

PROPOSED – California Code of Regulations
Title 14 Natural Resources
Division 7 California Department of Resources Recycling and Recovery
Chapter 8.2 Electronic Waste Recovery and Recycling

For reference, this document depicts proposed regulatory revisions, deletions, and additions via underline and ~~strikethrough~~

Article 7. Designated Approved Collectors

18660.47. Definitions

18660.48. Additional Requirements for Designated Approved Collectors

18660.49. Proof of Designation

18660.50. Invalidation of Designation

18660.51. Termination of Designation

Article 1. General

§ 18660.5. Definitions.

(a) For the purposes of this Chapter, the following shall apply:

- (1) “Act” or “the Act” means the Electronic Waste Recycling Act of 2003 (Senate Bill 20, Chapter 526, Statutes of 2003), as amended.
- (2) “Approved Collector” means an authorized collector as defined in Section 42463(b) of the Public Resources Code who applies to CalRecycle for approval and whose application is approved pursuant to this Chapter and therefore may be eligible for recovery payments from approved recyclers.
- (3) “Approved Dual Entity” means an entity that is both an “approved collector” and an “approved recycler” as defined in this Section.
- (4) “Approved Recycler” means a “covered electronic waste recycler” as defined in Section 42463(h) of the Public Resources Code who applies to CalRecycle for approval and whose application is approved pursuant to this Chapter and therefore may be eligible for recycling payments from CalRecycle.
- (5) “Bare CRT” means a Cathode Ray Tube with the vacuum relieved and the yoke removed that has been separated from the device housing and has had all circuit boards, wiring and other components detached from the tube.
- (6) “Bare Panel” means an LCD, gas plasma, or other non-CRT video display panel that has been separated from the device housing and has had all circuit boards, lamps, wiring and other components detached from the panel.
- (7) “Cancellation” means a processing or treatment method that qualifies CEWs for recycling payments, removes the CEWs from the payment system eliminating the possibility of double payments, dismantles or destroys the original CEW, and results in treatment residuals as specified in Section 18660.32 of this Chapter.
- (8) “Claim Activity Period” means the span of time during which an approved recycler received CEWs from approved collectors, processed and cancelled CEWs, and shipped treatment residuals that results in a recycling payment claim being submitted to CalRecycle.

- (9) "CRT" means a Cathode Ray Tube with the yoke still attached that has been separated from a CRT device.
- (10) "CRT device" means a whole covered electronic device containing a Cathode Ray Tube.
- (11) "California Source" means persons, as defined in Section 42463(n) of the Public Resources Code, located in California who generate CEWs after their own use of a CED. Persons who receive, accumulate, consolidate, store, or otherwise handle discarded, donated or collected CEWs are not the California sources of those CEWs.
- (12) "CalRecycle" means the Department of Resources Recycling and Recovery.
- (13) "Collection log" means a record maintained by an approved collector that records CEW collection activities as specified in Section 18660.20(j) of this Chapter.
- (14) "Collective Report" means a report submitted to CalRecycle through a trade association, a group of associations, or other organization that represents more than one manufacturer.
- (15) "Commingled" means mixed together and impossible to economically or practically separate.
- (16) "Covered Electronic Device" or "CED" has the same meaning, for the purposes of this Chapter, as a covered electronic device specified in Section 42463(e) of the Public Resources Code.
- (17) "Covered Electronic Waste" or "CEW" means a discarded device that DTSC has determined to be a covered electronic device, as specified by Section 42463(e) of the Public Resources Code.
- (18) "Designated Approved Collector" means an approved collector, as defined in subsection (a)(2) of this section, that has been designated by a California local government to provide CEW collection services for or on behalf of the local government in accordance with Article 7 of this Chapter and who, in the course of providing the services for the local government, would not be subject to the source documentation requirements pursuant to Section 18660.20(j)(1)(B) of this Chapter.
- (19) "DTSC" means the Department of Toxic Substances Control.
- (20) "End-Use Destination" means the location where the treatment residuals from the approved recycler are sent after cancellation.
- (21) "Further treat" means, for the purposes of this Chapter, activities such as crushing, size reduction, washing, cleaning, smelting, or similar steps taken to process the treatment residual rendering it more marketable. "Further treat" does not mean, for the purposes of this Chapter, receiving, storing, accumulating, consolidating, brokering, shipping, disposing or other similar activities that do not alter the form of the treatment residual.
- (22) "Handler", for the purposes of this Chapter, has the same meaning as a universal waste handler or CRT material handler, as applicable, as defined in Section 66273.9 of Title 22 of the California Code of Regulations.
- (23) "Illegal Disposal" means, for the purposes of this Chapter, the disposal or placement of CEWs on a property without the permission of the owner(s) of, or responsible party(ies) for, the property.
- (24) "Load" means a single transfer (a pick up or delivery) of CEWs, such as from a California source to a collector or from a collector to a recycler.
- (25) "Load Check Activities" means, for the purposes of this Chapter, the efforts made to identify, retrieve and divert from the disposed solid waste stream those CEWs that have been illegally discarded by generators. "Load Check Activities" do not include the rejection or acceptance of CEWs due to the lack of source documentation.

