Disposition Options for Universal Waste
Cathode Ray Tubes (CRTs) and
CRT Glass
Re-adoption
Proposed Emergency Regulations

Department Reference Number:  R-2011-03
Office of Administrative Law Notice File Number:  2012-1003-01E

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

Underline underline Additions to existing text
Strikeout strikeout Deletions to existing text

For the convenience of the reader, existing text is shown as plain text and text deleted from existing text is shown as strikeout (strikeout). Added text is shown as underline (underline).
Amend California Code of Regulations, title 22, division 4.5, chapter 11, section 66261.4 to read:

§66261.4. Exclusions.

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

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

(g) controlled substances;

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

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

Note: Authority cited: Sections 25140, 25141, 25141.5, 25150, 25158.4, 25159, 25159.5, 25214.9, 25214.10.2, 58004 and 58012, Health and Safety Code. Reference: Sections 25117, 25212, 25124, 25140, 25141, 25141.5, 25143, 25143.1, 25143.2, 25143.4(a), 25143.11, 25158.2, 25158.3, 25159, 25159.5 and 25214.9, Health and Safety Code; and 40 CFR Section 261.4.
Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.6 to read:

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

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

(b) CRTs not covered pursuant to this chapter.

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

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

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

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

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

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

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

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Note: Authority cited: Sections 25141, 25141.5, 25150, 25150.6, 25201, 25214.9, 25214.10.2, and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25141, 25141.5, 25150, 25159.5, 25201 and 25214.9, Health and Safety Code.
Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.7 to read:

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

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

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

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

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

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

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

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

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Note: Authority cited: Sections 25141, 25141.5, 25150, 25150.6, 25201, 25214.9, 25214.10.2 and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25141, 25141.5, 25150, 25159.5, 25201 and 25214.9, Health and Safety Code.
Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.9 to read:

§ 66273.9. Definitions.

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

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

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

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

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

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

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

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“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 funnel glass” means any glass separated from CRT panel glass derived from the treatment of one or more CRTs. CRT funnel glass consists of the neck and funnel section of a CRT, including the frit.

“CRT glass” means any glass released or derived from the treatment or breakage of one or more CRTs or CRT devices. CRT glass includes CRT funnel glass and CRT panel glass.

“CRT panel glass” means any glass separated from CRT funnel glass derived from the treatment of one or more CRTs. CRT panel glass consists only of the face of...
plate of a CRT containing a phosphor viewing surface. CRT panel glass does not
include the frit.

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

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

“Frit” means a mixture of chemical solvent and powdered glass that joins the
CRT funnel glass to the CRT panel glass.

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

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

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

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

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

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

Note: Authority cited: Sections 25141, 25141.5, 25150, 25214.6, 25150.6, 25201,
25214.9, 25214.10.2, 25219.1 and 58012, Health and Safety Code; and Section 42475,
Public Resources Code. Reference: Sections 25141, 25141.5, 25150, 25159.5, 25201,
25212, 25214.6, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code; 40
CFR Sections 261.4, 261.5 and 273.9.
Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.70 to read:


§66273.70. Applicability.

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

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

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

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

(1) Removal activities. Removing user-replaceable components from electronic devices, as specified in section 66273.71.
(2) Disassembling/drainage activities.
   (A) Removing CRTs from electronic devices, as specified in section 66273.72, subsection (b);
   (B) Dismantling electronic devices that are not CRT devices and/or removing yokes from CRTs, as specified in section 66273.72, subsection (c);
   (C) Removing mercury ampules and/or mercury switches from mercury-containing equipment, as specified in section 66273.72, subsection (d); and/or
   (D) Draining liquid mercury from pressure or vacuum gauges, as specified in section 66273.72, subsection (e).
(3) Treatment activities.
   (A) Treating electronic devices and/or residual printed circuit boards, as specified in section 66273.73, subsection (a); and/or
   (B) Treating CRTs and/or CRT glass, as specified in section 66273.73, subsection (b).
(d) A universal waste handler, who manages universal waste as a consequence of responding to a release in accordance with section 66273.37, is exempt from the otherwise applicable requirements of this article and of chapters 14, 15, 16, 18, 20, and 22 of this division with respect to such treatment of the waste.

