

The following document represents DTSC's concept for revising and reformatting title 22, California Code of Regulations, division 4.5, Chapter 23. This format simplifies and clarifies the requirements for universal waste (UW) handlers and recyclers. The only changes of significance to existing universal waste requirements proposed in the concept document are:

- The training requirement for all UW handlers is increased, and
- The requirements for UW treatment activities (CRT processing and UWED processing) have been clarified to include requirements pertaining to: cost closure estimate, closure plan, and final closure of facility and release of financial mechanism.

Chapter 23. Standards for Universal Waste Management

Article 1. General

§66273.1. Scope.

- (a) This chapter establishes requirements for managing the following:
- (1) Batteries as described in section 66273.2;
 - (2) Mercury-containing devices described in section 66273.4;
 - (3) Lamps as described in section 66273.5 (including, but not limited to, M003 Wastes);
 - (4) Cathode ray tube materials as described in section 66273.6;
 - (5) Electronic devices as described in section 66273.3;
 - (6) Aerosol cans as specified in Health and Safety Code section 25201.16; and
- (b) This chapter provides an alternative set of management standards in lieu of regulation as hazardous wastes under chapters 10 through 16, 18, and 20 through 22 of this division. These alternative management standards do not apply to destination facilities as defined in section 66273.9.

§66273.2. Applicability - Batteries.

- (a) Batteries covered under chapter 23. The requirements of this chapter apply to persons managing batteries, as described in section 66273.9, except those listed in subsection (b) of this section.
- (b) Batteries not covered under this chapter. The requirements of this chapter do not apply to persons managing the following batteries:
- (1) Automotive type spent lead-acid batteries. ~~Auto motive type spent~~ auto motive-type lead acid storage batteries ~~are~~ shall be managed under article 7 of chapter 16. Small sealed lead-acid storage batteries are not automotive type lead-acid batteries.
 - (2) Batteries, as described in section 66273.9, that are not yet wastes under chapter 11, including those that do not meet the criteria for waste generation in subsection (c).
 - (3) Batteries, as described in Section 66273.9, that do not exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11.
- (c) Generation of waste batteries.
- (1) A used battery becomes a waste on the date it is discarded (e.g., when sent for reclamation).
 - (2) An unused battery becomes a waste on the date the handler decides to discard it.

§66273.3. Applicability - Electronic Devices.

- (a) Hazardous waste electronic devices covered under chapter 23.
- (1) The requirements of this chapter apply to persons managing electronic devices, as described in section 66273.9, except those listed in subsection (b) of this section.
 - (2) Discarded electronic devices that are hazardous solely because the device exhibits the characteristic of toxicity specified in section 66261.24 may be managed as a universal waste.
- (b) Electronic devices not covered under chapter 23.
- The requirements of this chapter do not apply to persons managing the following electronic devices:
- (1) Electronic devices that are not yet wastes under chapter 11. 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 under chapter 11.
 - (3) Electronic devices that exhibit any characteristic of a hazardous waste other than the characteristic of toxicity.
 - (4) Electronic devices that are destined for disposal or are disposed to a class I landfill, in which case the universal waste electronic device shall be managed as hazardous waste under chapters 10 through 22.
 - (5) Electronic devices that are managed as hazardous waste under chapters 10 through 22 of this division;
 - ~~(6) Electronic devices that are exempted pursuant to subsection 66273.8(e);~~
 - (7) Electronic devices that were previously identified as waste under chapter 11, but are no longer identified as a waste (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) An unused electronic device becomes a waste on the date the owner decides to discard it.
 - (3) The CRT in the CRT device is physically cracked, broken, or shattered.
 - (4) CRT glass released or derived from a CRT device becomes a waste on the date that the CRT glass is released or derived from the CRT device,

§66273.4. Applicability - Mercury-Containing Device.

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

(1) Thermostats, as described in section 66273.9.

(2) Mercury-containing switches:

(A) Mercury-containing motor vehicle light switches, as described in section 66273.9, that meet listing description M001 in section 66261.50;

(B) Motor vehicles that contain such switches; and

(C) Portions of motor vehicles that contain such switches;

(D) Non-automotive mercury switches, as described in section 66273.9, that meet listing description M002 in section 66261.50; and

(E) Products that contain such switches.

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

(4) Pressure or vacuum gages, as described in section 66273.9.

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

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

(7) Thermometers, as described in section 66273.9.

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

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

(10) Mercury-containing gas flow regulators, as describe in section 66273.9.

(b) Mercury-containing devices not covered under chapter 23. The requirements of this chapter do not apply to persons managing the following mercury-containing devices:

(1) Mercury-containing devices that are not yet wastes under chapter 11. Subsection (c) of this section describes when mercury-containing devices become wastes.

(2) Mercury-containing devices that do not exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11 and are not listed in Article 4.1 of Chapter 11.

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

(4) Switches that do not contain mercury.

(5) Waste mercury-containing devices that are destined for disposal or are disposed to a class I landfill, in which case these mercury-containing devices are regulated as hazardous wastes 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, these 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 amalgam capsules.

(8) Waste thermometers that do not use the expansion and contraction of a column of mercury to measure temperature.

(c) Generation of waste mercury-containing devices.

(1) A used mercury-containing device becomes a waste on the date it is discarded (e.g., sent for reclamation).

(2) An unused mercury-containing device becomes a waste on the date the handler decides to discard it.

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

(4) Amalgam particles contained in reusable chair side traps, reusable vacuum pump filters, and amalgam separators become universal wastes on the date they are removed from these traps, filters, and amalgam 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 handler decides to discard it.

§66273.5. Applicability - Lamps.

(a) Lamps covered under this chapter. The requirements of this chapter apply to persons managing the following:

(1) lamps, as described in section 66273.9, that exhibit a characteristic of a hazardous waste, as set forth in article 3 of chapter 11;

(2) mercury-added lamps, as described in section 66273.9, that meet listing description M003 in section 66261.50; and

(3) products that contain such lamps, except those listed in subsection (b) of this section.

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

- (1) Lamps that are not yet wastes under chapter 11 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 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, in which case these 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.
- (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, these 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.
- (2) An unused lamp becomes a waste on the date the handler decides to discard it.

§66273.6. Applicability - CRTs.

(a) CRTs covered under chapter 23.

The requirements of this chapter apply to CRTs, as described in section 66273.9, except those listed in subsection (b).

(b) CRTs not covered under chapter 23.

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

- (1) CRTs that are not yet wastes under 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;
- (3) CRTs that are destined for disposal or are disposed to a class I landfill, in which case the CRTs shall be managed as hazardous waste under chapters 10 through 22;
- (4) CRTs that are managed as hazardous waste under chapters 10 through 22 of this division;
- (5) CRTs that were previously wastes under chapter 11, but are no longer wastes (e.g., a discarded CRT that is refurbished and is returned to service).

(c) Generation of CRTs.

(1) A CRT becomes a waste on the date when the earlier of the following occur:

- (A) The owner discards it; or
- (B) The CRT is physically cracked, broken, or shattered.

(2) CRT glass released or derived from a CRT becomes a waste on the date that the CRT glass is released or derived from the CRT.

§66273.7. Applicability - CRT Glass.

(a) CRT glass covered under chapter 23.

The requirements of this chapter apply to CRT glass, as described in section 66273.9, except that listed in subsection (b).

(b) CRT glass not covered under chapter 23.

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

- (1) CRT glass that is not yet a waste under chapter 11 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;
- (3) CRT glass that is destined for disposal or are disposed to a class I landfill, in which case the CRT glass shall be managed as hazardous waste under chapters 10 through 22;
- (4) CRT glass that is managed as hazardous waste under chapters 10 through 22 of this division;

(c) Generation of 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.

§66273.7.1. [Reserved.]

§66273.7.2. [Reserved.]

§66273.7.3. [Reserved.]

§66273.7.4. [Reserved.]

§66273.7.5. [Reserved.]

§66273.7.6. [Reserved.]

§66273.7.7. [Reserved.]

§66273.7.8. [Reserved.]

§66273.7.9. [Reserved.]

