TEXT OF PROPOSED REGULATIONS
Disposition Options for Universal Waste
Cathode Ray Tubes (CRTs) and CRT Glass

Department Reference Number: R-2011-03
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DIVISION 4.5, TITLE 22, CALIFORNIA CODE OF REGULATIONS
CHAPTER 11. IDENTIFICATION AND LISTING OF HAZARDOUS WASTE
CHAPTER 23. STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

Legend: Changes are shown from the existing text of California Code of Regulations, title 22 (prior to the implementation of the 2012 emergency regulations, OAL Notice File Number: 2012-1003-01E) as:

Underline underline Additions to existing text
Strikeout strikeout Deletions to existing text
Amend section 66261.4 of title 22 of the California Code of Regulations, 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;

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(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.

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(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 CRT panel glass approved landfill pursuant to section 66273.75 of chapter 23, and is managed prior to disposal in accordance with the management standards specified in sections 66273.73 and 66273.75 and article 8 of chapter 23, is not a hazardous waste for purposes of disposal. CRT panel glass that is excluded and managed in accordance with this exclusion and the standards specified therein is exempt from the generator and hazardous waste disposal fees.

(i) CRT panel glass that is managed in accordance with section 25143.2.5 of the Health and Safety Code is not subject to regulation by DTSC pursuant to Health and Safety Code, division 20, chapter 6.5.

Note: Authority cited: Sections 25140, 25141, 25141.5, 25143.2.5, 25150, 25158.4, 25159, 25159.5, 25214.9, 58004 and 58012, Health and Safety Code. Reference: Sections 25117, 25212, 25124, 25140, 25141, 25141.5, 25143, 25143.1, 25143.2, 25143.2.5, 25143.4(a), 25143.11, 25158.2, 25158.3, 25159, 25159.5 and 25214.9, Health and Safety Code; 40 CFR Section 261.4.
Amend section 66273.6 of title 22 of the California Code of Regulations, to read:

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

(a) CRTs covered pursuant to chapter 23. The requirements of this chapter apply to the following CRTs, as defined in section 66273.9, except those listed in subsection (b) of this section:
(1) CRTs that are treated pursuant to subsection (c) of section 66273.72 or section 66273.73 of this chapter; and
(2) CRTs destined for reclamation at a CRT glass manufacturer or primary or secondary lead smelter.

(b) CRTs not covered pursuant to this chapter. The requirements of this chapter do not apply to the following CRTs:
(1) CRTs that are not yet wastes pursuant to chapter 11 as provided in subsection (c) of this section;
(2) CRTs that do not exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11 of this division;
(3) CRTs that are destined for recycling (or are recycled) by being "used in a manner constituting disposal," as described in section 66266.20, or that are destined for disposal (or are disposed) to a class I landfill. Such CRTs shall be managed as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division;
(4) Except as otherwise provided in section 66273.72 of this chapter, CRTs that are destined for disposal at a permitted hazardous waste disposal facility. 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; and
(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, 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 section 66273.7 of title 22 of the California Code of Regulations, 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 the following CRT glass, as defined in section 66273.9, except CRT glass listed in subsection (b) of this section:

(1) CRT glass that is further treated pursuant to section 66273.73 of this chapter;

(2) CRT glass that is destined for reclamation at a CRT glass manufacturer or primary or secondary lead smelter;

(3) CRT panel glass that is destined for disposal in a CRT panel glass approved landfill; and

(4) CRT funnel glass that is destined for reclamation at a CRT glass manufacturer or primary or secondary lead smelter.

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

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

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

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

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

(5) CRT panel glass that is received by a CRT panel glass approved landfill for the purpose of disposal;

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

(7) CRT panel glass that is managed in accordance with section 25143.2.5 of the Health and Safety Code.

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Note: Authority cited: Sections 25141, 25141.5, 25143.2.5, 25150, 25150.6, 25201, 25214.9, and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25141, 25141.5, 25143.2.5, 25150, 25159.5, 25201 and 25214.9, Health and Safety Code.
Amend section 66273.9 of title 22 of the California Code of Regulations, 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 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.

“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 that is derived from the treatment of a CRT and that 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 and subsequently reclaimed at a CRT glass manufacturer, or a primary or secondary lead smelter. CRT glass includes CRT funnel glass and CRT panel glass.

“CRT panel glass” means glass separated from CRT funnel glass that is derived from the treatment of a CRT and that consists only of the face plate of a CRT containing a phosphor viewing surface. CRT panel glass does not include the frit.

“CRT panel glass approved landfill” means a composite-lined portion of a unit of a solid waste 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, or CRT panel glass that is in compliance with section 66273.81 of this chapter.

“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.

“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) and is not the final destination of the CRTs and/or CRT glass.

“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.

Note: Authority cited: Sections 25141, 25141.5, 25150, 25214.6, 25150.6, 25201, 25214.9, 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 section 66273.70 of title 22 of the California Code of Regulations, 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) 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).
4. 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.