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

Note: Authority cited: Sections 25141, 25141.5, 25150, 25201, 25214.6, 25214.9, 25214.10.2, 26219.1 and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25141, 25141.5, 25150, 25159.5, 25201, 25212, 25214.6, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code.
Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.72 to read:


(a)(1) Universal waste handlers shall not conduct any activity pursuant to this section if the activity involves the use or application of:
(A) Chemicals, including water; and/or
(B) External heat.
(2) A universal waste handler shall perform a hazardous waste determination pursuant to section 66262.11 for all residuals resulting from the activities authorized by subsection (c) of this section, and shall:
(A) Be deemed the generator of all residuals that are hazardous waste.
(B) For all residuals that are hazardous wastes, comply with all the applicable requirements of chapters 12, 14, 15, 16, 18, 20, 22 and 23 of this division and the applicable notification requirements in Health and Safety Code section 25153.6, except as otherwise provided in subsections (a)(3), (a)(4), (a)(6) or (a)(7) of this section.
(3) Notwithstanding section 66261.3, subsection (c) and section 66262.11, subsection (d), a handler who is deemed the generator of a residual that is a hazardous waste pursuant to subsection (a)(2)(A) of this section may manage that hazardous waste residual pursuant to any applicable chapter 11 exclusion or exemption [e.g., the scrap metal exclusion provided in § 66261.6, subsec. (a)(3)(B)], except for residual printed circuit boards, which shall be managed pursuant to subsection (a)(4) and (a)(5), or (a)(6) of this section.
(4) Prior to conducting any subsequent treatment activity authorized by section 66273.73 on any residual printed circuit board resulting from removal activities conducted under this section, a universal waste handler shall manage the residual printed circuit board in a manner that prevents a release to the environment by:
(A) Containing the residual printed circuit board in a container that is structurally sound and compatible with the residual printed circuit board,
(B) Labeling the container with the following phrase: “Residual Printed Circuit Boards,” and
(C) If the residual printed circuit board is spilled or might reasonably be expected to cause a release to the environment under reasonably foreseeable conditions, cleaning it up and placing it in a container.
(5) A universal waste handler who conducts further treatment pursuant to section 66273.73 on any residual printed circuit board, CRT, and/or CRT glass resulting from any activity authorized by this section shall also comply with the applicable requirements of that section.
(6) A universal waste handler who does not conduct further treatment pursuant to section 66273.73 on a residual printed circuit board resulting from removal activities conducted under this section shall manage the printed circuit board as prescribed in section 66273.75, subsection (c).
(7) Except as provided in subsections (a)(3), (a)(5) or (a)(6) of this section, a universal waste handler who conducts further treatment on any residual that is a hazardous waste resulting from any activity authorized by this section shall not conduct
such treatment, nor use any treatment method, unless that person obtains a hazardous
waste facility permit or other form of authorization from the department.

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

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

(2) The universal waste handler shall:
(A) Remove CRTs only over, on, or in, a containment device (e.g., a tray, a box,
a workbench, a table, or an enclosed machine) sufficient in size and construction to
contain any CRT glass that may be released to the environment under reasonably
foreseeable conditions in the event of breakage;
(B) Ensure that persons removing CRTs are thoroughly familiar with the
techniques and safety precautions required to remove CRTs safely (e.g., releasing the
vacuum from each CRT and discharging the CRT);
(C) Place the removed CRTs in a container with packing materials, if such
materials are necessary to prevent breakage of the CRTs during handling, storage and
transportation; and
(D) Manage the packaged CRTs in accordance with the requirements of section
66273.33.5, subsection (b).

(3) Except as provided in subsection (b)(4) of this section, the universal waste
handler shall be exempt from the notification, annual reporting, and recordkeeping
requirements specified in section 66273.74, but shall:
(A) Treat CRTs pursuant to subsection (c) of this section or section 66273.73 or
send or take CRTs to another universal waste handler for treatment pursuant to
subsection (c) of this section or section 66273.73 or manage CRTs pursuant to
subsection (b)(4) of this section.