§66273.7.10. [Reserved.]**§66273.8. Exemptions (placeholder pending other regulations package).**

~~(a) Temporary disposal exemption for specific universal wastes.~~

~~(1) Through February 8, 2006, universal waste batteries, universal waste lamps and universal waste mercury thermostats, and universal waste electronic devices produced by a household, as defined in section 66273.9, incidental to owning or leasing and maintaining a place of residence, are not classified as hazardous waste and may be managed as non-hazardous solid waste, provided the wastes are disposed in a landfill permitted to accept municipal solid waste or hazardous waste.~~

~~(2) Through February 8, 2004, 100 kilograms (220 pounds) or less per month of universal waste batteries, universal waste thermostats, and universal waste lamps generated by conditionally exempt **small quantity** universal waste generators as defined in section 66273.9 may be managed as non-hazardous waste, provided the wastes are disposed in a landfill permitted to accept municipal solid waste or hazardous waste and the generator remains in compliance with subsections (a)(3)(B), (a)(3)(C), and (a)(3)(D) of this section. The quantity limit applies to the total amounts of universal waste batteries, universal waste thermostats, and universal waste lamps added together.~~

~~(23) From February 9, 2004 Through February 8, 2006, universal waste batteries, universal waste lamps, and universal waste electronic devices produced by a conditionally exempt **small quantity** universal waste generator, as defined in section 66273.9, may be managed as non-hazardous solid waste, provided they are managed according to the following criteria:~~

~~(A) Universal wastes are disposed as non-hazardous waste in no more than the following quantities:~~

- ~~1. No more than 30 universal waste lamps in any calendar month; and~~
- ~~2. No more than 20 pounds of universal waste batteries in any calendar month; and~~

~~(B) The generator's total generation of RCRA hazardous waste and universal waste does not exceed 100 kilograms (220 pounds) or, if the generator generates acutely hazardous waste, 1 kilogram (2.2 pounds) of acutely hazardous waste, in any calendar month;~~

~~(C) The waste is recycled by a destination facility or disposed in a landfill permitted to accept municipal solid waste or hazardous waste; and~~

~~(D) The generator remains in compliance with 40 CFR section 261.5.~~

~~(3) Persons who commingle the household and conditionally exempt **small quantity** universal waste generator wastes described in subsections (a)(1), (a)(2), and (a)(3) of this section together with other universal waste regulated under this chapter shall manage the commingled waste under the requirements of this chapter.~~

~~(ba) Household exemption.~~

~~A person maintaining a household is exempt from the requirements of this chapter for the management of that person's universal waste, provided:~~

~~(1) the waste is not disposed, except for those wastes exempted pursuant to subsection (a) of this section;~~

~~(2) the person does not dismantle or otherwise treat the waste, except under the provisions of section 66273.13; and~~

~~(3) the universal waste generated by the person is transported to another universal waste handler or to a destination facility.~~

~~(eb) Conditionally Exempt Small Quantity Universal Waste Generator Exemption.~~

~~A conditionally exempt small quantity universal waste generator is exempt from the requirements of this chapter for the management of that person's universal waste, provided:~~

~~(1) the waste is not disposed, except for the following wastes:~~

~~(A) those wastes exempted pursuant to subsection (a) of this section;~~

~~(B) mercury-added novelties that do not contain liquid mercury, as described in section 66273.9; and~~

~~(C) mercury-containing rubber flooring, as described in section 66273.9.~~

~~(2) the person does not dismantle or otherwise treat the waste, except under the provisions of section 66273.3343; and~~

~~(3) the universal waste generated by the person is transported to another universal waste handler or to a destination facility.~~

~~(ec) Persons managing universal waste identified as household hazardous waste pursuant to 40 CFR section 261.4 and persons identified as conditionally exempt small quantity generators pursuant to 40 CFR section 261.5 may, at their option, manage their universal wastes under this chapter. If these persons decide to not manage their waste pursuant to this chapter, as provided in this section, these wastes must be managed pursuant to the standards for other hazardous wastes under this division and Chapter 6.5 of the Health and Safety Code.~~

§66273.9. Definitions.

"Battery" means a device consisting of one or more electrically connected electrochemical cells which is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, 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” or “CRT” means a vacuum tube or picture tube used to convert an electrical signal into a visual image.

“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 and no more than 1 kilogram (2.2 pounds) of acutely hazardous waste in any calendar month. When making the quantity determination pursuant to this subsection, the generator must, include all universal waste except CRT devices and CRTs, and all RCRA hazardous waste; and

(b) generates a total of five or less CRT devices or CRTs in a calendar year; and

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

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

“CRT glass” means any glass released, derived or otherwise generated from the treatment or breakage of one or more CRTs or CRT devices that is or has become a waste pursuant to section 66273.7(c) and that is reclaimed at a CRT glass manufacturer or at a primary or secondary lead smelter.

~~“CRT material” means all or any of the following:~~

~~(a) a CRT, as defined in this section, that is or has become a waste pursuant to section 66273.6(c);~~

~~(b) a CRT device, as defined in this section, that is or has become a waste pursuant to section 66273.6(c);~~

~~(b) CRT glass, as defined in this section, that is or has become a waste pursuant to section 66273.6(c) and that is reclaimed at a CRT glass manufacturer or at a primary or secondary lead smelter.~~

~~“CRT material handler” means any person who generates, accumulates, stores, treats, or recycles any universal waste CRT material.~~

~~“CRT Material Transporter” means a person engaged in the off-site transportation of universal waste CRT materials by air, rail, highway, or water.~~

“Dental amalgam” or “universal waste 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, except those management activities described in section **66273.33(a), (b), (c), (d), and (e)**. 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” or “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 including, but not limited to, CRT devices (e.g., computer monitors, televisions, cash registers and oscilloscopes), 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. An electronic device does not include any ~~CRT device as defined in this section, or any~~ major appliance as defined in the Public Resources Code section 42166. The requirements of this chapter only apply to electronic devices as described in section 66273.3(a) (i.e., those wastes that exhibit the characteristic of toxicity).

“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.

“Gas flow regulator,” “mercury gas flow regulator” or “universal waste gas flow regulator” means a mercury-containing device used to regulate the flow of gas through a gas meter.

“Generator” or “producer” 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 as defined in this section or whose act first causes a universal waste to become subject to regulation.

“Household” means a private residence. 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”, also referred to as “universal waste lamp” or “mercury-added lamp” is defined as 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 universal waste electric lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high pressure sodium, and metal halide lamps.

~~“Large Quantity Handler of Universal Waste” means a universal waste handler (as defined in this section) who accumulates 5,000 kilograms or more total of universal waste (e.g., batteries, thermostats, lamps, etc. calculated collectively) at any time. This designation as a large quantity handler of universal waste is retained through the end of the calendar year in which 5,000 kilograms or more total of universal waste is accumulated.~~

“Management” means handling, storage, transportation, processing, treatment, recovery, recycling, transfer

and disposal.

"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 gas flow regulator" or "universal waste gas flow regulator" means a mercury-containing device used to regulate the flow of gas through a gas meter.

"Mercury-containing device" means any thermostats, mercury switches and thermometers, dental amalgam, gauges, novelties, counterweights and dampers, dilators and weighted tubing, rubber flooring, gas flow regulators.

"Mercury-containing motor vehicle light switch" means any motor vehicle switch found in the hood or trunk of a motor vehicle that 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" or "universal waste rubber flooring" means any rubber flooring material formulated with intentionally added mercury.

"Mercury counterweights and dampers" or "universal waste mercury counterweights and dampers" means an enclosed device that uses liquid mercury for weight or dampening. Includes, but is not limited to, mercury bow stabilizers used in archery, mercury recoil suppressors used in shooting, and mercury counterweights used in clocks.

"Mercury switch" or "universal waste 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.

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

"Offsite" means any site which is not onsite.

"On-site" 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 he controls and to which the public does not have access, are also considered on-site property.

"PRC" means California Public Resources Code.

"Pressure or vacuum gauge," "universal waste gauge," or "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.

"Processing" as used in this chapter means those treatment activities described in sections 66273.33(d)(5)(B) and 66273.33(e)(5).

~~"Small Quantity Handler of Universal Waste" means a universal waste handler (as defined in this section) who does not accumulate 5,000 kilograms or more total of universal waste (e.g., batteries, thermostats, lamps, etc. calculated collectively) at any time.~~

"Thermometer," "mercury thermometer" or "universal waste 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 sections ~~66273.13(c)(2) or~~ 66273.33(c)(2).

"Treatment" or "treat" or "treating" or 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 Handler" or "Handler of Universal Waste" :

(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.

(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 off-site 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.

~~(3) A CRT material handler, as defined in this section.~~

“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 off-site transportation of universal waste by air, rail, highway, or water.

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; 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 section 66273.33 and article 7.