- (26) “Manufacturer Payment” or “Manufacturer Take Back Payment” means a payment made by CalRecycle to a registered manufacturer that takes back covered electronic wastes (CEWs) from a California source for the purposes of recycling the CEW pursuant to Section 42476(g) of the Public Resources Code.
- (27) “Manufacturer Payment Claim” means a registered manufacturer's request submitted to CalRecycle with all required documentation for a manufacturer payment.
- (28) “Manufacturer Take Back” means a program administered by a registered manufacturer that accepts CEWs from California sources for the purposes of recycling.
- (29) “PBBs” mean Polybrominated Biphenyls
- (30) “Processing log” means a record maintained by an approved recycler that records CEW activities associated with CEW cancellation, such as but not limited to weighing, dismantling, crushing, shredding, etc., as specified in Section 18660.21(b) of this Chapter.
- (31) “Product Category” means the types of covered electronic devices as defined in Section 42463(e) of the Public Resources Code. These categories include, but are not limited to, the following:
- (A) Cathode Ray Tubes (CRTs) devices used in televisions,
 - (B) CRTs devices used in monitors,
 - (C) Liquid Crystal Display (LCD) monitors,
 - (D) Laptop computers containing LCD screens,
 - (E) LCD televisions,
 - (F) Gas plasma display televisions, and
 - (G) Other video display devices as specified by the DTSC pursuant to Section 25214.10.1(b) of the Health and Safety Code.
- (32) “Proof of approval” means the unique identification number and expiration date, issued by CalRecycle that identifies a collector or recycler as being approved pursuant to this Chapter.
- (33) “Proof of Designation” means a document issued by a California Local Government to a Designated Approved Collector in accordance with Article 7 of this Chapter. ~~letter or other document that must be secured by a designated approved collector from a California local government that, at a minimum, specifies the following information:~~
- ~~(A) The beginning and end dates of the designation.~~
 - ~~(B) The geographic area within which the designated approved collector is providing CEW collection services for the local government and the location(s) at which the collection service is provided.~~ (C) ~~The customer type to be served by the designated approved collector (i.e. residential, commercial, etc).~~
 - ~~(D) The nature of collections activities to be provided by the designated approved collector (i.e. drop-off receipt, curbside service, illegal disposal clean-up, etc).~~
 - ~~(E) Contact information for the designating authority.~~
 - ~~(F) If the proof of designation secured by the designated approved collector is a document other than a letter from the local government, the proof must also include the designated approved collector's written notification to the local government that such other document has been used. The written notification provided to the local government must be accompanied by a copy of the document being used to demonstrate designation.~~
 - ~~(G) If, after January 1, 2005, and before the effective date of this regulation, a designated approved collector has secured a document from a local government that does not meet the definition of proof of designation as specified in this Section, such~~