(4) A universal waste handler who does not conduct further treatment on CRTs
pursuant to subsection (c) of this section or section 66273.73 or send or take CRTs to
another universal waste handler for treatment pursuant to subsection (c) of this section
or section 66273.73 shall:
(A) Comply with the notification, annual reporting, and recordkeeping
requirements specified in section 66273.74, subsections (a) through (c)(1);
(B) Ensure that the removed CRTs are recycled or disposed as required by this
section;
(C) Ship the accumulated CRTs for reclamation at a CRT glass manufacturer or
at a primary or secondary lead smelter or determine that they are to be recycled by
other means or disposed;
(D) Upon determining that the CRTs are destined for recycling by means other
than reclamation of CRT glass at a CRT glass manufacturer or primary or secondary
lead smelter pursuant to subsection (b)(4)(C) of this section, and notwithstanding
subsection (c) of section 66261.3, be deemed the generator of hazardous waste CRTs,
and determine if the CRTs are a recyclable material excluded from regulation as
hazardous wastes pursuant to subdivision (b) or (d) of Health and Safety Code section 25143.2, as required by subsection (a) of section 66262.11:

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

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

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

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

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

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

2. Upon request, submit to the Department the following information:
   a. The quantity of CRTs to be disposed;
   b. The quantity of CRTs recycled in the previous calendar year;
   c. The quantity of CRTs generated in the previous calendar year; and
   d. The technological, economic or other reasons for not recycling the CRTs, taking into account relevant factors, which may include, but is not limited to:
      (i) the quantity of CRTs available for recycling;
      (ii) any chemical, physical or other properties of the CRTs that might affect its recyclability;
      (iii) the treatment required in recycling the CRTs and the availability of and cost of suitable treatment technology;
(iv) the marketability of CRT glass for recycling, including current market prices for lead; and
(v) any information pertaining to facilities that could have potentially recycled the CRTs that influenced the universal waste handler's decision to dispose of the CRTs.
e. any other information the Department determines is necessary to demonstrate that the CRTs cannot be recycled, including, but not limited to, the documentation on which the handler's section 66273.72(b)(3)(E)2.d submittal is based.

(F) For reclamation at a CRT glass manufacturer or primary or secondary lead smelter:
1. If the CRTs will be passing through an intermediate facility, prior to arranging for transport of the CRTs to the intermediate facility make contractual arrangements with the intermediate facility to ensure that CRTs are sent to the CRT glass manufacturer or primary or secondary lead smelter identified by the universal waste handler.
2. Submit to the Department upon request the following information:
a. The name, address and telephone number of the transporter;
b. The name and address of the CRT glass manufacturer or primary or secondary lead smelter;
c. If the CRTs will be passing through an intermediate facility for management, the name, address and telephone number of the intermediate facility;
d. For intermediate facilities in the United States, the type of intermediate facility;
e. A copy of the contractual arrangements between the universal waste handler and the intermediate facility made pursuant to subsection (b)(4)(F)1 of this section, if applicable;
f. The quantity of CRTs in each shipment; and
 g. Confirmation receipts from the CRT glass manufacturer or primary or secondary lead smelter that the CRTs were received.

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

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

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

(1) The universal waste handler:
(A) Dismantles, or otherwise manually segregates, components (e.g., circuit boards, integrated circuits, metals, plastic, wiring, batteries, lamps, etc.) from an electronic device, or
(B) Removes the yokes from CRTs but does not break the CRT glass.
(2) The universal waste handler shall:
(A) Comply with the notification, annual reporting, and recordkeeping
requirements specified in section 66273.74, subsections (a) through (c)(1);
(B) Ensure that all residuals resulting from the activities authorized by subsection
(c)(1) of this section that meet the definition of scrap metal in section 66260.10 are
recycled; and
(C) Except as provided in subsection (c)(3) of this section, treat the CRTs
pursuant to section 66273.73 or send or take CRTs to another universal waste handler
for treatment pursuant to section 66273.73.
(D) Conduct the activities in a manner that protects persons managing the
electronic devices and/or the CRTs, and that prevents releases of any universal wastes
and/or any components of universal wastes, to the environment under reasonably
foreseeable conditions, as follows:

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(3) A universal waste handler who does not conduct further treatment on CRTs
pursuant to section 66273.73 or send or take CRTs to another universal waste handler
for treatment pursuant to section 66273.73 shall:
(A) Ensure that the CRTs are recycled or disposed as required by this section.
(B) Ship the accumulated CRTs for reclamation at a CRT glass manufacturer or
at a primary or secondary lead smelter or determine that they are to be recycled by
other means or disposed;
(C) Upon determining that the CRTs are destined for recycling by means other
than reclamation of CRT glass at a CRT glass manufacturer or primary or secondary
lead smelter pursuant to subsection (c)(3)(B) of this section, and notwithstanding
subsection (c) of section 66261.3, be deemed the generator of hazardous waste CRTs,
and determine if the CRTs are a recyclable material excluded from regulation as
hazardous wastes pursuant to subdivision (b) or (d) of Health and Safety Code section
25143.2, as required by subsection (a) of section 66262.11:
1. If the universal waste handler determines that the CRTs are a recyclable
material excluded from regulation as hazardous wastes pursuant to subdivision (b) or
(d) of Health and Safety Code section 25143.2, the handler has the option to proceed to manage the CRTs as an excluded recyclable material or apply to the
Department for concurrence with the universal waste handler's determination through
the application procedure set forth in article 9 of this chapter before managing the CRTs
as an excluded recyclable material. A universal waste handler who incorrectly
determines that a CRT is an excluded recyclable material and fails to manage the CRT
as a fully regulated hazardous waste is in violation of the requirements of this division
and is subject to enforcement action.
2. If the universal waste handler chooses to obtain the Department's
concurrence, the handler shall submit an application to the Department which includes
all information required by subsection (a)(1) of section 66273.91. Pending concurrence
by the Department pursuant to article 9 of this chapter, the universal waste handler shall
manage the CRTs as hazardous waste in accordance with all applicable requirements
in chapters 12 through 16, 18, 20 and 22 of this division, except as provided in
subsection (c)(3)(C)3 of this section.
3. Notwithstanding subsections (a) and (c) of section 66262.34 of chapter 12 of this division, a universal waste handler who applies for the Department’s concurrence may accumulate the CRTs onsite without a permit for no more than 90 days after the universal waste handler receives notification of the Department’s disapproval of the application pursuant to subsection (h) of section 66273.91 of this chapter.

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

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

1. Manage the CRTs as hazardous waste in accordance with all applicable requirements of chapters 12 through 16, 18, 20 and 22 of this division; and
2. Upon request, submit to the Department the following information:
   a. The quantity of CRTs to be disposed;
   b. The quantity of CRTs recycled in the previous calendar year;
   c. The quantity of CRTs generated in the previous calendar year; and
   d. The technological, economic or other reasons for not recycling the CRTs, taking into account relevant factors, which may include but is not limited to:
      (i) the quantity of CRTs available for recycling;
      (ii) any chemical, physical or other properties of the CRT that might affect its recyclability;
      (iii) the treatment required in recycling the CRTs and the availability of and cost of suitable treatment technology;
      (iv) the marketability of CRT glass for recycling, including current market prices for lead; and
      (v) any information pertaining to facilities that could have potentially recycled the CRTs that influenced the universal waste handler's decision to dispose of the CRTs.
   e. any other information the Department determines is necessary to demonstrate that the CRTs cannot be recycled, including, but not limited to, the documentation on which the handler's section 66273.72(c)(3)(D) submittal is based.