§66273.32. U.S. EPA ID Number, Department Notifications and Reports for Handlers of Universal Wastes

(a) EPA Notification

(1)(A) Except as provided in subsections (b) and (c) of this section, a universal waste handler shall have sent written notification of universal waste management to the Regional Administrator, and received an EPA Identification Number, before accumulating the 5,000 kilograms of universal wastes regulated pursuant to 40 CFR Part 273 (i.e., battery, lamps, and mercury-containing devices).

(B) A universal waste handler who has already notified the U.S. EPA of his hazardous waste management activities and has received an EPA Identification Number is not required to renotify under this section.

(C) A universal waste handler who would otherwise be required by subsection (a)(1) to notify the regional Administrator and obtain an EPA Identification Number is not required to do so if the following conditions are met:

- 1. The total quantity of all universal wastes handled other than universal waste electronic devices, CRTs and CRT glass does not meet or exceed the 5,000 kilogram accumulation limit; and
- 2. The universal waste handler has submitted the applicable notification to the Department specified in subsection (b); and
- 3. The universal waste handler ensures that all universal waste electronic devices, CRTs and CRT glass handled are managed and recycled in accordance with this article.

(b) This notification shall include:

- (1) The universal waste handler's name and mailing address;
- (2) The name and business telephone number of the person at the universal waste handler's site who should be contacted regarding universal waste management activities;
- (3) The address or physical location of the universal waste management activities;
- (4) A list of all of the types of universal waste managed by the handler (e.g, batteries, thermostats, lamps);
- (5) A statement indicating that the universal waste handler is accumulating more than 5,000 kilograms of universal waste at one time and the types of universal waste (e.g, batteries, thermostats, lamps) the handler is accumulating above this quantity.

(c) Notification for Handlers of Universal Waste Electronic Devices, CRTs, and CRT glass. Any person who intends to accept and accumulate, but not dismantle or process, any universal waste electronic devices, CRTs, and CRT glass from an offsite source shall submit to the Department an electronic or written notification containing the information specified below no later than 30 days prior to accepting any universal waste electronic devices and/or CRT materials:

- (1) Name of handler;
- (2) Telephone number of handler;
- (3) Type of handler for purposes of Public Resources Code, division 30, part 3, chapter 8.5 (i.e., collector, recycler, or dual entity), if applicable;
- (4) Mailing address of handler, and physical address, including county, if different from the mailing address;
- (5) Name of the contact person;
- (6) Telephone number of the contact person;
- (7) An e-mail address for the contact person or organization, if available;
- (8) The types of universal waste electronic devices and/or CRT materials expected to be handled;
- (9) The sources of universal waste electronic devices and/or CRT materials (i.e., residential collections, business asset recovery, other collectors, etc.).

(d) Annual Report for Handlers of Universal Waste Electronic Devices, CRTs, and/or CRT Glass.

(1) A universal waste handler that accepts more than 100 kilograms (or 220 pounds) of universal waste electronic devices, CRTs, and CRT glass calculated collectively, from any offsite sources shall, by February 1 of each calendar year, submit an electronic or written report containing the information specified in subparagraph (3) to the Department. The information submitted under this subsection shall cover universal waste electronic device handling activities during the previous calendar year.

(2) A universal waste handler that generates 5,000 kilograms (about 200 CRTs) or more of universal waste electronic devices, CRTs and CRT glass calculated collectively, per calendar year shall, by February 1 of each calendar year, submit a written annual report containing the information specified in subparagraph (3) to the Department. The information submitted under this subsection shall cover the universal waste handling activities during the previous calendar year.

(3) This annual report shall include:

(A) Name of handler;

(B) Telephone number of handler;

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

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

(E) Telephone number of the contact person;

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

(G) The types of universal wastes handled;

(H) The total quantity of the following universal wastes:

1. The total quantity of universal waste electronic devices (nonCRT devices) (count or weight) handled during the previous calendar year;

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

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

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

(I) A list including the names, addresses, and phone numbers of each location that the handler shipped universal waste electronic devices, CRTs, and CRT glass to during the previous year;

(J) The total quantity of universal waste electronic devices (nonCRT devices) (count or weight) and the total quantity of CRT glass (weight), CRTs (count), and CRT devices (count) shipped to each location.

(K) Whenever necessary, universal waste handlers utilizing mass based inventory systems to quantify CRT devices, CRTs and CRT glass may convert mass data to count data through application of an appropriate conversion factor (e.g., 30 pounds per CRT) to fulfill this notification requirement. Universal waste handlers who perform data conversions shall indicate that the count data was derived from mass data and shall include the conversion factor(s) used in their notification.

(e) Electronic notifications and reports submitted under subsection (A) and (B) shall be submitted to www.dtsc.ca.gov.

(f) Written notifications and reports submitted under subsection (A) and (B) shall be submitted to the Department by certified mail, return receipt requested to: Department of Toxic Substances Control, Hazardous Waste Management Program, Regulatory and Program Development Division, P.O. Box 806, Sacramento, CA 95812-0806, with "Attention: UWED/CRT Materials Handling Activities" prominently displayed on the front of the envelope.

§66273.33. Universal Waste Management Requirements by Universal Waste Type.

(a) Universal Waste Batteries. A universal waste handler shall manage universal waste 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 universal waste 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 contents of the battery, 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 solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed above, shall determine

whether the electrolyte and/or other solid waste exhibit a characteristic of hazardous waste identified in article 3 of chapter 11.

(A) If the electrolyte and/or other solid waste exhibit a characteristic of hazardous waste, it shall be managed in compliance with all applicable requirements of this division. The 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 solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

(b) Universal Waste 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 containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages 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 breakage, 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 universal waste lamps from a product or structure, provided the handler removes the lamps in a manner designed to prevent breakage.

(c) Universal Waste Mercury-Containing Devices (i.e., Thermostats, Switches and Thermometers, Dental Amalgam, Gauges, Novelties, Counterweights and Dampers, Dilators, and Weighted Tubing, Rubber Flooring, and Gas Flow Regulators).

(1) A universal waste handler who accumulates any of the mercury-containing devices received from other universal waste handlers shall:

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

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

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

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

(E) Accumulate mercury-containing devices only in locations that are zoned for commercial or industrial uses and that 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) A universal waste handler shall manage mercury-containing devices in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(A) A universal waste handler must place in a container any universal waste mercury-containing device with uncontained elemental mercury or that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container must be closed, structurally sound, compatible with the contents of the device, must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions, and must be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means. The container shall contain packing materials adequate to prevent breakage of mercury-containing devices during storage, handling, and transportation.

(B) A universal waste handler shall place any mercury containing device that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions into a sealed plastic bag in an airtight container. The container shall be closed, structurally sound, compatible with the contents of the counterweight or damper, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

1. A universal waste handler shall determine whether the following exhibit a characteristic of hazardous waste identified in article 3 of chapter 11:

a. Mercury or clean-up residues resulting from spills or leaks; and/or

b. Other wastes generated as a result of handling mercury-containing devices.

2. If the mercury, residues, and/or other wastes exhibit a characteristic of hazardous waste, the wastes shall be managed in compliance with all applicable requirements of this division. The handler is considered the generator of the mercury, residues, and/or other wastes and shall manage them pursuant to chapter 12.

3. If the mercury, residues, and/or other wastes are not hazardous waste, the handler may manage the wastes in any way that complies with all applicable federal, state or local solid waste regulations.

(C) Additional Requirements for Motor Vehicles Containing Mercury Switches.

(1) A universal waste handler who intends to crush, bale, shear, or shred a motor vehicle that contains mercury light switches, shall, prior to crushing, baling, shearing, or shredding the motor vehicle, remove all mercury-containing motor vehicle light switches (except switches that cannot be removed due to accidental damage to the vehicle) or ensure that all mercury-containing motor vehicle light switches have already been removed.

(2) A universal waste handler who removes switches from a motor vehicle shall comply with the

requirements of subsection 66273.72(c).

(D) Additional Requirements for Dental Amalgam.

(1) A universal waste handler shall place amalgam scraps, amalgam fines, single-use amalgam traps and filters, and extracted teeth with amalgam restorations in airtight containers. The containers shall be kept closed, except when universal waste dental amalgam is being added.

(2) A universal waste handler shall not rinse amalgam traps or filters into a sink.

(3) A universal waste handler shall not place universal waste dental amalgam into medical waste containers.

(E) Additional Requirements for Gauges. A universal waste handler shall manage universal waste gauges in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) 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 device.