Note: Authority cited: Sections 25141, 25141.5, 25150, 25201, 25214.6, 25214.9,
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 section 66273.72 of title 22 of the California Code of Regulations, 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-residual, and/or CRT glass-residual resulting from any activity authorized by this section shall also comply with the applicable requirements of that section.

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

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

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

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

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

(A) Comply with the notification, annual reporting, and recordkeeping requirements specified in section 66273.74;

(AB) 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;

(BC) 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);

(CD) 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

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

(F) 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.

(3) A universal waste handler who does not conduct further treatment on CRTs pursuant to subsection (c) of this section or section 66273.73 or does not send or take CRTs to another universal waste handler for treatment pursuant to subsection (c) of this section or section 66273.73 shall:

(A) Ensure that the removed 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 in accordance with subsection (b)(3)(D) of this section or ship the accumulated CRTs for disposal in accordance with subsection (b)(3)(C) of this section;

(C) For disposal at a permitted hazardous waste disposal facility:

1. Be deemed the generator of hazardous waste CRTs;

2. 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

3. Notify the Department in accordance with 66273.74(a)(2).

(D) For reclamation at a CRT glass manufacturer or primary or secondary lead smelter:
1. If the CRTs will be sent to 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 or the CRT glass is sent to the CRT glass manufacturer or primary or secondary lead smelter identified by the universal waste handler.

2. Maintain onsite 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 sent to any intermediate facilities, the name, address, and telephone number of the intermediate facilities and a description of the facilities’ activities;
   d. Any copies of contractual arrangements made pursuant to subsection (b)(3)(D)1 of this section, if applicable;
   e. The quantity of CRTs and the departure date of each shipment to any intermediate facility pursuant to subsection (b)(3)(D)1, if applicable; and
   f. Confirmation receipts from the CRT glass manufacturer or primary or secondary lead smelter indicating that the CRT glass shipments were received no later than 90 days after the departure date specified in subsection (b)(3)(D)2.e. of this section.

(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 activity residuals meeting either the definition of scrap metal in section 66260.10 or the definition of CRT glass in section 66273.9 are recycled; and
      (C) 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; and
      (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:
(3) A universal waste handler who does not conduct further treatment on CRTs pursuant to section 66273.73 or does not 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 in accordance with subsection (c)(3)(D) of this section or ship the accumulated CRTs for disposal in accordance with subsection (c)(3)(C) of this section;

(C) For disposal at a permitted hazardous waste disposal facility:
   1. Be deemed the generator of hazardous waste CRTs;
   2. 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
   3. Notify the Department in accordance with 66273.74(a)(2).

(D) For reclamation at a CRT glass manufacturer or primary or secondary lead smelter:
   1. If the CRTs will be sent to 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 or the CRT glass is sent to the CRT glass manufacturer or primary or secondary lead smelter identified by the universal waste handler.
   2. Maintain onsite 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 sent to any intermediate facilities, the name, address, and telephone number of the intermediate facilities and a description of the facilities' activities;
      d. Any copies of the contractual arrangements made pursuant to subsection (c)(3)(D)1 of this section, if applicable;
      e. The quantity of CRTs and the departure date of each shipment to any intermediate facility pursuant to subsection (c)(3)(D)1, if applicable; and
      f. Confirmation receipts from the CRT glass manufacturer or primary or secondary lead smelter indicating that CRT glass shipments were received no later than 90 days after the departure date specified in subsection (c)(3)(D)2.e. of this section.
   3. Removing mercury ampules and/or mercury switches from mercury-containing equipment.

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Note: Authority cited: Sections 25141, 25141.5, 25150, 25173, 25201, 25214.6, 25214.9, 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 section 66273.73 of title 22 of the California Code of Regulations, to read:

§66273.73. Authorization for Treatment (Processing) Activities.

(a) Treatment of electronic devices.

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

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

(A) Physical treatment that changes only the physical properties of electronic devices, residual printed circuit boards, and/or CRTs, such as cutting, sawing, breaking, shredding, crushing, grinding, screening, sieving, acceleration, or compacting (e.g., screening to separate different particle sizes of the same component);
(B) Physical separation based on differences in physical properties such as size, color, density, or ferromagnetism (e.g., screening to separate different components based on differences in their sizes);
(C) Use of a pinpoint torch or hot wire to check (i.e., thermally crack) CRTs for glass separation; and
(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;
(E) Physical separation of CRT panel glass from CRT funnel glass for the disposal of CRT panel glass in a CRT panel glass approved landfill pursuant to article 8 of this chapter; and
(F) Physical separation of CRT panel glass from CRT funnel glass for the management of CRT panel glass in accordance with section 25143.2.5. of the Health and Safety Code.