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

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

2. Submit to the Department upon request the following information:
   a. The name, address and telephone number of the transporter;
   b. The name and address of the CRT glass manufacturer or primary or secondary lead smelter;
   c. If the CRTs will be passing through an intermediate facility for management, the name, address and telephone number of the intermediate facility;
d. For intermediate facilities in the United States, the type of intermediate facility;

e. A copy of the contractual arrangements between the universal waste handler
and the intermediate facility made pursuant to subsection (c)(3)(E)1 of this section, if
applicable;

f. The amount of CRTs in each shipment; and

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

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

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

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

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Note: Authority cited: Sections 25141, 25141.5, 25143.2, 25150, 25173, 25201,
25214.6, 25214.9, 25214.10.2, 25219.1 and 58012, Health and Safety Code; and
Section 42475, Public Resources Code. Reference: Sections 25141, 25141.5, 25150,
25159.5, 25173, 25201, 25212, 25214.6, 25214.9, 25219, 25219.1 and 25219.2, Health
and Safety Code.
Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.73 to read:

§66273.73. Authorization for Treatment (Processing) Activities.

(a) Treatment of electronic devices.

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

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

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

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

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

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

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

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

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

§66273.74. Notification, Annual Reporting, and Recordkeeping.

(a) Notification.

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

(A) Name of universal waste handler;
(B) Telephone number of universal waste handler;
(C) Mailing address of universal waste handler, and physical address, including county, if different from the mailing address;
(D) If different from the notifier pursuant to subsection (a) of this section, the name and mailing address of the organization (as authorized to transact business in California) that owns and/or operates the facility;
(E) Name, business telephone number, and e-mail address (if available) of the person at the universal waste handler's site who should be contacted regarding universal waste management activities;
(F) Facility ID Number, if issued;
(G) A general description of the source(s) of electronic devices and/or CRTs [e.g., residential collection(s), other collector(s), etc.];
(H) Type(s) of electronic devices and/or CRTs expected to be treated;
(I) A description of the treatment process(es) to be used; and
(J) Documentation that the facility operator has notified the facility property owner (if different from the operator of the facility) that the facility operator is treating electronic devices and/or CRTs at the facility.

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

(A) The ID number for the universal waste handler's facility where the CRTs and/or CRT glass was generated;
(B) A description of the authorized treatment method(s) used to generate the CRTs and/or CRT glass, and whether the CRTs and/or CRT glass is destined for disposal or recycling; and
(C) A description of the recycling method(s), as specified in this subsection, to be used, if applicable.
(3) A universal waste handler shall comply with article 10 of this chapter for documents or information that the universal waste handler submits to the Department pursuant to subsection (a)(2) of this section and for which the universal waste handler asserts a claim of trade secret protection.

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

(b) Annual reporting.

(1) Universal waste handlers of electronic devices and/or CRTs. Except as otherwise provided in sections 66273.71 and 66273.72, a universal waste handler who treated any electronic device and/or CRT pursuant to this article in a calendar year shall, by February 1 of the following year, submit to the Department at the address given in subsection (e) or (f) of this section, an electronic or written annual report containing the information specified in subsection (b)(1)(A) through (b)(1)(J) of this section. The information submitted shall cover the electronic device treatment and CRT treatment activities conducted during the previous calendar year.
   (A) Name, mailing address (and physical address, including county, if different from the mailing address), and telephone number of the universal waste handler;
   (B) A description of the facility;
   (C) Name and mailing address of the organization (as authorized to transact business in California) that owns and/or operates the facility;
   (D) Name, title, telephone number, and e-mail address (if available) of the contact person at the universal waste handler's physical address who should be contacted regarding universal waste management activities at that location;
   (E) Facility ID Number, if issued;
   (F) Number of days the facility operated;
   (G) Types of electronic devices and/or CRTs treated at the facility;
   (H) Treatment method used for each type of electronic device and/or CRT treated at the facility;
   (I) The following quantities treated, which include any quantities treated but not shipped:
      1. The total quantity of CRT devices (count) treated during the previous calendar year;
      2. The total quantity of CRTs (count) treated during the previous calendar year;
         and/or
      3. The total quantity of electronic devices other than CRT devices (count or weight) treated during the previous calendar year.
   (J) A list consisting of:
      1. The name, address, and telephone number for each of the locations to which the universal waste handler shipped CRTs, CRT glass, scrap metal, yokes, universal waste (e.g., lamps, batteries, etc.), and/or exempt materials during the previous calendar year; and
      2. The following quantities shipped to each of those locations:
a. The total quantity of CRTs (count) or CRT glass (weight) shipped to that location during the previous calendar year, including in this case a declaration of whether that location is a CRT glass manufacturer, a primary lead smelter, a secondary lead smelter, a destination facility or a class II or class III landfill;

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

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

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(c) Recordkeeping.