(2) Each universal waste gauge shall be sealed in a plastic bag. Plastic bags containing universal waste gauges shall be placed into a container or package that is structurally sound, adequate to prevent breakage, and compatible with the contents of the gauge. The container or package shall remain closed 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.

(3) A mercury clean-up system shall be readily available to immediately transfer any mercury resulting from spills or leaks from universal waste gauges to an airtight container that meets the requirements of subparagraph (2);

(4) Universal waste gauges shall be kept upright at all times during handling, accumulation, and transportation.

(F) Additional Requirements for Novelties.

(1) Universal waste novelties whose only mercury is contained in a button cell or other mercury-containing battery shall be managed in accordance with the requirements for universal waste batteries, pursuant to subsection (a) of this section.

a. If they are removable, a small quantity handler of universal waste may remove mercury-containing batteries from a universal waste novelty.

b. Batteries removed from universal waste novelties may be managed as universal waste batteries, pursuant to subsection (a) of this section.

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

(3) Universal waste novelties that contain liquid mercury shall be managed as follows:

a. Universal waste novelties that contain liquid mercury shall be packed in an airtight container, with packing materials adequate to prevent breakage during storage, handling, and transportation. The container shall be closed, structurally sound, compatible with the novelty, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions:

b. mercury clean-up system shall be readily available; and

c. Any universal waste novelty containing liquid mercury 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 subparagraph (2) of this subsection.

(4) Universal waste novelties whose only mercury is contained in a mercury switch or switches shall be managed in accordance with the requirements for universal waste switches. Switches removed from universal waste novelties may be managed as universal waste switches.

(G) Additional Requirements for Gas Flow Regulators. A universal waste handler shall ensure that universal waste gas flow regulators are kept upright at all times during accumulation and transportation.

(H) A universal waste handler who treats any mercury-containing device (e.g., removes ampules and switches, drain gauges, etc.) shall comply with the requirements of subsection 66273.72(b).

(d) Universal Waste Electronic Devices. A universal waste handler shall manage universal waste electronic devices 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 of universal waste electronic devices shall contain universal waste electronic devices in containers or packages that are structurally sound, adequate to prevent breakage and compatible with the contents of the universal waste electronic devices.

(2) Whole universal waste electronic devices (including CRT devices) that are managed in a manner that prevents breakage of the devices and release of hazardous components of the devices (e.g, shrink-wrapped on a pallet) shall be considered to comply with this requirement.

(3) A universal waste handler of universal waste electronic devices shall immediately clean up and place in a container any universal waste electronic device that is broken and shall place in a container any universal waste electronic device that shows evidence of breakage, leakage, or damage that could cause the release of hazardous constituents to the environment. Containers shall be closed, structurally sound, compatible with the contents of the

universal waste electronic devices and shall lack evidence of leakage, spillage or damage that could cause leakage or releases of hazardous components to the environment under reasonably foreseeable conditions.

(4) A universal waste handler may conduct the following activities on electronic devices that do not contain CRTs without prior authorization from the Department by complying with the following requirements:

(A) A universal waste handler may remove only those discrete assemblies that are typically removed during the normal operation of the universal waste electronic device, such as the removal and replacement of batteries or ink cartridges; and

(B) A universal waste handler may conduct the dismantling in the manner prescribed in the operating manual for the universal waste electronic device or that would otherwise be performed during the normal use of the universal waste electronic device.

(5) A universal waste handler may conduct the following activities on electronic devices that do not contain CRTs only with prior authorization from the Department:

(A) A universal waste handler may manually dismantle universal waste electronic devices provided the universal waste handler complies with the requirements of section 66273.72.

(B) A universal waste handler may conduct processing activities on devices, their components, or their residuals through the utilization of treatment processes other than manual dismantling for the purposes of directly reusing components onsite without further processing, sending components offsite for direct reuse, or sending components or treatment residuals offsite for further reclamation at another location.

1. A universal waste handler whose processing activities produce only hazardous residuals (including finely divided materials) that meet the definition of scrap metal in 66260.10 and which are not fully regulated as a hazardous waste shall comply with the requirements of section 66273.73.

2. A universal waste handler whose processing activities produce any residuals (including baghouse and filter dusts) which exhibit any hazardous waste characteristic defined in chapter 11 and do not meet the definition of scrap metal in section 66260.10 (e.g., because they are fine powders or are contaminated with fine powders), or do not qualify for management as universal waste under this chapter provided the universal waste handler complies with the requirements of section 66273.73.

(6) A universal waste handler may conduct the following activities on electronic devices containing CRTs without prior authorization from the Department by complying with the following requirements:

(A) A universal waste handler may remove CRTs in a manner that prevents breakage of the CRTs:

(B) A universal waste handler may remove CRTs only over or in a containment device (e.g., a tray, a box, or an enclosed machine) sufficient in size and construction to contain any CRT glass that may be released in the event of breakage;

(C) A universal waste handler shall ensure that persons removing CRTs are thoroughly familiar with the techniques and safety precautions required to safely remove CRTs (e.g., releasing the vacuum, discharging the tube);

(D) A universal waste handler shall package the removed CRTs in a container with sufficient packing materials to prevent breakage during handling, storage and transportation.

(E) A universal waste handler who removes CRTs shall manage the CRTs in accordance with the requirements of subsection (e).

(F) A universal waste handler who removes CRTs shall determine whether any of the remaining portions of the electronic device or any other waste generated during the removal process exhibits any characteristic of a hazardous waste identified in article 3 of chapter 11 and, if so, shall manage the hazardous waste in compliance with all applicable requirements of this division.

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

(1) A universal waste handler shall contain any CRTs in containers or packages that are structurally sound, adequate to prevent breakage of the CRTs, and compatible with the contents of the CRTs. Such containers and packages 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 place in a container any broken CRTs 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. Containers shall be closed, 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.

(3) A universal waste handler shall package the removed CRTs in a container with sufficient packing materials to prevent breakage during handling, storage and transportation.

(4) A universal waste handler may remove yokes from CRTs without breaking the CRT glass provided the universal waste handler complies with the requirements of section 66273.72.

(5) A universal waste handler may conduct any manual or mechanical processing of CRTs (breaking CRT glass either manually or mechanically) provided the universal waste handler complies with the requirements of section 66273.73 and manages the CRT glass in accordance with the requirements of subsection (f).

(f) CRT Glass. A universal waste handler shall manage CRT glass in a way that prevents releases of any CRT glass to the environment, as follows:

(1) A universal waste handler shall contain any CRT glass in containers or packages that are structurally sound and compatible with the contents of the CRT glass. Such containers and packages 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 CRT glass that is released from broken CRTs 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. Containers shall be closed, 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.

(3) A universal waste handler who generates CRT glass conduct treatment for the purpose of recycling one or more types of CRT glass and shall only send the CRT glass to a glass manufacturer or to a primary or secondary lead smelter.

§66273.34. Labeling/Marking.

A universal waste handler shall label or mark the universal waste to identify the type of universal waste as specified below:

(a) Universal waste batteries (i.e., each battery), or container in which the batteries are contained, shall be labeled or marked clearly with the any one of the following phrases: "Universal Waste-Battery(ies);"

(b) Universal waste thermostats (i.e., each thermostat), or container in which the thermostats are contained, shall be labeled or marked clearly with any one of the following phrases: "Universal Waste-Mercury Thermostat(s);"

(c) Each lamp or a container or package in which such lamps are contained shall be labeled or marked clearly with any one of the following phrases: "Universal Waste-Lamp(s); "

(d)(1) Each universal waste electronic device or container or pallet in or on which universal waste electronic devices are contained, including containers or pallets that also contain devices that are not waste, shall be labeled or marked clearly with one of the following phrases: "Universal Waste-Electronic Device(s);"

(2) Each container or pallet in or on which CRTs or CRT glass are contained, including pallets that also contain items that are not waste, shall be labeled or marked clearly with one of the following phrases:

(A) For CRTs, "Universal Waste--CRT(s);"

(B) For CRT Glass, "Universal Waste--CRT Glass;"

(3) In lieu of labeling individual universal waste electronic devices, CRTs, or CRT glass containers, a handler may accumulate universal waste electronic devices, CRTs, and CRT glass within a designated area demarcated by boundaries that are clearly labeled with one of the following phrases:

(A) "Universal Waste-Electronic Device(s)/Universal Waste-CRTs/Universal Waste Glass" or UW-Electronic Devices/UW-CRTs/UW Glass;" or

(e) Universal waste mercury switches and thermometers or a container in which the switches are contained, shall be labeled or marked clearly with any one of the following phrases: "Universal Waste-Mercury Switch(es);"

(f) Dental amalgam. A container in which universal waste dental amalgam is contained shall be labeled or marked clearly with any one of the following phrases: "Universal Waste-Dental Amalgam;"

(g) Pressure or vacuum gauges.

