal waste provided that the leaking, broken, or otherwise damaged universal waste is repackaged according to the standards of section 66273.33 or 66273.33.5.

§66273.55. Offsite Shipments.

(a) A universal waste transporter is prohibited from transporting a universal waste to a place other than a universal waste handler, a destination facility, or a foreign destination.

(b) If the universal waste being shipped offsite meets the DOT definition of a hazardous material pursuant to 49 CFR section 171.8, the universal waste shall be properly described on a shipping paper in accordance with the applicable DOT regulations under 49 CFR part 172.

§66273.56. Exports.

(a)(1) A universal waste transporter who transports universal waste to an OECD country specified in section 66262.58(a)(1) is subject to the requirements of article 8 of chapter 12.

(2) A universal waste transporter who transports universal waste to a foreign destination in a country other than an OECD country specified in section 66262.58, subsection (a)(1), shall not accept a shipment of such waste if the universal waste transporter knows the shipment does not conform to the EPA Acknowledgment of Consent. In addition the universal waste transporter shall ensure that:

(A) A copy of the EPA Acknowledgment of Consent accompanies the shipment;
and

(B) The shipment is delivered to the facility designated by the person who initiated the shipment.

Article 6. Standards for Destination Facilities

§66273.60. Applicability.

(a) **Except as provided in subsections (b) and (c) of this section**, the owner or operator of a destination facility (as defined in section 66273.9) is subject to all applicable requirements of chapters 14, 15, 16, 18, 20, and 22 of this division, and the notification requirement pursuant to Health and Safety Code section 25153.6.

(b) The owner or operator of a **destination facility that recycles a universal waste that is a RCRA hazardous waste by conducting one or more of the management activities described in**

section 66273.33, subsections (a)(2)(A) *[sorting batteries by type]*²
(B) *[mixing battery types in one container]*
(E) *[disassembling batteries or battery packs into individual batteries or cells]* **and**
(F), *[removing batteries from consumer products]*

section 66273.33, subsection (b)(3), *[remove a lamp from a product or structure, removed in a manner designed to prevent breakage]* **and/or**

section 66273.33.5, subsections (a) through (c) *[manage electronic devices, CRTs, CRT glass]*

may manage that universal waste pursuant to the reduced requirements specified in this chapter for universal waste handlers.

(c) The owner or operator of a **destination facility that** complies with subsection (a) of this section, and that **treats and/or recycles a universal waste that is a non-RCRA hazardous waste by conducting one or more of the management activities described in**

section 66273.72, subsection (b), *[removing CRTs from electronic devices that are CRT devices]*

section 66273.72, subsection (c), *[dismantling electronic devices that are not CRT devices and/or removing yokes from CRTs]*

section 66273.73, subsection (a)(1)(A), *[treats electronic devices and/or residual printed circuit board for which the handler is the generator, and produce residuals that if they exhibit any HW characteristics will be either scrap metal or universal waste]*

² Text in *italics* is not part of adopted regulations text; the text is provided for informational use only.

and/or

section 66273.73, subsection (b)(1) *[treat CRTs and/or CRT glass by breaking the CRT's glass]*

shall be eligible to store that universal waste prior to treatment of the universal waste in accordance with the reduced requirements specified in this chapter for universal waste handlers provided such storage and accumulation occur in areas designated for universal waste storage in the facility's permit. **Facilities authorized to conduct these treatment activities on the effective date of these regulations and operating under permits** issued prior to the effective date of these regulations **shall request a Class 1 modification to their permits** to address the universal waste handling activities and designate the universal waste storage locations. **This request for a Class 1 modification shall be made pursuant to section 66270.42, subsection (d) for modifications to facility permits that are not listed in Appendix I of chapter 20** of this division.

§66273.61. Offsite Shipments.

(a) The owner or operator of a destination facility is prohibited from sending or taking universal waste to a place other than a universal waste handler, another destination facility, or a foreign destination.

(b) The owner or operator of a destination facility may reject a shipment containing universal waste, or a portion of a shipment containing universal waste. If the owner or operator of the destination facility rejects a shipment or a portion of a shipment, the owner or operator shall contact the shipper to notify the shipper of the rejection and to discuss reshipment of the load. The owner or operator of the destination facility shall:

(1) Send the shipment back to the original shipper; or

(2) If agreed to by both the shipper and the owner or operator of the destination facility, send the shipment to another destination facility.

(c) If the owner or operator of a destination facility receives as universal waste, a shipment containing hazardous waste that is not a universal waste, the owner or operator of the destination facility shall immediately notify the Department of the illegal shipment, and provide the name, address, and telephone number of the shipper. The Department will provide instructions for managing the hazardous waste.

(d) If the owner or operator of a destination facility receives as universal waste, a shipment of nonhazardous waste, the owner or operator shall manage the nonhazardous waste in any way that is in compliance with applicable federal, state and local solid waste regulations.

§66273.62. Tracking Universal Waste Shipments.