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

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

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

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

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

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

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

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

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

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

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

10. A copy of the documents that contain the information specified in section 66273.75, subsection (f)(6)(B).
11. A copy of the records that make the demonstration required by section 66273.81, subsection (d).

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Note: Authority cited: Sections 25141, 25141.5, 25143.2, 25150, 25201, 25214.6, 25214.9, 25214.10.2, 26219.1 and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25141, 25141.5, 25143.2, 25150, 25159.5, 25179.6, 25201, 25212, 25214.6, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code.
Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.75 to read:

§66273.75. Treatment (Processing) Standards.

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

(a) Treatment.

The universal waste handler shall:

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

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

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

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

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

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

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

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

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

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

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

(b) Containment of residuals.

(c) Management of residuals other than CRT glass.
(1) A universal waste handler shall perform a hazardous waste determination pursuant to section 66262.11 for all residuals resulting from the activities authorized by section 66273.73, and shall:
   (A) Be deemed the generator of all residuals that are hazardous waste.
   (B) For all residuals that are hazardous wastes, comply with all the applicable requirements of chapters 12, 14, 15, 16, 18, 20, 22 and 23 of this division and the applicable notification requirements in Health and Safety Code section 25153.6, except as otherwise provided in subsection (c)(1)(C) of this section.
   (C) Notwithstanding section 66261.3, subsection (c) and section 66262.11, subsection (d), a universal waste handler who is deemed the generator of a residual that is a hazardous waste pursuant to subsection (c)(1) of this section may manage that hazardous waste residual pursuant to any applicable chapter 11 exclusion or exemption [e.g., the scrap metal exclusion provided in § 66261.6, subsec. (a)(3)(B)].
   (D) Except as allowed pursuant to subsection (c)(1)(C) of this section, a universal waste handler who conducts further treatment on any residual that is a hazardous waste resulting from any activity authorized by this section shall not conduct such treatment, nor use any treatment method, unless that person obtains a hazardous waste facility permit or other form of authorization from the Department.

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

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(e) Zoning.

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(f) Management of CRT glass.
(1) A universal waste handler shall ensure that the CRT glass generated from treatment pursuant to section 66273.73 is recycled or disposed.
(2) For disposal of CRT panel glass generated pursuant to subsection (a)(8) of this section in a class II or class III landfill pursuant to article 8 of this chapter, a universal waste handler shall:
   (A) Manage the CRT panel glass and the CRT funnel glass as separate and discrete waste streams and not allow any commingling of these two types of glass;
   (B) Within 30 days of initially generating CRT panel glass and before disposing of any CRT panel glass in a class II or class III landfill, determine that the CRT panel glass meets the criteria specified in section 66273.81 and repeat the determination thereafter, as required by section 66273.81;
   (C) Until the determination described in subsection (f)(2)(B) of this section is made, manage the CRT panel glass in accordance with the requirements of section 66273.82;
   (D) Upon making the determination required by subsection (f)(2)(B) of this section, manage the CRT panel glass pursuant to article 8 of this chapter; and
(E) If the universal waste handler determines that the CRT panel glass does not meet the criteria specified in subsection (f)(2)(B) of this section, immediately manage the CRT panel glass pursuant to subsection (f)(3) of this section.

(3) A universal waste handler shall ship the accumulated CRT glass for reclamation at a CRT glass manufacturer or at a primary or secondary lead smelter, or determine that it is to be recycled by other means or disposed at a class I landfill.