(1) A container in which universal waste gauges are contained shall be labeled or marked clearly with any one of the following phrases: "Universal Waste-Gauge(s);"

(2) A container in which mercury drained from one or more universal waste pressure or vacuum gauges is contained shall be labeled or marked clearly with any one of the following phrases, as appropriate: "Universal Waste-Drained Mercury," or "Universal Waste-Mercury from Gauges;"

(h) Universal waste novelties or a container in which the novelties are contained shall be labeled or marked clearly with any one of the following phrases: "Universal Waste—Novelty(ies);"

(i) Universal waste counterweights and dampers, a product that contains one or more counterweights and/or dampers, or a container in which the counterweights and/or dampers are contained, shall be labeled or marked clearly with any one of the following phrases, as appropriate: "Universal Waste-Counterweight(s)," or "Universal Waste-Damper(s);"

(j) Universal waste dilators and weighted tubing or a container in which the dilators and weighted tubing are contained shall be labeled or marked clearly with any one of the following phrases, as appropriate: "Universal Waste-Dilator(s)," or "Universal Waste-Mercury-Weighted Tubing;"

(k) Universal waste rubber flooring or a container in which the flooring is contained shall be labeled or marked clearly with any one of the following phrases: "Universal Waste-Rubber Flooring;"

(l) Gas flow regulators. A waste gas meter that contains a mercury gas flow regulator or a container in which a universal waste gas flow regulator is contained shall be labeled or marked clearly with any one of the following phrases: "Universal Waste-Gas Flow Regulator."

§66273.35. Accumulation Time Limits.

(a) A universal waste handler may accumulate universal waste for no longer than one year from the date the universal waste is generated or received from another universal waste handler, unless the requirements of subsection (b) of this section are met.

~~(b) A universal waste handler may accumulate universal waste for longer than one year from the date the universal waste is generated, or received from another universal waste handler, if such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal. However, the universal waste handler bears the burden of proving that such activity was solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal.~~

(be) A universal waste handler shall be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes 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 on-site that identifies the date the universal waste being accumulated became a waste or was received;

(4) Maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items 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 identifying 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 becomes a waste or is received.

§66273.36. Training.

A universal waste handler shall ensure that all persons handling universal wastes are thoroughly familiar with proper waste handling and emergency procedures, relative to their responsibilities during normal facility operations and emergencies.

(a) A universal waste handler shall inform all persons who handle or have responsibility for managing the universal wastes of the proper handling and emergency procedures appropriate for the waste handled at the facility.

(b) Persons who manage or handle universal wastes shall receive initial training on:

(1) the hazards associated with handling the universal waste (e.g., leaded glass for CRT devices or CRTs);

(2) the requirements contained in this chapter; and

(3) the proper procedures for responding to and managing releases of universal waste (e.g., CRT glass).

(c) Persons who handle any universal wastes shall take part in an annual review of the initial training required in subsection (b) of this section.

(d) The universal waste handler shall maintain training records of persons that received training under subsection (b) of this section for at least three years from the date the person last handled universal wastes at the facility. Training records may accompany persons transferred within the same company.

§66273.37. Response to Releases.

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

(b) A universal waste handler shall determine whether any material resulting from the release is 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 material resulting from the release, and is subject to chapter 12.

(c) Waste consisting only of residues 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.

§66273.38. Off-site 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-transport universal waste off-site, the universal waste handler becomes a universal waste transporter for those self-transportation activities and shall comply with the transporter requirements of article 4 of this chapter while transporting the universal waste.

(c) If a universal waste being offered for off-site transportation meets the definition of hazardous materials under 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 under 49 CFR parts 172 through 180;

(d) Prior to sending a shipment of universal waste to another universal waste handler, the originating universal waste handler shall ensure that the receiving universal waste handler agrees 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 waste back when notified that the shipment has been rejected, or

(2) Agree with the receiving universal waste handler on another destination 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 he has received from another universal waste handler. If a universal waste handler rejects a shipment or a portion of a shipment, he shall contact the originating universal waste handler to notify him 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 another destination.

(g) If a universal waste handler receives 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 phone number of the originating shipper. The Department will provide instructions for managing the hazardous waste.

(h) If a universal waste handler receives a shipment of non-hazardous, non-universal waste, the universal waste handler may manage the waste in any way that is in compliance with applicable federal, state or local 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 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 or foreign shipper from whom the universal waste was sent;

(2) The quantity (count or weight) 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) Shipments off-site. A universal waste handler shall keep a record of each shipment of universal waste sent from the universal waste handler to other facilities. 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, destination facility, or foreign destination to whom the universal waste was sent;

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

(3) The date the shipment of universal waste left the facility.

(c) Record retention.

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

(2) A universal waste handler shall retain the records described in subsection (b) of this section for at least three years from the date a shipment of universal waste left the facility.

Article 4. Export and Import Requirements

§66273.40. Exports.

A universal waste handler who sends universal waste, not including universal waste electronic devices, CRTs, and CRT glass, to a foreign destination other than to those OECD countries specified in section 66262.58(a)(1) (in which case the universal waste handler is subject to the requirements of article 8 of chapter 12) shall:

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

(b) Export such universal waste only upon consent of the receiving country and in conformance with the EPA Acknowledgement of Consent as defined in article 5 of chapter 12; and

(c) Provide a copy of the EPA Acknowledgement of Consent for the shipment to the transporter transporting the shipment for export.

(d) A universal waste handler who sends universal waste electronic devices, CRTs, and/or CRT glass to any foreign destination shall notify the Department and concurrently send a copy of that notification to the CUPA, or, if

there is no CUPA, to the agency authorized pursuant to subdivision (f) of Health and Safety Code section 25404.3, of an intended export before such universal waste electronic devices, CRTs, and/or CRT glass are scheduled to leave the United States. A completed notification shall be submitted four weeks 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.

(e) The notification submitted pursuant to subsection (d) of this section shall be in writing, signed by the universal waste handler and include the following information:

(1) name, mailing address, and telephone number of the universal waste handler;

(2) the foreign destination, for each type of universal waste electronic device, CRTs, or CRT glass:

(A) the amount of universal waste electronic devices, CRTs, or CRT glass (by count or by weight);

(B) the estimated frequency or rate at which the universal waste electronic devices, CRTs, or CRT glass are to be exported and the period of time over which the universal waste electronic devices, CRTs, or CRT glass are to be exported;

(C) all points of entry to and departure from each foreign country through which the universal waste electronic devices, CRTs, or CRT glass will pass;

(D) a description of the means by which each shipment of universal waste electronic devices, CRTs, or CRT glass will be recycled at the foreign destination; and

(E) the name and site address of the consignee or any alternate consignee.

(f) Notifications submitted under subsection (d) of this section shall be sent to the following address by certified mail, return receipt requested: Department of Toxic Substances Control, Hazardous Waste Management Program, Regulatory and Program Development Division, P.O. Box 806, Sacramento, CA 95812-0806, with "Attention: Notification to Export Universal Waste Electronic Devices" or "Attention: Notification to Export CRT Materials," as applicable, prominently displayed on the front of the envelope.

(g) 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.

§66273.41. Imports.

Persons managing universal waste that is imported from a foreign country into the United States are subject to the applicable requirements of this chapter, immediately after the waste enters the United States, as indicated in subsections (a) through (c) of this section:

(a) A universal waste transporter is subject to the universal waste transporter requirements of article 4.

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

(c) An owner or operator of a destination facility is subject to the destination facility requirements of article 5.

(d) Persons managing universal waste that is imported from an OECD country as specified in section 66262.58(a)(1) are subject to subsections (a) through (c) of this section, in addition to the requirements of article 8 of chapter 12.

§66273.42. Transporter Requirements.

A universal waste transporter transporting a shipment of universal waste to a foreign destination other than to those OECD countries specified in section 66262.58(a)(1) (in which case the transporter is subject to the requirements of article 8 of chapter 12) may not accept a shipment if the transporter knows the shipment does not conform to the EPA Acknowledgment of Consent. In addition the 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 initiating the shipment.