(a) The owner or operator of a destination facility shall keep a record of each shipment of universal waste received at the facility. The record may take the form of a

log, invoice, manifest, bill of lading, or other shipping document. The record for each shipment of universal waste received shall include the following information:

(1) The name and address of the universal waste handler, destination facility, or foreign shipper from which the universal waste was sent;

(2) The quantity of each type of universal waste received (e.g., batteries, thermostats, lamps, electronic devices, CRTs, CRT glass);

(3) The date of receipt of the shipment of universal waste.

(b) The owner or operator of a destination facility shall retain each record described in subsection (a) of this section for at least three years from the date of receipt of the corresponding shipment of universal waste.

Article 7. Authorization Requirements for Universal Waste Handlers Who Treat Universal Wastes

§66273.70. Applicability.

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

(b) Except as otherwise provided in subsection (d) of this section, **a universal waste handler who manages a universal waste and its integral components, or the components specified below that the handler has removed from the universal waste, for purposes of recycling it or its component(s) by performing one or more activities listed in one or more of the three categories given in subsection (c) of this section**, shall be deemed authorized by the Department to conduct those activities, provided the universal waste handler **complies with the applicable requirements of this article in addition to the applicable requirements of subsection (c) of section 66273.33, and to the applicable requirements of subsections (a)(1), (b)(1), and (c)(1) of section 66273.33.5**. The authorization created by this subsection shall not be deemed to be any of the following:

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

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

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

(2) Disassembling/draining activities.

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

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

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

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

(3) Treatment activities.

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

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

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

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

§66273.71. Authorization for Removal Activities.

(a) Removing user-replaceable components.

A universal waste handler who conducts the activities identified in subsections (b) and (c) of this section on electronic devices shall be deemed authorized by the Department to perform these activities, and **is exempt from the requirements of sections 66273.74 through 66273.77**, provided the universal waste handler complies with the requirements specified in subsections (b) through (g) of this section.

(b) A universal waste handler shall remove **only those discrete assemblies**, such as batteries or ink cartridges, **which are typically removed for replacement during the normal operation of an electronic device.**

(c) A universal waste handler shall conduct the removal of the discrete assemblies in the manner that is **prescribed in the operating manual** for the electronic device, **or in a manner that would otherwise reasonably be employed** during the normal operation of the electronic device.

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

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

(B) **For all residuals that are hazardous wastes**, comply with all the applicable requirements of chapters 12, 14, 15, 16, 18, 20, 22 and 23 of this division and the applicable notification requirements in Health and Safety Code section 25153.6, **except as otherwise provided in subsections (e) or (f) of this section**;

(e) Notwithstanding section 66261.3, subsection (c) and section 66262.11, subsection (d), **a handler who is deemed the generator of a residual that is a hazardous waste pursuant to subsection (d)(1) of this section may manage that hazardous waste residual pursuant to any applicable chapter 11 exclusion or exemption [e.g., the scrap metal exclusion provided in § 66261.6, subsec. (a)(3)(B)], except for residual printed circuit boards, which shall be managed pursuant to subsection (f) of this section.**

(f)(1) Prior to conducting any subsequent treatment activity authorized by section 66273.73 on any residual printed circuit board resulting from removal activities conducted under this section, a universal waste handler **shall manage the residual printed circuit board in a manner that prevents a release to the environment by:**

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

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

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

(2) A universal waste handler who **conducts any subsequent treatment activity authorized by section 66273.73 on any residual printed circuit board resulting from removal activities conducted under this section shall comply with section 66273.73, subsections (a)(1) and/or (a)(2),** as applicable.

(3) A universal waste handler **who does not conduct any of the subsequent treatment activities authorized by section 66273.73 on a residual printed circuit board resulting from removal activities** conducted under this section **shall manage the printed circuit board as prescribed in section 66273.75, subsection (c).**

(g) **Except as provided in subsections (e) or (f) of this section,** a universal waste handler **who conducts further treatment on any residual that is a hazardous waste** resulting from any activity authorized by this section shall not conduct such treatment, nor use any treatment method, unless that person **obtains a hazardous waste facility permit or other form of authorization from the Department.**

§66273.72. Authorization for Disassembling/Draining Activities.

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

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

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

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

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

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

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

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

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

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

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

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

(7) Except as provided in subsections (a)(3), (a)(5) or (a)(6) of this section, a universal waste handler who conducts further treatment on any residual that is a hazardous waste resulting from any activity authorized by this section shall not conduct such treatment, nor use any treatment method, unless that person **obtains a hazardous waste facility permit or other form of authorization from the Department.**

(b) Removing CRTs from electronic devices that are CRT devices.

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

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

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

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

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

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

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

(c) Dismantling electronic devices that are not CRT devices and/or removing yokes from CRTs.

A universal waste handler who conducts any of the activities identified in subsection (c)(1) of this section shall be deemed authorized by the Department to do so, provided the universal waste handler complies with the requirements in this subsection.

(1) The universal waste handler:

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

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

(2) The universal waste handler shall:

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

(B) Ensure that all activity residuals meeting either the definition of scrap metal in section 66260.10 or the definition of CRT glass in section 66273.9 are recycled; and

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

1. Dismantle electronic devices and/or remove yokes from CRTs over, on, or in, a containment device (e.g., a tray, a box, a workbench, a table, or an enclosed machine) sufficient in size and construction to contain any universal waste and/or component of such waste that may be released to the environment under reasonably foreseeable conditions.

