



Department of Toxic Substances Control

Deborah O. Raphael, Director
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Edmund G. Brown Jr.
Governor



Matt Rodriguez
Secretary for
Environmental Protection

March 12, 2012

Certified Mail No.:

Mr. Jason Boetzer, Chair
California CUPA Forum
3700 Chaney Court
Carmichael, California 95608

Dear Mr. Boetzer:

On January 21, 2011, I sent Mr. Mike Vizzier (former Chair of the California CUPA Forum Board) a letter clarifying the inspection and oversight responsibilities of Certified Unified Program Agencies (CUPAs) and the Department of Toxic Substances Control (DTSC) for various universal waste management activities. Specifically, the letter identified DTSC as the agency responsible for inspecting electronic waste (e-waste) collectors (e.g., offsite collectors) and recyclers (including e-waste treatment facilities), and clarified DTSC and CUPA responsibilities for overseeing the management of treatment residuals (including hazardous waste treatment residuals) generated at e-waste treatment facilities.

The January 21, 2011 letter also addressed inspection of household hazardous waste (HHW) collection facilities. Senate Bill 456 (ch. 602, stats. 2011), as recently passed, adds a new element to the Unified Program: oversight of transfer facilities operated by door-to-door HHW collection programs. This new authority is addressed in the table on the following pages (specifically, on page 3), which lists a number of different management activities and waste streams and identifies the agency with primary inspection responsibility for each. I have updated this table to help eliminate confusion over the inspection jurisdiction of each agency.

Entity/Activity/Wastestream	Agency with Primary Responsibility	
	DTSC	CUPA
Management of e-waste by collectors and recyclers (including treatment facilities), regardless of their participation in the SB 20/SB 50 program:	X	

Entity/Activity/Wastestream	Agency with Primary Responsibility	
	DTSC	CUPA
Management of treatment residuals generated at e-waste treatment facilities, including hazardous waste treatment residuals:	X	
Complaints against e-waste collectors or recyclers (including treatment facilities) regardless of participation in the SB 20/SB 50 program:	X	
Management of universal waste by generators who do not accept universal waste (including e-waste) from offsite sources:		X
Retailers participating in a "take-back" program: (i.e., accepting universal wastes when selling products):	X	
Management of universal wastes by a maintenance contractor (for instance, a relamping contractor) -- At the generation site: At the contractor's site:	X	X
Management of universal waste at a destination facility – a recycler or disposal facility:	X	
Management of universal waste generated in the course of dismantling products other than e-waste (e.g., scrap yards removing mercury switches from vehicles and appliances or mercury lamps from discarded fixtures):		X
Management of universal waste generated by repair personnel (e.g., TV repair):		X*
Management of universal waste at a county or other organization property auction: Universal wastes generated onsite: Universal wastes generated at other sites: (Equipment that works and will be reused is not waste)	X*	X*
Management of universal waste by commercial universal waste handlers: (offsite collectors and accumulators)	X	

Entity/Activity/Wastestream	Agency with Primary Responsibility	
	DTSC	CUPA
Household hazardous waste facilities accepting universal wastes as a handler:	X	
Universal wastes placed in an unstaffed collection box: (Considered generated in the box, an not associated with a household hazardous waste facility)		X*
Investigating complaints against universal waste generators:		X
Onsite management of universal waste by building owners, occupants, or maintenance contractors at the building: (for instance, on a corporate or educational campus)		X
Transportation of universal waste:	X	
Management of universal waste at a transfer facility operated by a door-to-door HHW collection program:		X

* Devices such as televisions and monitors become wastes when and where the decision is made that they will not be reused and will be discarded.

I hope that this letter clarifies issues regarding universal waste and HHW inspection jurisdiction. If you have any further questions, please contact me at (916) 255-3699 or by email at rhypnaro@dtsc.ca.gov.

Sincerely,

Rita Hypnarowski

Rita Hypnarowski, Sr. HSS
 Electronic Waste Team Leader
 State Oversight and Enforcement Branch
 Enforcement and Emergency Response Program

cc: Mr. Michael Vizzier, Southern Region Board Member
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Mr. Paul Kewin, Chief

Mr. Jason Boetzer
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