

## Article 4. Export and Import Requirements

### §66273.40. Exports.

(a) Universal waste handler requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) A person who exports used CRTs for reclamation shall forward a copy of the completed EPA Acknowledgment of Consent forwarded to the person by USEPA pursuant to 40 Code of Federal Regulations section

261.39(a)(5)(iv) to the Department. This copy shall be forwarded to the Department at the address shown in subsection (a)(5) or (a)(6) of this section within 30 calendar days of receipt. If submitted by mail, "Attention: Acknowledgment of Consent to Export CRTs" shall be prominently displayed on the front of the envelope.

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

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

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

NOTE: Authority cited: Sections 25141, 25150, 25150.2, 25150.6, 25201, 25214.9, 25219.1 and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25141, 25150, 25150.2, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; Section 42476.5, Public Resources Code; and 40 CFR Sections 261.39, 261.40, 261.41, and 273.40.

#### HISTORY

1. New section filed 3-6-2000 as an emergency; operative 3-6-2000 (Register 2000, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2000 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 6-29-2000 as an emergency; operative 7-6-2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-3-2000 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 11-1-2000 as an emergency; operative 11-4-2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-5-2001 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 3-6-2001 as an emergency; operative 3-6-2001 (Register 2001, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2001 or emergency language will be repealed by operation of law on the following day.
5. New section refiled 6-26-2001 as an emergency; operative 7-5-2001 (Register 2001, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-2-2001 or emergency language will be repealed by operation of law on the following day.
6. New section refiled 11-2-2001 as an emergency; operative 11-3-2001 (Register 2001, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-4-2002 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 11-2-2001 order transmitted to OAL 12-27-2001 and filed 2-8-2002 (Register 2002, No. 6).
8. Amendment of first paragraph, new subsections (d)-(f) and amendment of Note filed 2-3-2003; operative 2-3-2003 (Register 2003, No. 6).
9. Amendment of section and Note filed 6-7-2004 as an emergency; operative 6-7-2004 (Register 2004, No. 24). Pursuant to Public Resources Code section 42475.2, a Certificate of Compliance must be transmitted to OAL by 6-7-2006 or emergency language will be repealed by operation of law on the following day.
10. Amendment of section and Note refiled 6-5-2006 as an emergency, including further amendment of Note; operative 6-5-2006 (Register 2006, No. 23). Pursuant to Health and Safety Code section 25214.10.2, this emergency regulation shall remain in effect for a period of two years or until revised by the department, whichever occurs sooner.
11. Amendment of section and Note refiled 5-8-2008 as an emergency; operative 5-8-2008 (Register 2008, No. 19). Pursuant to Health and Safety Code section 25214.10.2, this emergency regulation shall remain in effect for a period of two years or until revised by the department, whichever occurs sooner.
12. Certificate of Compliance as to 5-8-2008 order, including new article 4 heading and further amendment of section and Note, transmitted to OAL 12-19-2008 and filed 2-4-2009 (Register 2009, No. 6).
13. Editorial correction of History 12 (Register 2009, No. 10.)

#### **§66273.41. Imports.**

(a) A person who manages a universal waste that is imported into the United States from a country, other than an OECD country specified in section 66262.58, subsection (a)(1), is subject to the applicable requirements of

this chapter, beginning immediately after the universal waste enters the United States, as indicated in subsections (a)(1) through (a)(3) of this section:

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

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

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

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

Note: Authority cited: Sections 25141, 25150, 25214.6, 25219.1, 25219.2 and 58012, Health and Safety Code.

Reference: Sections 25141, 25150, 25159.5, 25212, 25214.6, 25219, 25219.1 and 25219.2, Health and Safety Code.

#### HISTORY

1. New section filed 2-13-2003; operative 3-15-2003 (Register 2003, No. 7).

2. Amendment of section heading and repealer and new section filed 2-4-2009; operative 2-4-2009 (Register 2009, No. 6).