2. Contain any hazardous residuals produced from dismantling electronic devices and/or removing yokes from CRTs in a manner that prevents releases of the residuals to the environment under reasonably foreseeable conditions.

3. Immediately clean up and place in a container any electronic device and/or CRT that is accidentally or unintentionally broken and that may reasonably be expected to cause a release to the environment under reasonably foreseeable conditions. Such a container shall be structurally sound, be compatible with the contents of the electronic device and/or CRT, and prevent releases to the environment under reasonably foreseeable conditions.

4. Place CRTs in containers with **packing materials, if such materials are necessary** to prevent breakage during handling, storage and transportation.

5. Ensure that persons performing the activities are thoroughly familiar with the hazards associated with such treatment, have access to the proper procedures and protective equipment necessary to conduct the treatment safely, use such protective equipment if required by any applicable health and safety requirements, and comply with the requirements of this section;

6. Ensure that the facility is operated in compliance with all applicable health and safety laws and regulations [e.g., Cal. Code Regs., tit. 8, ch. 4 (Division of Industrial Safety) subch. 7 (General Industry Safety Orders), group 16 (Control of Hazardous

Substances), art. 107 (Dusts, Fumes Vapors and Mists), and art. 109 (Hazardous Substances and Processes), and sec. 5198 (Lead)].

7. Ensure that the facility maintains aisle spacing in compliance with applicable fire safety code standards in California.

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

A universal waste handler, who conducts one or more of the activities identified in subsection (d)(1) of this section, shall be deemed authorized by the Department to do so, provided the universal waste handler complies with the requirements specified in subsection (d)(2) of this section.

(1) The universal waste handler removes mercury ampules and/or mercury switches from mercury-containing equipment.

(2) The universal waste handler shall be exempt from the notification, annual reporting, and recordkeeping requirements specified in section 66273.74, subsections (a) through (c)(1), but shall:

(A) Comply with the recordkeeping requirements specified in section 66273.74, subsection (c)(2); and

(B) Conduct the activities in a manner that protects persons managing the mercury ampules and/or the mercury switches, and that prevents releases of any universal wastes and/or any components of universal wastes, to the environment, as follows:

1. Remove the mercury ampules and/or the mercury switches in a manner designed to prevent their breakage.

2. Remove the mercury ampules and/or the mercury switches only over, on, or in, a containment device (e.g., a tray or pan) sufficient to contain any liquid mercury that may be released to the environment (e.g., from a mercury ampule accidentally broken during removal).

3. Ensure that a mercury clean-up system is readily available for immediately transferring from the containment device to an airtight container meeting the requirements of section 66262.34, any mercury spilled or leaked from broken mercury ampules and/or mercury switches.

4. Transfer immediately from the containment device to an airtight container meeting the requirements of section 66262.34, any mercury spilled or leaked from broken mercury ampules and/or mercury switches.

5. Ensure that the area in which mercury ampules and/or mercury switches are removed is well ventilated and monitored to ensure compliance with applicable Occupational Safety and Health Administration (OSHA) and CalOSHA exposure levels for mercury.

6. Ensure that employees removing mercury ampules and/or mercury switches are thoroughly familiar with proper handling and emergency procedures relevant to mercury and to the employees' responsibilities during normal facility operations and emergencies, including transfer of mercury from containment devices to appropriate containers.

7. Pack in containers removed mercury ampules and/or mercury switches with packing materials adequate to prevent breakage of those ampules and/or switches during storage, handling, and transportation.

8. Store removed mercury ampules and/or mercury switches in closed, non-leaking containers that are in good condition.

(e) Draining liquid mercury from pressure or vacuum gauges.

A universal waste handler, who conducts one or more of the activities identified in subsection (e)(1) of this section, shall be deemed authorized by the Department to do so, provided the universal waste handler complies with the requirements specified in subsection (e)(2) of this section.

(1) The universal waste handler drains liquid (i.e., elemental) mercury from pressure or vacuum gauges generated by that universal waste handler, at the site where those pressure or vacuum gauges were generated.

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

(A) Ensure that all activity residuals meeting the definition of scrap metal in section 66260.10 are recycled.

(B) Conduct the activities in a manner that protects persons managing the pressure or vacuum gauges, and that prevents releases to the environment of any universal wastes and/or any components of universal wastes, as follows:

1. Except as otherwise provided in subsections (e)(2)(B)2. through (e)(2)(B)7. of this section, fulfill all requirements for removing mercury ampules and/or mercury switches pursuant to subsection (d)(2) of this section.

2. Ensure that the activities are performed safely by developing and implementing a written procedure detailing how to drain elemental mercury from pressure or vacuum gauges properly. This procedure shall address: the type of equipment to be used to drain the pressure or vacuum gauges safely; the operation and maintenance of the equipment; the appropriate personal protective equipment; the segregation of incompatible wastes; the proper waste management practices; the spill response procedures; and the characterization of wastes.