~~document may be used by a designated approved collector to comply with applicable requirements of this Chapter through March 31, 2006.~~

- (34) "Receiving log" means a record maintained by an approved recycler that documents CEW transfers from approved collectors to the approved recycler.
- (35) "Recovery payment" means the payment made by an approved recycler to an approved collector in exchange for the transfer of CEWs pursuant to Section 42477 of the Public Resources Code.
- (36) "Recovery payment request" means an approved collector's request for recovery payment made to an approved recycler accompanying the transfer of CEWs.
- (37) "Recycling payment" means the payment made by CalRecycle to an approved recycler that includes a recovery component related to recycler payments to collectors pursuant to Section 42477 of the Public Resources Code and a recycling component for CEW cancellation pursuant to Section 42478 of the Public Resources Code.
- (38) "Recycling payment claim" means an approved recycler's claim that includes all required documentation submitted to CalRecycle for recycling payments for cancelled CEWs.
- (39) "Registered Manufacturer" means a manufacturer as defined in Section 42463(m) of the Public Resources Code who registers with CalRecycle pursuant to this Chapter and therefore may be eligible for manufacturer payments from CalRecycle.
- (40) "Source-anonymous CEWs" means CEWs whose originating California source cannot be identified in collection log information required pursuant to Section 18660.20(j)(1)(B) of this Chapter.
- (41) "Source documentation" means collection logs and other information developed, maintained and transferred pursuant to Section 18660.20(h) of this Chapter that demonstrates the eligibility, originating generator and/or intermediate handlers of collected CEWs as applicable.
- (42) "Standard Statewide Recovery Payment Rate" means the amount paid to an approved collector per pound of CEWs transferred to an approved recycler to cover the cost of collection, consolidation and transportation of CEWs as established pursuant to Section 42477 of the Public Resources code.
- (43) "Standard Statewide Combined Recycling and Recovery Payment Rate" means the amount paid to an approved recycler per pound of CEWs cancelled and claimed to cover the cost of receiving, processing and recycling CEWs as established pursuant to Section 42478 of the Public Resources Code, and making recovery payments to approved collectors.
- (44) "Transfer" or "Transferred" means physically changing possession of CEWs, such as a transfer from a California source to a collector or from a collector to a recycler.
- (45) "Transfer documentation" means, for the purposes of this Chapter, records and/or receipts that record the transfer of CEWs from an approved collector to an approved recycler, which include the weight, number, and source of the transferred CEWs, and the date(s) of transfer.
- (46) "Treatment residuals" means any material resulting from the dismantling or treatment of a CEW. Treatment residuals are not considered CEWs and are not eligible for payment, however the costs or revenues associated with managing treatment residuals shall be factored into the net cost of recycling CEW. Treatment residuals may be used to demonstrate the prior processing of CEWs, and documentation demonstrating the subsequent movement or ultimate disposition of the treatment residuals may be required as part of the claim for payment submitted by an approved recycler.

(47) “Ultimate disposition” means, for the purposes of this Chapter, the consumption of a treatment residual into a manufacturing process or the disposal of a treatment residual at a permitted disposal facility. Storage of a treatment residual at a site of generation or at an intermediate facility, or accumulation of a treatment residual at a location prior to consuming or disposing, is not ultimate disposition.

Authority cited: Sections 40502, 42475(b) and 42475.2, Public Resources Code.

Reference: Sections 42463, 42465.2, 42475(a), 42476, 42477, 42478 and 42479, Public Resources Code.

Article 2.2. Electronic Waste Payment System – Business Requirements

§ 18660.20. Requirements for an Approved Collector.