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

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

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

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

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

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

(A) Manage the CRT glass as a hazardous waste in accordance with all applicable requirements in chapters 12 through 16, 18, 20 and 22 of this division; and
(B) Upon request, submit to the Department the following information:

1. The quantity of CRT glass to be disposed in the current calendar year;
2. The quantity of CRT glass recycled in the previous calendar year;
3. The quantity of CRT glass generated in the previous calendar year;
4. The technological, economic or other reasons for not recycling the CRT glass, taking into account relevant factors, which may include, but is not limited to:
   (i) the quantity of CRT glass available for recycling;
   (ii) any chemical, physical or other properties of the CRT glass that might affect its recyclability;
   (iii) the treatment required in recycling the CRT glass and the availability of and cost of suitable treatment technology;
   (iv) the marketability of CRT glass for recycling, including current market prices for lead; and
   (v) any information pertaining to facilities that could have potentially recycled the CRT glass that influenced the universal waste handler's decision to dispose of the CRT glass.
5. any other information the Department determines is necessary to demonstrate that the CRTs cannot be recycled, including, but not limited to, the documentation on which the handler's section 66273.75(f)(5)(B)4 submittal is based.

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

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

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

1. The name, address and telephone number of the transporter;
2. The name and address of the CRT glass manufacturer or primary or secondary lead smelter;
3. If the CRT glass will be passing through an intermediate facility for management, the name, address and telephone number of the intermediate facility;
4. For intermediate facilities in the United States, the type of intermediate facility;
5. A copy of the contractual arrangements between the universal waste handler and the intermediate facility made pursuant to subsection (f)(6)(A) of this section, if applicable;
6. The quantity of CRT glass in each shipment; and
7. Confirmation receipts from the CRT glass manufacturer or primary or secondary lead smelter that the CRT glass was received.

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

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

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

Article 8. Requirements for the Disposal of CRT Panel Glass

§66273.80. Applicability.

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

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

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

Note: Authority cited: Sections 25141.5, 25150, 25214.9, 25214.10.2 and 58012, Health and Safety Code. Reference: Sections 25141.5, 25150, 25159.5 and 25214.9, Health and Safety Code.
Add California Code of Regulations, title 22, division 4.5, chapter 23, article 8, section 66273.81 to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) A universal waste handler shall repeat the procedures required by subsection (b) of this section as necessary to ensure the CRT panel glass meets the criteria as specified in subsection (a) of this section. At a minimum, the procedures shall be repeated when the universal waste handler is notified, or has reason to believe that the concentration of hazardous constituents in the CRTs or treatment method generating...
the CRT panel glass has changed to the extent that the certification required by subsection (g) of section 66273.82 is no longer valid.

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

(1) A description of the treatment method used to generate the CRT panel glass;
(2) Documentation of the analysis(ses) and the sampling method(s) of the CRT panel glass that identifies and quantifies all hazardous constituents, as specified in subsection (b) of this section; and
(3) The frequency at which the procedures will be reviewed or repeated to ensure that the analysis and sampling method is accurate and up to date.

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

Note: Authority cited: Sections 25141.5, 25150, 25214.9, 25214.10.2 and 58012, Health and Safety Code. Reference: Sections 25141.5, 25150, 25159.5, 25179.6 and 25214.9, Health and Safety Code.
Add California Code of Regulations, title 22, division 4.5, chapter 23, article 8, section 66273.82 to read:

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

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

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

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

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

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

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

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

(1) The notification shall include the following:
   (A) Name(s), address(es) and telephone number(s) of the class II or class III landfill(s) receiving the CRT panel glass shipment(s);
   (B) A description of the CRT panel glass and how it was generated; and
   (C) The ID number for the universal waste handler facility where the CRT panel glass was generated.

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

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

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

(h) If the concentration of hazardous constituents in the CRTs or the treatment method generating the CRT panel glass changes to the extent that the certification required by subsection (g) of this section is no longer valid or the class II or class III landfill to receive the CRT panel glass changes, the universal waste handler shall update the notification and certification and submit them to DTSC at least 60 days prior to any subsequent shipment of CRT panel glass.
(i) A universal waste handler shall comply with article 10 of this chapter for
documents or information that the universal waste handler submits to the Department
pursuant to subsection (g) of this section and for which the universal waste handler
asserts a claim of trade secret protection.