3. Transfer drained elemental mercury to a designated container immediately. The designated container shall be kept closed (except when adding or removing elemental mercury), be structurally sound, be compatible with elemental mercury, and lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

4. Store drained elemental mercury in a container that meets the requirements of subsection (d)(2)(B)3. of this section.

5. Ensure that any container into which elemental mercury from a pressure or vacuum gauge is drained, or in which drained elemental mercury is stored, is placed into a secondary container that is in good condition, compatible with elemental mercury, and large enough to accommodate the contents of the primary container if it should leak or break.

6. Maintain for each designated container described in subsection (e)(2)(B)3. of this section, documentation that includes: the date when accumulation of elemental mercury in the container began; a description of the pressure or vacuum gauges from which the elemental mercury originated; the cumulative quantity of elemental mercury in the container; and the date when accumulation of elemental mercury in the container ended [i.e., when the container was either full or reached the limit specified in subsection (e)(2)(B)7. of this section].

7. Accumulate no more than 35 kilograms (77 pounds) of elemental mercury at any one time.

(C)1. Determine whether the following exhibit a characteristic of hazardous waste identified in article 3 of chapter 11 of this division:

a. Intact, or partially intact, pressure or vacuum gauges from which elemental mercury has been drained;

b. Elemental mercury or clean-up residues resulting from spills or leaks associated with handling pressure or vacuum gauges; and/or

c. Other wastes generated as a result of handling pressure or vacuum gauges.

2. Manage, in compliance with all applicable requirements of this chapter, an intact, or partially intact, pressure or vacuum gauge from which elemental mercury has been drained, if that pressure or vacuum gauge exhibits a characteristic of hazardous waste.

3. Manage, in compliance with all applicable requirements of this division, elemental mercury and/or clean-up residues resulting from spills or leaks, and/or other wastes, if the elemental mercury, clean-up residues, and/or other wastes exhibit a characteristic of hazardous waste. The universal waste handler is considered the generator of the elemental mercury, clean-up residues, and/or other wastes and shall manage them pursuant to chapter 12 of this division.

4. Manage, in any way that complies with all applicable federal, state and/or local solid waste regulations, an intact, or partially intact, pressure or vacuum gauge, elemental mercury and/or clean-up residue, and/or other waste if they do not exhibit a characteristic of hazardous waste.

§66273.73. Authorization for Treatment (Processing) Activities.

(a) Treatment of electronic devices.

(1) A universal waste handler **described in subsection (a)(1)(A)** of this section shall be deemed authorized by the Department to conduct the activities identified in subsection (a)(1)(B) of this section, provided the universal waste handler **complies with the requirements specified in subsections (a)(1)(B) and (a)(1)(C)** of this section.

(A) The universal waste handler treats electronic devices and/or residual printed circuit boards for which the handler is deemed to be the generator pursuant to sections 66273.71 and/or 66273.72 and produces only residuals that, if they exhibit any hazardous waste characteristic described in article 3 of chapter 11 of this division, will meet either of the following criteria when managed pursuant to section 66273.75, subsection (c):

1. They meet the definition of scrap metal in section 66273.9; or
2. They qualify for management as universal wastes pursuant to this chapter.

(B) The universal waste handler **treats electronic devices and/or residual printed circuit boards for which the handler is deemed to be the generator pursuant to sections 66273.71 and/or 66273.72 by conducting activities other than, or in addition to, the removal activities authorized in section 66273.71 or the disassembling/draining activities authorized by section 66273.72, and using only one or more of the methods allowed pursuant to subsection (c) of this section.**

(C) The universal waste handler **complies with all of the following requirements in addition to the requirements of section 66273.33.5, subsection (a)(1):**

1. The notification, annual reporting, and recordkeeping requirements specified in section 66273.74; and
2. The standards specified in section 66273.75.

(2) A universal waste handler described in subsection **(a)(2)(A)** of this section shall be deemed authorized by the Department to conduct the activities identified in subsection (a)(2)(B) of this section, provided the universal waste handler **complies with the requirements specified in subsections (a)(2)(B) and (a)(2)(C)** of this section.

(A) The universal waste handler **treats electronic devices and/or residual printed circuit boards for which the handler is deemed to be the generator pursuant to sections 66273.71 and/or 66273.72 and produces any residual that exhibits a hazardous waste characteristic described in article 3 of chapter 11 of this division when managed pursuant to section 66273.75, subsection (c) and meets both** of the following criteria:

1. It does not meet the definition of scrap metal in section 66273.9; and
2. It does not qualify for management as universal wastes pursuant to this chapter.

(B) The universal waste handler **treats electronic devices and/or residual printed circuit boards for which the handler is deemed to be the generator pursuant to sections 66273.71 and/or 66273.72 by conducting activities other than, or in addition to, the removal activities authorized in section 66273.71 and the disassembling/ draining activities authorized in section 66273.72, and using only one or more of the methods allowed pursuant to subsection (c) of this section.**

(C) The universal waste handler **complies with all of the following requirements in addition to the requirements of section 66273.33.5, subsection (a)(1):**

1. The notification, annual reporting, and recordkeeping requirements specified in section 66273.74;
2. The standards specified in section 66273.75;
3. **The closure plan and financial requirements specified in section 66273.76; and**
4. **When applicable, the closure requirements specified in section 66273.77.**

(b) Treating CRTs and/or CRT glass.