(c) 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.

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; and

(b) Prohibited from diluting or treating universal waste, except by responding to releases as provided in section 66273.54 and;

(c) Prohibited from transporting more than five CRTs and CRT devices at any one time unless the CRTs or CRT devices are contained as described in subsection 66273.33(d)(1)

(d) Prohibited from transporting more than 100 kilograms or 220 pounds universal waste electronic devices, excluding CRT devices, at any one time unless the universal waste electronic devices are contained as described in subsection 66273.33(d)(1).

§66273.52. Waste Management.

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

(b) Some universal waste materials are regulated by the Department of Transportation 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 under chapter 12 and are conditionally exempt from classification as a hazardous waste, they may not be described by the DOT proper shipping name "hazardous waste, (I) or (S), n.o.s.", nor may the hazardous material's proper shipping name be modified by adding the word "waste".

§66273.53. Storage Time Limits.

(a) A universal waste transporter may only store the 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 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 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 other residues from universal wastes.

(b) A universal waste transporter shall determine whether any material resulting from the release is hazardous waste, and if so, it is subject to all applicable requirements of this division. If the waste is determined to be a hazardous waste, the transporter is subject to chapter 12.

(c) Waste consisting only of residues 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 66273.33.

§66273.55. Off-site Shipments.

(a) A universal waste transporter is prohibited from transporting the 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 off-site meets the Department of Transportation's definition of hazardous materials under 49 CFR section 171.8, the shipment shall be properly described on a shipping paper in accordance with the applicable Department of Transportation regulations under 49 CFR part 172.

Article 6. Standards for Destination Facilities

§66273.60. Applicability.

(a) 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 chapter, and the notification requirement under Health and Safety Code section 25153.6.

(b) The owner or operator of a destination facility that recycles universal waste shall comply with the applicable provisions of chapter 14 or 15 and the applicable provisions of chapter 20.

(c) A facility that treats, disposes of, or recycles a particular category of universal waste pursuant chapters 14, 15, 16, 18, 20, and 22 of this chapter (e.g. lamps) is a destination facility for that category of universal waste (i.e., lamps) and shall manage that category of universal waste as a fully regulated hazardous waste after arrival at the facility.

§66273.61. Off-site 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 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, he shall contact the shipper to notify him 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 a owner or operator of a destination facility receives 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 phone 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 a shipment of non-hazardous, non-universal waste, the owner or operator may manage the waste in any way that is in compliance with applicable federal or state 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 whom 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 the records described in subsection (a) of this section for at least three years from the date of receipt of a shipment of universal waste.

Article 7. Authorization Requirements for Handlers Who Dismantle, Drain, or Process Universal Wastes

§66273.70. Applicability.

This article applies to universal waste handlers who treat or recycle universal wastes as provided in sections 66273.33 and 66273.71. A universal waste handler shall be deemed authorized to conduct applicable treatment of universal waste by complying with the requirements in this article. A universal waste handler who treats universal wastes pursuant to this article shall not be deemed to be operating pursuant to a permit-by-rule, conditional authorization, or conditional exemption.

§66273.71. Prohibitions.

A universal waste handler is prohibited from diluting or treating the universal wastes, unless the universal waste handler is responding to a release as provided in put in section 66273.37 or the universal waste handler is managing specific wastes in accordance with the requirements of this article.

§66273.72. Authorization for Dismantling Electronic Devices, Removing Yokes from CRTs, Removing Mercury Ampules and Switches, and Draining Liquid Mercury from Universal Wastes.

(a) Universal Waste Electronic Devices and/or CRTs.

(1) A universal waste handler may dismantle otherwise manually segregate components (e.g., circuit boards, integrated circuits, metals, plastic, wiring, batteries, lamps, etc.) from a universal waste electronic device for the purpose of directly reusing those components onsite without further processing, or sending those components offsite for direct reuse or further reclamation at another location.

(2) A universal waste handler may remove the yokes from CRTs without breaking the CRT glass.

(3) A universal waste handlers who conducts one or more authorized treatment activities described in subsection (a) shall be deemed authorized to conduct the activities described in subsection (a) provided the universal waste handler:

(A) Complies with the notification and reporting requirements specified in section 66273.74 and

(B) Conducts authorized treatment in a manner that is protective of persons managing the universal wastes and that prevents a release of any universal wastes or any components of the universal wastes to the environment, as follows:

1. Conducts dismantling and/or CRT yoke removal 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 may be released.

2. Contains any residuals produced from universal wastes in a manner that prevents releases of hazardous residuals to the environment under reasonably foreseeable conditions.

3. Immediately cleans up and place in containers any universal wastes that are broken and may reasonably be expected to cause a release. Such containers shall be structurally sound, compatible with the contents of the universal waste electronic devices and/or CRTs and shall prevent releases under reasonably foreseeable conditions.

4. Packages CRT in containers with sufficient packing materials to prevent breakage during handling, storage and transportation.

5. Ensures that all materials produced as a result of the treatment processes are properly classified and managed in accordance with any applicable requirements of this division.

6. Becomes thoroughly familiar with the associated hazards and have access to the proper procedures and protective equipment necessary to safely conduct the treatment (e.g., releasing the vacuum, discharging the tube).;

7. Ensures that the facility is operated in compliance with all applicable worker health and safety laws and regulations [i.e., California Code of Regulations, title 8, subchapter 7 (General Industry Safety Orders), group 16 (Control of Hazardous Substances), article 107 (Dusts, Fumes Vapors and Mists) and article 109 (Hazardous Substances and Processes), and section 5198 (Lead)].

(b) Mercury-containing Devices (Dismantling Ampules and Switches).

A universal waste handler may remove ampules or switches from mercury-containing devices (e.g., thermostats, switches) provided the handler:

(1) Removes the ampules or switches in a manner designed to prevent breakage of the ampules;

(2) Removes ampules only over or in a containment device (e.g., tray or pan sufficient to contain any mercury released from an ampule in case of breakage);

(3) Ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of section 66262.34;

(4) Immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of section 66262.34;

(5) Immediately transfers any mercury resulting from spills or leaks from broken switches to an airtight container that meets the requirements of paragraph (1) of this subsection;

(6) Ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA and CalOSHA exposure levels for mercury;

(7) Ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies, including transfer of mercury from containment devices to appropriate containers;

(8) Stores removed ampules in closed, non-leaking containers that are in good condition;

(9) Packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation.

(10) Complies with the recordkeeping requirements specified in section 66273.74(c).

(c) Mercury-containing Devices (Draining Liquid Mercury)

(1) A universal waste handler may drain elemental mercury from pressure or vacuum gauges generated by that handler, at the site where the gauges were generated, provided the handler:

(A) Follows all requirements for removing ampules and switches under subsection (b)(1) of this section; and

(B) Ensures that the draining operations are performed safely by developing and implementing a written procedure detailing how to safely drain the universal waste pressure or vacuum gauges. This procedure shall include: the type of equipment to be used to drain the universal waste pressure or vacuum gauges safely, operation and maintenance of the equipment, appropriate personal protective equipment, segregation of incompatible wastes, proper waste management practices, spill response procedures, and waste characterization;

(C) Immediately transfers the drained elemental mercury to a container. The container shall be closed, structurally sound, compatible with elemental mercury, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

(D) Stores the drained elemental mercury in a closed, non-leaking container that is in good condition and meets the requirements of subparagraph (C);

(E) Ensures that any container into which mercury from a universal waste pressure or vacuum gauge is drained or in which drained mercury is stored is placed into a secondary container that is in good condition, compatible with mercury, and large enough to accommodate the contents of the primary container if it should leak or break;

(F) Maintains documentation of the date of accumulation, a description of the pressure or vacuum gauges drained, and the amount of mercury drained; and

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

(2)(A) A universal waste handler shall determine whether the following exhibit a characteristic of hazardous waste identified in article 3 of chapter 11:

1. Whole or partial universal waste gauges from which mercury has been drained;

2. Mercury or clean-up residues resulting from spills or leaks; and/or

3. Other wastes generated as a result of the handling of mercury containing devices.

(B) If a whole or partial universal waste gauge from which mercury has been drained exhibits a characteristic of hazardous waste, it shall be managed in compliance with all applicable requirements of this chapter.

(C) If the mercury or clean-up residues resulting from spills or leaks, and/or other wastes exhibit a characteristic of hazardous waste, the wastes shall be managed in compliance with all applicable requirements of this division. The handler is considered the generator of the mercury, residues, and/or other wastes and shall manage them pursuant to chapter 12.