Note: Authority cited: Sections 25141.5, 25150, 25173, 25214.9, 25214.10.2 and 58012,
Health and Safety Code. Reference: Sections 25141.5, 25150, 25159.5, 25173,
25179.6 and 25214.9, Health and Safety Code.
Add California Code of Regulations, title 22, division 4.5, chapter 23, article 8, section 66273.83 to read:

§66273.83. Tracking Shipments of CRT Panel Glass.

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

(1) The quantity [weight, consistent with, for example, §66273.32, subsec. (d)] of CRT panel glass;
(2) The date of departure of the shipment of CRT panel glass;
(3) A copy of the notification and certification required by subsection (g) of section 66273.82; and
(4) A copy of the notification and certification required by subsection (g) of section 66273.82 signed by the class II or class III landfill owner or operator pursuant to subsection (a)(2)(A) of section 66273.84.

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

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

Note: Authority cited: Sections 25141.5, 25150, 25214.9, 25214.10.2 and 58012, Health and Safety Code. Reference: Sections 25141.5, 25150, 25159.5 and 25214.9, Health and Safety Code.
Add California Code of Regulations, title 22, division 4.5, chapter 23, article 8, section 66273.84 to read:

§66273.84. Offsite Transportation.

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

1. Take two copies of the notification and certification required in subsection (g) of section 66273.82 with the shipment of CRT panel glass;
2. Upon relinquishing the CRT panel glass to a class II or class III landfill:
   A. Obtain the dated signature of the owner or operator of the class II or III landfill on one copy of the notification and certification;
   B. Include on the signed copy a statement that the CRT panel glass was received by the class II or class III landfill owner or operator;
   C. Keep the signed copy of the notification and certification; and
   D. Leave the other copy of the notification and certification with the owner or operator.
3. Within 30 days from receipt of the CRT panel glass by the class II or class III landfill owner or operator, send a copy of the signed notification and certification to the universal waste handler who initiated shipment of the CRT panel glass pursuant to this article.

Note: Authority cited: Sections 25141.5, 25150, 25214.9, 25214.10.2 and 58012, Health and Safety Code. Reference: Sections 25141.5, 25150, 25159.5 and 25214.9, Health and Safety Code.
Add California Code of Regulations, title 22, division 4.5, chapter 23, article 9, section 66273.90 to read:

Article 9. Recycling Concurrence Process for CRTs and CRT Glass

§66273.90. Applicability.

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

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

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

§66273.91. Classification of CRTs or CRT Glass.

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

(1) Submit to the Department an application that includes all the following information:
   (A) The name and address of the universal waste handler.
   (B) The address where the CRTs or CRT glass are generated.
   (C) A description of the CRTs or CRT glass which shall include its physical state, hazardous constituents, quantity and rate of generation.
   (D) A description of the facility that will use or reuse the CRT or CRT glass including:
      1. The process by which the CRTs or CRT glass will be used or reused at the facility, including the equipment used for the process and training records for employees;
      2. Information from the facility that shows the CRTs or CRT glass are being used in a production process including the ingredient or product it substitutes; and
      3. Data showing a market exists for the CRTs or CRT glass.
   (E) Any other information the Department finds relevant during its review of the application to ensure the CRTs or CRT glass meet the conditions in section 25143.2 of Health and Safety Code, including the information in section 25143.2 (f).

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

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

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

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

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

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

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

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

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

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

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

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

Note: Authority cited: Sections 25143.2, 25150, 25205.7 25214.9, 25214.10.2 and
58012, Health and Safety Code. Reference: Sections 25143.2, 25150, 25159.5,
25205.7 and 25214.9, Health and Safety Code.
Add California Code of Regulations, title 22, division 4.5, chapter 23, article 10, section
66273.100 to read:

Article 10. Trade Secret Protection

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

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

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

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

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

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

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

(6) The estimated value of the information to the person and the person’s competitors;

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

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

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

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

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

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

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

(C) There is a reasonable basis to assert trade secret protection for the information so claimed.
(12) Contact information for the individual to be contacted if part of the claimed information is requested to be disclosed under the California Public Records Act.

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

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

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

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

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

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

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


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

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

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

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