A universal waste handler **described in subsection (b)(1)** of this section shall be deemed authorized by the Department to conduct the activities identified in subsection (b)(2) of this section, provided the universal waste handler **complies with the requirements specified in subsections (b)(2) and (b)(3)** of this section.

(1) The universal waste handler **treats CRTs, breaking the CRTs' glass.**

(2) The universal waste handler **treats CRTs by: conducting activities other than, or in addition to, the disassembling/ draining activities authorized by section 66273.72, subsections (b) or (c); and using only one or more of the methods allowed pursuant to subsection (c)** of this section.

(3) The universal waste handler **complies with all of the following requirements in addition to the requirements of section 66273.33.5, subsection (b)(1) and section 66273.33.5, subsection (c)(1):**

(A) The notification, annual reporting, and recordkeeping requirements specified in section 66273.74;

(B) The standards specified in section 66273.75;

(C) The closure plan and financial requirements specified in section 66273.76; and

(D) When applicable, the closure requirements specified in section 66273.77.

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

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

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

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

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

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

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

(A) The use or application of:

1. **Chemicals, including water**, other than coolant recirculated in CRT cutting machines; and/or

2. **External heat.**

(B) **Except as specifically provided in subsection (c)(1)(D), the onsite treatment of the residuals resulting from the activities authorized by section 66273.73, subsection (a)(1) or (a)(2).**

(C) **The treatment of any electronic device containing PCBs, a medical waste, a radioactive material, a reactive material, or an ignitable material.**

(d)(1) Notwithstanding subsections (a)(1)(B), (a)(2)(B) and (b)(2) of this section, the authorizations provided in this section shall not be required for a handler who recycles scrap metal, including printed circuit boards produced by an authorized handler.

(2) As used in this subsection, "printed circuit boards produced by an authorized handler" means residual printed circuit boards that a handler has:

(A) derived from electronic devices by completing treatment authorized under this article,

(B) containerized and labeled pursuant to section 66273.75, subsection (b), and

(C) subsequent to the authorized treatment, determined to be exempt scrap metal pursuant to section 66273.71, subsection (e), section 66273.72, subsection (a)(3), or section 66273.75, subsection (c)(1)(C).

§66273.74. Notification, Annual Reporting, and Recordkeeping.

(a) Notification.

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

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

(A) Name of universal waste handler;

(B) Telephone number of universal waste handler;

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

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

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

(F) Facility ID Number, if issued;

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

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

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

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

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

(b) Annual reporting.

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

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

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

(B) A description of the facility;

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

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

(E) Facility ID Number, if issued;

(F) Number of days the facility operated;

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

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

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

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

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

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

(J) A list consisting of:

1. **The name, address, and telephone number for each of the locations** to which the universal waste handler shipped CRT glass, **scrap metal**, yokes, universal waste, and/or **exempt materials** during the previous calendar year; and
2. **The following quantities shipped to each of those locations:**
 - a. The total quantity of CRT glass (weight) shipped to that location during the previous calendar year, including in this case a declaration of whether that location is a CRT glass manufacturer and/or either a primary lead smelter or a secondary lead smelter;
 - b. The total quantity of **residual printed circuit boards and scrap metal** (weight) from all treatment activities reported pursuant to this subsection shipped to that location during the previous calendar year;
 - c. The total quantity of yokes (weight) shipped to that location during the previous calendar year; and/or
 - d. The total quantity of universal waste (weight) shipped to that location during the previous calendar year.

(K) Whenever necessary, a universal waste handler who utilizes a mass-based inventory system to quantify CRTs, CRT devices, or electronic devices other than CRT devices, may convert mass data to count data through application of an appropriate conversion factor (e.g., 30 pounds per CRT) to fulfill the annual reporting requirement of this subsection (b). A universal waste handler who performs such a data conversion(s) shall indicate that the count data were derived from mass data and shall include the conversion factor(s) used in the annual report.

(2) Universal waste handlers of mercury ampules, mercury switches, and/or pressure or vacuum gauges: Any universal waste handler who treated any equipment containing mercury ampules and/or mercury switches, and/or treated any pressure or vacuum gauge, pursuant to this article is not required to submit an annual report to the Department pursuant to this section.

(c) Recordkeeping.

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

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

1. A **copy of the notification** submitted to the Department as required by subsection (a) of this section, beginning no later than 30 days prior to treating any electronic device and/or CRT at the universal waste handler's facility;
2. A **copy of the most recent annual report** submitted to the Department as required by subsection (b) of this section, beginning no later than February 1 of the year following the most recent calendar year during which the universal waste handler treated any electronic device and/or CRT at the universal waste handler's facility pursuant to this article; and/or

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

(B) The universal waste handler shall make available the relevant documents identified in subsections (c)(1)(A)1. through (c)(1)(A)3. of this section at the universal waste handler's facility upon request, to any representative of the Department, USEPA, or a local governmental agency having jurisdiction over the facility.

(C) **The universal waste handler shall either deliver in person or send to the Department by certified mail, return receipt requested, a copy of any relevant document identified in subsection (c)(1)(A)3. of this section upon receipt of a written request from the Department.** The Department shall specify in its written request all of the following: the identities of the documents of which copies are required; the place where those copies shall be delivered or sent; and the date by which those copies shall be submitted.