(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:

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Note: Authority cited: Sections 25141, 25141.5, 25143.2.5, 25150, 25201, 25214.9, 25219.1 and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25141, 25141.5, 25143.2.5, 25150, 25159.5, 25201, 25212, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code.
Amend section 66273.74 of title 22 of the California Code of Regulations, 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 makes a determination to dispose of CRTs and/or CRT glass pursuant to subsections (b)(3)(C) or (c)(3)(C) of section 66273.72 or subsection (f)(4) 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 disposal:

(A) The ID number for the universal waste handler’s facility where the CRTs and/or CRT glass was generated; and

(B) A description of the authorized treatment method(s) used to generate the CRTs and/or CRT glass.

(23) 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, and/or a primary lead smelter, or a secondary lead smelter, a destination facility, or a CRT panel glass approved 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.
(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, beginning no later than 30 days prior to treating any 
electronic device and/or CRT at the universal waste handler’s facility;

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

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

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

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

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

7. A copy of the records that make the demonstration required by section 
66273.81, subsection (d).

Note: Authority cited: Sections 25141, 25141.5, 25150, 25201, 25214.6, 25214.9, 
26219.1 and 58012, Health and Safety Code; and Section 42475, Public Resources 
Code. Reference: Sections 25141, 25141.5, 25150, 25159.5, 25179.6, 25201, 25212, 
25214.6, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code.
Amend section 66273.75 of title 22 of the California Code of Regulations, 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, and ensure that all treatment residuals meeting the definition of scrap metal in section 66273.9 are recycled and that all treatment residuals meeting the definition of CRT glass in section 66273.9 are recycled as specified below.

(8) Treat CRTs only for the purpose of recycling one or more types of CRT glass and ensure that all the CRT glass is reclaimed at a CRT glass manufacturer or at a primary or secondary lead smelter; for disposal; or for the management of CRT panel glass according to section 25143.2.5 of the Health and Safety Code.

(9) For disposal of CRT panel glass at a CRT panel glass approved 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.

(10) 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 subsection (a) of this 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 whose treatment of electronic devices and/or CRTs generates CRT glass as defined in section 66273.9 shall ensure that all CRT glass residuals are sent to a CRT glass manufacturer or to a primary or secondary lead smelter and recycled.

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

(e) Zoning.

(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 of.

(2) For disposal of CRT panel glass generated pursuant to subsection (a)(9) of this section in a CRT panel glass approved 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 CRT panel glass approved 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 in accordance with subsection (f)(5) of this section, or ship the accumulated CRT glass for disposal in accordance with subsection (f)(4) of this section.

(4) For disposal at a permitted hazardous waste disposal facility:

(A) Be deemed the generator of hazardous waste CRT glass;

(B) 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

(C) Notify the Department in accordance with 66273.74(a)(2).

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

(A) If the CRT glass will be sent to 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) Maintain onsite 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 sent to any intermediate facilities, the name, address, and telephone number of the intermediate facilities and a description of the facilities’ activities;

4. Any copies of contractual arrangements made pursuant to subsection (f)(5)(A) of this section, if applicable;

5. The quantity of CRT glass and the departure date of each shipment to any intermediate facility, pursuant to subsection (f)(5)(A), if applicable; and

6. Confirmation receipts from the CRT glass manufacturer or primary or secondary lead smelter indicating that CRT glass shipments were received no later than 90 days after the departure date specified in subsection (f)(5)(B)5 of this section.

Note: Authority cited: Sections 25141, 25141.5, 25150, 25201, 25214.9, 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, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code; Sections 42479, Public Resources Code.
Add section 66273.80 of title 22 of the California Code of Regulations, 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 CRT panel glass approved landfill.

Add section 66273.81 of title 22 of the California Code of Regulations, to read:


(a) CRT panel glass destined for disposal in a CRT panel glass approved 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 4 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 alternate 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 identify and quantify all hazardous constituents, as specified in 
subsection (b) of this section; and
(3) The frequency with which the procedures will be reviewed or repeated to 
ensure that the analysis and sampling method are 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 
subsection (f)(3) of section 66273.75.
Note: Authority cited: Sections 25141.5, 25150, 25214.9, and 58012, Health and Safety 
Code. Reference: Sections 25141.5, 25150, 25159.5, 25179.6 and 25214.9, Health and 
Safety Code.
Add section 66273.82 of title 22 of the California Code of Regulations, 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 CRT panel glass approved 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 CRT panel glass approved 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 CRT panel glass approved 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 CRT panel glass approved 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.
Add section 66273.83 of title 22 of the California Code of Regulations, 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 CRT panel glass approved 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] 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 CRT panel glass approved 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 CRT panel glass approved 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.

Add section 66273.84 of title 22 of the California Code of Regulations, 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 CRT panel glass approved 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 CRT panel glass approved landfill:
   (A) Obtain the dated signature of the owner or operator of the CRT panel glass approved 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 CRT panel glass approved 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 CRT panel glass approved 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.