(D) If the mercury-containing device, mercury, residues, and/or other wastes are not hazardous, the handler may manage the wastes in any way that complies with all applicable federal, state or local solid waste regulations.

§66273.73. Authorization for Processing Electronic Devices and/or CRTs.

A universal waste handler who treats universal waste electronic devices, their components, or their residuals through the utilization of treatment processes other than manual dismantling for the purposes of directly reusing components onsite without further processing, sending components offsite for direct reuse, or sending components or treatment residuals offsite for further reclamation at another location shall comply with the requirements of this section.

(a) A universal waste handler whose processing activities produces only hazardous residuals (including finely divided materials) that meet the definition of scrap metal in 66260.10, and which are not fully regulated as a hazardous waste shall be deemed authorized by complying with the following requirements:

(1) The notification and reporting requirements specified in section 66273.74.

(2) The waste management standards specified in section 66273.76

(b) A universal waste handler whose processing activities produces any residuals (including baghouse and filter dusts and CRT glass) which exhibit any hazardous waste characteristic defined in chapter 11 and do not meet the definition of scrap metal in section 66260.10 (e.g., because they are fine powders or are contaminated with fine powders), or do not qualify for management as universal waste under this chapter, shall be deemed authorized by complying with the following requirements:

(1) The notification and reporting requirements specified in section 66273.74.

(2) The financial requirements specified in section 66273.75.

(3) The waste management standards specified in section 66273.76

(c) A universal waste handler who processes CRTs (manual or mechanical CRT glass breakage) shall be deemed authorized by complying with the following requirements:

(1) The notification and reporting requirements specified in section 66273.74.

(2) The financial requirements specified in section 66273.75.

(3) The waste management standards specified in section 66273.76

§66273.74. Notification, Reporting, and Recordkeeping.

A universal waste handler who dismantles or processes one or more universal waste shall comply with the following notification, reporting, and recordkeeping requirements, as applicable:

(a) Notification: Any universal waste handler who intends to dismantle or process any universal waste electronic devices and/or conduct yoke removal or process any CRTs shall submit to the Department, no later than 30 days prior to treating any universal waste electronic devices and/or CRTs, an electronic or written notification containing the following information:

(1) Name of handler;

(2) Telephone number of handler;

(3) Type of handler for purposes of Public Resources Code, division 30, part 3, chapter 8.5, if applicable (i.e., collector, recycler, or dual entity);

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

(5) The name, mailing address and telephone number of the owner or operator of the facility;

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

(7) The facility EPA Identification number, if issued;

(8) The sources of universal waste electronic devices and/or CRTs (i.e., residential collections, other collectors, etc.);

(9) The types of universal waste electronic devices and/or CRTs expected to be treated;

(10) A description of the treatment processes to be used;

(11) Documentation that the facility operator has notified the facility property owner (if different from the operator of the facility) that the operator is conducting universal waste electronic device and/or CRT treatment or recycling operations at the facility;

(b) Annual Report: A universal waste handler who dismantled or processed any universal waste electronic devices and/or conducted yoke removal or processed any CRTs shall, by February 1 of each calendar year, submit an electronic or written annual report to the Department that includes the following information for the previous calendar year:

(1) The name, address, physical location and a description of the facility;

(2) The mailing address of the business entity that owns and operates the facility;

(3) The name, title and telephone number of the person at the facility who should be contacted regarding universal waste management activities at the facility;

(4) The facility EPA Identification number, if issued;

(5) The number of days each facility operated;

(6) The total quantity (count or weight) universal waste electronic devices and/or CRTs (with their respective types or categories) treated or recycled by the handler during the previous year;

(7) The treatment or recycling method used for each universal waste electronic device and/or CRT treated by the facility;

(8) A list including the names, addresses, and phone numbers of each location to which the universal waste handler shipped scrap metal, yokes, universal waste(s), and exempt materials to during the previous year and the total quantity of scrap metal, universal waste(s), and exempt materials (weight) shipped to each location;

(9) A list including the names, addresses, and phone numbers of each location to which the universal waste handler shipped CRT glass to during the previous year and the total quantity of CRT glass (weight) shipped to each location;

(10) The name, address, and phone number of each CRT glass manufacturer or primary or secondary lead smelter to which the universal waste handler shipped CRT glass during the previous year.

(c) Mercury Switches Records: 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:

(1) The total number of vehicles crushed, baled, sheared, or shredded;

(2) The total number of appliances destined for shredding;

(3) The total number of vehicles or appliances destined for crushing, baling, shearing, or shredding that were determined to contain one or more mercury switches;

(4) The number of mercury switches removed from these vehicles and appliances; and

(5) The number of motor vehicles from which mercury switches could not be removed due to accidental damage to the vehicle.

(d) Electronic Device and CRTs Records: A universal waste handler of electronic devices and/or CRTs shall maintain on file the documents specified in [notification: renumber subparagraphs (5)(A) and (5)(B)] at the facility by no later than 30 days prior to treating any universal waste electronic devices and/or CRTs. The handler shall make these documents available upon demand at the facility to any representative of the Department, the U. S. EPA or a local governmental agency having jurisdiction over the facility. A copy of these documents shall be delivered in person or by certified mail, return receipt requested, to the Department when requested in writing. The written request from the Department shall specify the documents that are required, where and how to submit those documents and the date by which those documents shall be submitted.

(1) A copy of the most recent notifications and reports submitted as required by section 66273.74.

(2) A copy of any local air district permit and other permits required for the facility.

(e) The notification and annual report required by this section shall be dated and signed according to the requirements of section 66270.11 as those requirements apply to permit applications.

(f) Electronic notifications and reports submitted under this section shall be submitted to www.dtsc.ca.gov.

(g) Written notifications, financial documents, and reports submitted under this subsection shall be submitted to the Department by certified mail, return receipt requested to: Department of Toxic Substances Control, Hazardous Waste Management Program, Regulatory and Program Development Division, P.O. Box 806, Sacramento, CA 95812-0806, with "Attention: UWED/CRT Materials Handling Activities" prominently displayed on the front of the envelope.

§66273.75. Financial Requirements (Cost Estimate for Closure, Financial Assurance, and Financial Responsibility for Liability).

Any persons who intends to conduct one or more of the processing activity(ies) described in sections 66273.73(b) and 66273.73(c) shall include with their notification the information specified in (a) through (d) below no later than 30 days prior to initially conducting the processing activity(ies):

(a) Closure Plan (A plan that identifies steps for closing the universal waste treatment unit(s) and the processing area at any point during the active life of the treatment facility.) The closure plan shall address closing the universal waste treatment unit(s) and the processing area 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 contain the following:

(1) A description of how and when each waste management unit at the facility will be decontaminated or removed at the time of closure;

(2) An estimated maximum inventory of universal waste and treatment residuals ever on-site and a detailed description of the boundaries of the universal waste accumulation area(s), universal waste processing area, and the treatment residual storage area(s);

(3) A detailed description of the steps needed to remove or decontaminate all hazardous waste residues and contaminated containment units, equipments, structures, soils, and ventilation systems during closure. The description shall identify all areas where sampling and testing will be conducted to verify the removal or decontamination of all hazardous waste residuals and contamination.

(4) A universal waste handler who is currently authorized to conduct one or more of the processing activities described in sections 66273.73(b) and 66273.73(c) on or before June 1, 2006 shall submit the closure plan required by this subsection on or before December 31, 2006.

(b) A universal waste handler of electronic devices and/or CRTs shall modify the closure plan required by the subsection (a) as follows:

(1) Whenever a change in operating plans (type of processing activity) or increase of facility capacity (greater than 10 percent) affects the closure plan; and

(2) At least 60 days prior to any major change in facility design or operation, or no longer than 60 days after an unexpected event has occurred which affected the closure plan.

(c) Cost Estimate for Closure (A plan that specifies the cost closing facility that includes inventory, decontamination or removal costs, laboratory testing costs, etc.) The cost estimate for closing the universal waste treatment units and process areas shall be prepared pursuant to the closure plan and shall contain:

(A) the estimated cost to remove the maximum volume of wastes specified in the closure plan;

(1) The estimated cost to remove or decontaminate the unit(s) and areas designated in the closure plan;

(2) The closure cost estimate shall not incorporate any salvage value that may be realized by the sale of hazardous waste, universal waste, non-hazardous waste, facility structures or equipment, land or other facility assets associated with the facility at the time of the closure;

(3) The closure cost estimate shall be based on the costs to the owner or operator of hiring a third party to close the facility. A third party is a party who is neither a parent nor a subsidiary of the owner or operator. (See definition of parent corporation in section 66260.10);

(4) The owner or operator shall not incorporate a zero cost for hazardous wastes, including universal waste, or non-hazardous waste that, even if those wastes have economic value.