(2) Universal waste handlers of mercury switches.
Except as otherwise provided in sections 66273.71 and 66273.72, a universal waste handler who removes mercury switches from vehicles and/or household appliances shall keep records, on paper or electronically, of the removal of mercury switches from vehicles and/or household appliances for at least three years from the date of removal. The records shall include, at a minimum, the following information:

- (A) The total number of vehicles crushed, baled, sheared, or shredded;
- (B) The total number of appliances destined for shredding;
- (C) The total number of vehicles or appliances destined for crushing, baling, shearing, or shredding that were determined to contain one or more mercury switches;
- (D) The number of mercury switches removed from these vehicles and appliances; and
- (E) The number of motor vehicles from which mercury switches could not be removed due to accidental damage to the vehicle.

(d) **Notifications and annual reports required** pursuant to subsections (a) and (b) of this section **shall be dated, signed, and certified according to the requirements of section 66270.11, subsections (a) and (d)** as those requirements apply to permit applications and permit-application certifications, respectively.

(e) If submitted electronically, notifications and annual reports required pursuant to subsections (a) and (b) of this section shall be addressed to the Department at <http://www.dtsc.ca.gov>. **For electronic notifications and annual reports made pursuant to this section, the universal waste handler signature required by subsection (d) of this section shall be submitted to the address provided in subsection (f) of this section.**

(f) If submitted in writing, notifications and annual reports required pursuant to subsections (a) and (b) of this section shall be sent to the Department by certified mail, return receipt requested, at the following address: Department of Toxic Substances Control, Universal Waste Notification and Reporting Staff, P.O. Box 806, Sacramento,

CA 95812-0806, with the words "Attention: Universal Waste Handling Activities" prominently displayed on the front of the envelope.

§66273.75. Treatment (Processing) Standards.

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

(a) Treatment.

The universal waste handler shall:

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

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

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

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

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

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

(7) Treat electronic devices **and/or residual printed circuit boards only for the purpose of recycling one or more of their components and ensure that all treatment residuals meeting the definition of scrap metal in section 66273.9 are recycled** and that all treatment residuals meeting the definition of CRT glass in section 66273.9 are recycled as specified below.

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

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

(b) Containment of residuals.

(1) The universal waste handler shall manage all residuals produced from treating electronic devices, **residual printed circuit boards**, and/or CRTs, in a manner that prevents a release to the environment of any universal waste or any component thereof, as follows:

(2) Contain any residuals that are produced from treating electronic devices, **residual printed circuit boards**, and/or CRTs, in a manner that prevents releases of hazardous residuals to the environment under reasonably foreseeable conditions.

(3) Clean up and immediately place in a container any electronic device, **residual printed circuit board**, and/or CRT that is accidentally or unintentionally broken and that might reasonably be expected to **cause a release to the environment under reasonably foreseeable conditions**. Such containers shall be structurally sound, be compatible with the contents of the electronic devices, **residual printed circuit boards**, and/or CRTs, and prevent releases under reasonably foreseeable conditions.

(4) Until the determination pursuant to subsection (c)(1)(C) of this section is made that residual printed circuit boards and/or the residuals thereof are exempt scrap metal, these materials shall be managed in containers labeled with the following phrase: "Residual Printed Circuit Boards" or "Residual Printed Circuit Board Materials," as appropriate.

(c) Management of residuals.

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

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

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

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

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

(2) A universal waste handler whose treatment of electronic devices and/or CRTs generates CRT glass as defined in section 66273.9 shall ensure that all CRT glass-

residuals are sent to a CRT glass manufacturer or to a primary or secondary lead smelter and recycled.

(d) Worker safety.

(1) A universal waste handler, who treats electronic devices, **residual printed circuit boards**, and/or CRTs, shall be thoroughly familiar with the hazards associated with such treatment, **have access to the proper procedures and protective equipment necessary to conduct the treatment safely, use such protective equipment** if required by any applicable health and safety requirements, and **comply with the requirements of this section**.

(2) A universal waste handler, who treats electronic devices, **residual printed circuit boards**, and/or CRTs, shall ensure that the universal waste handler's **facility is operated in compliance with all applicable health and safety laws and regulations** [e.g., Cal. Code Regs., tit. 8, ch. 4 (Division of Industrial Safety), subch. 7 (General Industry Safety Orders), group 16 (Control of Hazardous Substances), art. 107 (Dusts, Fumes Vapors and Mists), and art. 109 (Hazardous Substances and Processes), and sec. 5198 (Lead)].

(e) Zoning.

(1) A universal waste handler, who treats electronic devices, residual printed circuit boards, and/or CRTs using any of the methods allowed pursuant to this section, shall ensure that such treatment is consistent with local zoning requirements and land use patterns applicable to the universal waste handler's facility.

§66273.76. Closure Plan and Financial Requirements.

(a) Except as otherwise provided in subsections (a)(4) and (b)(5) of this section, and in addition to the universal waste handler notification required pursuant to section 66273.74, subsection (a), a universal waste handler who intends to conduct one or more of the treatment activities described in **section 66273.73, subsections (a)(2) and (b)** shall submit the information specified in subsections (a)(1) through (d) of this section to the Department in the manner and at the address given in subsections (e) and (f) of this section, **no later than 30 calendar days prior to initially conducting those treatment activities:**

(1) **Closure plan.**

A universal waste handler shall **prepare and submit a closure plan**. When used in this chapter, "closure plan" means a **written plan** that identifies the **activities and schedules** for closing one or more **universal waste treatment units** at any point during the active life of a universal waste handler's facility. The closure plan shall address closing the universal waste treatment unit(s) at the point in the facility's active life when the extent and manner of its operation would make closure the **most expensive**. The closure plan shall include **all of the following:**

(A) A detailed description of the **activities and schedule** that are needed to **decontaminate or remove** at the time of closure:

1. **Each universal waste treatment unit**, including universal waste treatment units that also treat **residual printed circuit boards** that have been determined to be

exempt scrap metal pursuant to section 66273.71, subsection (e), section 66273.72, subsection (a)(3), or section 66273.75, subsection (c)(1)(C);

2. **All other contaminated equipment**, such as ventilation systems and containment units;

3. **Contaminated structures**;

4. **Contaminated soils**; and

5. **All hazardous wastes, including universal wastes in inventory, and universal waste treatment residuals.**

(B) The **description** required by subsection (a)(1)(A) of this section **shall identify all areas where sampling and testing will be conducted** to verify the decontamination or removal of the items listed in that subsection.

(C) **An estimated maximum inventory of universal wastes and universal waste treatment residuals ever to be present onsite**, and a detailed description of the **boundaries** of the universal waste accumulation area(s), universal waste treatment unit(s), and treatment-residual storage area(s).

(2) A universal waste handler shall **modify the closure plan** required by subsection (a)(1) of this section **whenever a change affecting the closure plan** and specified in subsection (a)(2)(A) of this section occurs. The universal waste handler shall submit the modified closure plan **to the Department** in the manner and at the address given in subsections (e) and (f) of this section within the applicable time period specified in subsection (a)(2)(B) of this section.

(A) A **change is a change** in the type of **treatment activity** or an **increase** in facility **capacity greater than 10 percent**.

(B) The applicable time period is at least **30 calendar days prior to any planned change** in facility design or operation, or no longer than 30 calendar days after an **unexpected change** has occurred.

(3) A universal waste handler shall **keep at the universal waste treatment facility** during the facility's operating life, the **closure plan** prepared for the facility in accordance with subsection (a)(1) of this section.

(4) Universal waste handlers who notify the Department of their intent to conduct one or more of the treatment activities described in section 66273.73, subsections (a)(2) and (b) on or before [OAL to insert effective date of these regulations] shall submit the closure plan required by subsection (a)(1) of this section on or before December 31, 2008.

(b)(1) Cost estimate for closure.

A universal waste handler shall **prepare and submit** a cost estimate for closure. For purposes of this chapter, a cost estimate for closure (or closure cost estimate) **means a document that specifies the estimated cost of closing a universal waste treatment facility, and it includes the respective costs of universal-waste inventory disposition, equipment decontamination or removal, laboratory testing, and other relevant costs.** The cost estimate for closure shall **address closing the universal waste treatment unit(s)**, shall be prepared pursuant to the closure plan required pursuant to subsection (a)(1) of this section, and **shall**:

(A) Conform with subparagraphs **(A)1.** and **(A)2.** of this subsection (b)(1):

1. Do both of the following:

a. Include the estimated cost to **decontaminate or to remove** from the facility, at the time of closure, **each universal waste treatment unit and all other items designated in the closure plan** in accordance with subsection (a)(1)(A) of this section. The portion of such estimated cost that is attributable to decontaminating or removing universal wastes and universal waste treatment residuals **shall be based on the estimated maximum inventory of those wastes and residuals, excluding residual printed circuit boards, and/or the residuals thereof**, that have been determined to be exempt scrap metal pursuant to section 66273.71, subsection (e), section 66273.72, subsection (a)(3), or section 66273.75, subsection (c)(1)(C), ever to be present onsite, as designated in the closure plan in accordance with subsection (a)(1)(C) of this section.

b. Be based on the cost to the universal waste handler of **hiring a third party to close the facility**. When used in this section, a “third party” means a person who is neither a parent corporation, as defined in section 66260.10, nor a subsidiary of the person who is the universal waste handler.

2. Not do either of the following:

a. Incorporate any salvage value that may be realized from the sale of hazardous waste including universal waste, nonhazardous waste, facility structures or equipment, land, or other assets associated with the facility at the time of closure; or

b. Incorporate a zero cost for hazardous waste including universal waste, or nonhazardous waste, even if those wastes have economic value.

(2) **At least annually**, a universal waste handler **shall adjust the closure cost estimate for inflation within 60 calendar days prior to the anniversary date of the establishment of the financial instrument(s)** used to comply with subsection (d) of this section. For a universal waste handler using the financial test or corporate guarantee, the closure cost estimate shall be updated for inflation within 90 calendar days after the close of the universal waste handler’s fiscal year and before submission of updated information to the Department as specified in section 66265.143, subsection (e)(3). **The adjustment shall be made by recalculating the closure cost estimate in current dollars**, or by using an inflation factor derived from the most recent Implicit Price Deflator for Gross National Product published by the U.S. Department of Commerce in its Survey of Current Business, as specified in section 66265.142, subsections (b)(1) and (2). The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year.