(5) At least annually, the universal waste handler shall adjust the closure cost estimate for inflation within 60 days prior to the anniversary date of establishment of the financial instrument(s) used to comply with subsection (e). For owners and operators using the financial test or corporate guarantee, the closure cost estimate shall be updated for inflation within 30 days after the close of the firm's fiscal year and before submission of updated information to the Department as specified in section 66265.143(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 sections 66265.143(b)(1) and (2). The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year.

(6) The 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 (b) which increases the cost of closure.

(7) The universal waste handler shall keep the following at the facility during the operating life of the universal waste treatment facility: the facility's closure plan and the latest closure cost estimate prepared in accordance with this section.

(8) Notwithstanding subparagraph (5) above, a universal waste handler of electronic devices and/or CRTs who was authorized to conduct one or more of the treatment activities described in sections 66273.73(b) and 66273.73(c) on or before June 1, 2006, shall submit a revised cost estimate for closure as required by this subsection on or before December 31, 2006.

(d) Financial Responsibility for Liability. Documentation shall be prepared and submitted demonstrating financial responsibility for liability pursuant to section 66265.147.

(e) Financial Assurance. Documentation shall be prepared and submitted demonstrating financial assurance for closure to fund the cost estimate for closure using a financial mechanism specified in section 66265.143.

(f) Release of Financial Assurance. In lieu of the release requirements specified in 66265.143(i), the Department shall notify a universal waste handler in writing that he or she is no longer required to maintain financial assurance for final closure of applicable universal waste treatment units within 60 days after the completion of the following:

(1) A submittal to the Department that summarizes the closure efforts completed including:

(A) Any sample data that all units, surfaces, and areas have been decontaminated. The submittal shall include a facility plot plan that identifies where the samples were taken; and,

(B) A letter certifying that the facility has been closed pursuant to its closure plan. The letter shall include the date(s) pursuant to (closure notification section).

(2) An inspection by the Department, if deemed necessary, verifying closure of the facility and removal of the processing units pursuant to the universal waste handler's closure plan required by subsection (a); and,

(3) The Department shall provide the universal waste handler a detailed written statement of any such reason that the Department finds that the facility closure has not been completed in accordance with its closure plan.

(4) When transfer of ownership or operational control of a facility occurs, and the new owner or operator has demonstrated to the satisfaction of the Department that he or she is complying with the financial requirements of this section, the Department shall notify the previous owner or operator in writing that they are no longer required to maintain financial assurance for closure of that particular facility.

(g) The documents submitted pursuant to this section shall be dated and signed according to the requirements of section 66270.11 as those requirements apply to permit applications.

(h) The documents submitted pursuant to this section shall be submitted to the Department by certified mail, return receipt requested to: Department of Toxic Substances Control, Hazardous Waste Management Program, Regulatory and Program Development Division, P.O. Box 806, Sacramento, CA 95812-0806, with "Attention: UWED/CRT Materials Handling Activities" prominently displayed on the front of the envelope.

§66273.76. Management Standards for Universal Waste Handlers Who Process Universal Wastes.

A universal waste processor who conducts one or more of the processing activities described in **section 66237.73** shall comply with the following waste management standards:

(a) Waste Management Standards Applicable to Processing Activities: A universal waste handler who conducts treatment activities as described in this section shall:

(1) Utilize only treatment methods that employ one or more of the following technologies:

(A) Physical processes that change only the physical properties of the waste such as cutting, sawing, breaking, shredding, crushing, grinding, screening, sieving, acceleration, or compacting;

(B) Separation based on differences in physical properties such as size, color, density, or ferromagnetism.

(C) If processes such as cutting, sawing, shredding, crushing, grinding, crushing, acceleration, or compacting are utilized, the handler shall ensure all mercury containing lamps and other components which contain fluids (i.e., liquids or gases) that would be identified as hazardous waste are removed prior to processing; and/or

(D) Screening to separate components based on size.

(2) Ensure the treatment of universal waste electronic devices and CRTs are conducted without the use or application of:

(A) Chemicals, including water, other than recirculated coolant used in CRT cutting machines; or

(B) External heat, other than the use of a pinpoint torch to thermally check (crack) the CRT glass for separation.

(3) Not process any universal waste electronic devices containing PCB ballasts, medical or biohazardous wastes, radioactive materials, reactive materials, or ignitable materials.

(4) Conducts processing activities over or in a containment device (e.g., a tray, a box, or enclosed machine) sufficient in size and construction to contain any materials that may be released.

(5) Ensure that all hazardous wastes generated from treatment activities that are sent offsite for disposal are manifested in accordance with the applicable requirements of article 2 of chapter 12.

(6) Comply with the requirements of sections 66265.18 and 66265.25 of chapter 15 as those requirements apply to facility location and design standards.

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

(8) Conduct treatment only for the purposes of recycling one or more types of universal waste electronic devices and ensure that all treatment residuals meeting the definition of scrap metal in section 66260.10 or CRT glass in section 66273.9 are recycled.

(9) Conduct CRT processing (treatment) for the purpose of recycling one or more types of CRT glass and ensure the CRT glass is reclaimed at a CRT glass manufacturer or at a primary or secondary lead smelter.

(10) Not accept for treatment, any universal waste electronic devices, CRTs, or CRT glass that are managed, or are required to be managed, as hazardous waste under chapters 10 through 22 of this division unless authorized to do so under hazardous waste management permit or other grant of authorization.

(b) Containment of Residuals: A universal waste handler of universal waste electronic devices and/or CRTs conducting treatment activities shall manage all materials produced from the treatment of the universal wastes in a manner that prevents a release of any universal waste or any components thereof, as follows:

(1) A universal waste handler of electronic devices and/or CRTs shall conduct 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 may be released.

(2) A universal waste handler of electronic devices and/or CRTs shall contain any residuals produced from universal wastes in a manner that prevents releases of hazardous residuals to the environment under reasonably foreseeable conditions.

(3) A universal waste handler of electronic devices and/or CRTs shall immediately clean up and place in a container any universal wastes that is broken and may reasonably be expected to cause a release. Such containers shall be structurally sound, compatible with the contents of the universal waste electronic devices and/or CRTs and shall prevent releases under reasonably foreseeable conditions.

(c) Management of Residuals: A universal waste handler of electronic devices and/or CRTs who conducts treatment activities shall ensure that all materials produced as a result of the treatment processes are properly classified and managed in accordance with any applicable requirements of this division.

(1) A universal waste handler who generates scrap metal shall that all treatment residuals meeting the definition of scrap metal in section 66260.10 are recycled.

(2) A universal waste handler who generates CRT glass conduct treatment for the purpose of recycling one or more types of CRT glass and shall only send the CRT glass to a glass manufacturer or to a primary or secondary lead smelter.

(d) Worker Safety:

(1) A universal waste handler of electronic devices and/or CRTs who conducts treatment shall be thoroughly familiar with the associated hazards and have access to the proper procedures and protective equipment necessary to safely conduct the treatment and to comply with the requirements of this section;

(2) A universal waste handler of electronic devices and/or CRTs who conducts treatment activities shall ensure that the facility is operated in compliance with all applicable worker health and safety laws and regulations [i.e., California Code of Regulations, title 8, subchapter 7 (General Industry Safety Orders), group 16 (Control of Hazardous Substances), article 107 (Dusts, Fumes Vapors and Mists) and article 109 (Hazardous Substances and Processes), and section 5198 (Lead)].

(e) Zoning: A universal waste handler of electronic devices and/or CRTs who conducts treatment shall ensure that the activities conducted at the facility are consistent with local zoning and land use requirements for that location.

(f) Closure Notification: A universal waste processor who conducted any treatment activities described in this section shall submit to the Department, by certified mail, with return receipt requested, a notification containing the following information:

(1) The date of the last day on which the universal waste handler conducted treatment or recycling activities;
(2) The date of the last day on which the universal waste handler conducted handling activities at the facility, if applicable; and

(3) The dated the universal waste handler closed or vacated the facility, if applicable.