(3) A universal waste handler **shall revise the closure cost estimate no later than 30 days after any revision has been made to the closure plan** pursuant to subsection (a)(2) of this section which increases the cost of closure.

(4) A universal waste handler shall **keep** at the universal waste treatment facility during the facility’s operating life, **the latest closure cost estimate** prepared for the facility in accordance with subsection (b)(1) of this section.

(5) Notwithstanding subsection (b)(2) of this section, universal waste handlers who notify the Department of their intent to conduct one or more of the treatment activities described in section 66273.73, subsections (a)(2) and (b) on or before [OAL to insert the effective date of these regulations], shall submit a revised cost estimate for closure as required by this subsection on or before December 31, 2008.

(c) Financial responsibility for liability.

A universal waste handler shall prepare and submit documentation demonstrating financial responsibility for liability pursuant to **section 66265.147**.

(d) Financial assurance.

A universal waste handler shall prepare and submit documentation demonstrating financial assurance for closure to fund the cost estimate for closure, pursuant to **section 66265.143, subsections (a) through (h)**.

(e) The documents submitted pursuant to this section shall be **dated, signed, and certified according to the requirements of section 66270.11, subsections (a) and (d)** as those requirements apply to permit applications and permit-application certifications, respectively.

(f) When submitted to the Department, the documents required pursuant to this section shall be sent by certified mail, return receipt requested, to the following address: Department of Toxic Substances Control, Universal Waste Notification and Reporting Staff, P.O. Box 806, Sacramento, CA 95812-0806, with the words "Attention: Universal Waste Handling Activities, Authorized Treatment" prominently displayed on the front of the envelope.

§66273.77. Closure of Universal Waste Treatment Facilities.

(a) Closure notification.

A universal waste handler **who intends to close a universal waste treatment facility or any universal waste treatment unit**, including universal waste treatment units that also treat residual printed circuit boards that have been determined to be exempt scrap metal pursuant to section 66273.71, subsection (e), section 66273.72, subsection (a)(3), or section 66273.75, subsection (c)(1)(C), and who conducts any of the treatment activities described in section 66273.73, subsection (a)(2) or (b) **shall:**

(1) **Submit to the Department** in the manner and at the address given in subsections (c) and (d) of this section, **a notification containing** the following information:

(A) The **date of the last day on which the universal waste handler intends to conduct the treatment activities** specified in section **66273.73, subsection (a)(2) or (b)**;

(B) The **date of the last day on which the universal waste handler intends to conduct handling activities other than the treatment activities** specified in section **66273.73, subsection (a)(2) or (b)** at the facility, if applicable; and

(C) The **date the universal waste handler intends to complete the closure activities** described in the handler's closure plan **and/or, if applicable, vacate the facility**.

(2) **Submit** the required notification **to the Department within 30 calendar days before the earliest applicable date** specified pursuant to subsection (a)(1) of this section.

(b) Department response to closure notification.

(1) Upon receipt of the closure notification, the **Department shall notify the universal waste handler in writing whether the universal waste handler is required to continue to maintain financial assurance for closure of the facility.** The Department shall send such notification **within 60 calendar days after** completion of the **later of the following:**

(A) Receipt by the Department **of a summary of closure activities** completed by the universal waste handler, including both of the following:

1. Any **sample data** submitted by the universal waste handler **confirming that all units, surfaces, and areas have been decontaminated.** The submittal shall **include a facility plot plan** that identifies where the samples were taken.

2. A letter from the universal waste handler that provides **self-certification that the facility has been closed pursuant to the universal waste handler's closure plan** required by section 66273.76, subsection (a)(1). The letter shall include the date(s) when the applicable events described in subsections (a)(1) through (a)(2) above actually occurred; or

(B) A facility inspection report, if issued by the Department, **verifying closure of the facility pursuant to the universal waste handler's closure plan** required by section 66273.76, subsection (a)(1).

(2) If, based on the information obtained pursuant to subsection (b)(1) of this section, **the Department finds that closure of the facility has not been completed** in accordance with the universal waste handler's closure plan, the **Department shall provide to the universal waste handler in writing,** a detailed **written statement** setting forth:

(A) the Department's reason(s) for that finding; and

(B) the Department's request for additional information to be provided by the universal waste handler to demonstrate that the closure activities necessary to close the facility pursuant to the universal waste handler's closure plan, as submitted pursuant to section 66273.76, have been completed.

(c) The documents submitted pursuant to this section **shall be dated, signed, and certified according to the requirements of section 66270.11, subsections (a) and (d)** as those requirements apply to permit applications and permit-application certifications, respectively.

(d) When submitted to the Department, documents required pursuant to this section shall be sent by certified mail, return receipt requested, to the following address: Department of Toxic Substances Control, Universal Waste Notification and Reporting Staff, P.O. Box 806, Sacramento, CA 95812-0806, with the words "Attention: Universal Waste Handling Activities" prominently displayed on the front of the envelope.