- (a) Upon CalRecycle approval of its application, an approved collector may begin requesting recovery payments for CEWs documented and transferred to approved recyclers pursuant to the requirements of this Chapter after the approval.
- (b) An approved collector shall comply with the requirements of this Chapter, including:
 - (1) Begin collection activities from California sources within 180 calendar days of approval. CalRecycle may revoke approval if a collector fails to begin collection activities within 180 days.
 - (2) Transfer at least one (1) load of CEWs to an approved recycler within 180 calendar days of approval. Approved dual entities may also meet this requirement by both collecting and canceling at least one load of CEWs within 180 calendar days of approval. CalRecycle may revoke approval if a collector fails to transfer at least one load of CEWs within 180 calendar days of approval.
- (c) An approved collector shall make reasonable efforts to determine if CEWs it collects are from California sources or from non-California sources and shall keep track of those materials separately. Reasonable efforts may include any of the following, but are not limited to:
 - (1) Posting signs and asking California sources.
 - (2) Conducting spot checks and/or surveys.
 - (3) Checking for a valid California identification of a person, a California license plate on a vehicle, and/or a bill of lading showing a California origin.
 - (4) Requiring additional documentation from California sources or collectors delivering large numbers of CEWs. (5) Instituting measures to prevent CEWs from being dropped-off anonymously or illegally disposed at the approved collector's facilities or operations.
- (d) An approved collector shall not request recovery payment for non-California CEWs.
- (e) An approved collector shall determine if CEWs they transfer to recyclers have already been cancelled, and shall keep track of those materials separately.
- (f) An approved collector shall not request recovery payment for previously cancelled CEWs.
- (g) An approved collector shall provide the CalRecycle-issued proof of approval identification number when transferring CEWs to or requesting recovery payments from an approved recycler. If an approved collector, or its agent, fails to provide the proof of approval, the approved recycler may deny recovery payment.
- (h) An approved collector shall provide to any approved collector or approved recycler to whom it transfers CEWs information on the origin (California or non-California) and cancellation status of CEWs transferred, including but not limited to the following:

- (1) Signed statement listing the sources(s) of the transferred CEWs as recorded pursuant to subsection (j) of this section.
 - (2) A copy(ies) of the applicable portions of the collection log specified in subsection (j) of this section that describe the collection activities that resulted in the transferred CEWs.
 - (3) Written description of any activity, such as storage, repair, refurbishment, resale, reuse, transfer, packaging and/or consolidation, that explains any discrepancy between the CEWs transferred and the CEWs collected as recorded in a log specified in subsection (j) of this section.
 - (4) A copy of any applicable Proof of Designation, issued pursuant to and used in accordance with Article 7 of this Chapter, associated with CEWs collected while acting as a designated approved collector for a local government.
- (i) An approved collector shall operate in accordance with all Federal, State and local laws and regulations.
- (j) In addition to the general record keeping requirements in Section 18660.8 of this Chapter, an approved collector shall maintain the following records:
- (1) A collection log containing:
 - (A) For each collection activity or event that results in CEWs transferred to the approved collector, a brief written description of the collection activity or event, including the type of California sources targeted for collection, the date and location the activity or event occurred, the number of CEWs collected, and an estimate of the weight of CEWs collected.
 - (B) Approved collectors that are not California local governments, nor entities acting as the Designated Approved Collector for a California local government, shall maintain a list of all California sources who discarded the CEWs transferred to the approved collector, including the name and address of the California source and the number of CEWs discarded by the California source.
 - (C) When receiving five (5) or more CEWs units discarded from a non-residential California source, an approved collector shall record the name of the non-residential organization, an address, a contact person and a telephone number.
 - (D) A list of other handlers and approved collectors who transferred CEWs to the approved collector in any month, including the name and address of the other handler and approved collector and the number of CEWs transferred and the sources of those CEWs as recorded pursuant to parts (A) and (B) of this Section.
 - (E) When collecting source-anonymous CEWs, all approved collectors shall:
 1. Log the source-anonymous CEW collection activity separately.
 2. Provide a brief written description of the activity or incident that resulted in the source anonymous CEWs.
 3. Record the date and location of the activity or incident, the number and an estimate of the weight of source-anonymous CEWs collected from the location of the activity or incident.
 4. Record the name, organizational affiliation, address and phone number of a person responsible for the site of the activity or incident.
 - (2) Records of transfers by load to, and recovery payments from, approved recyclers, including:
 - (A) Inventory records that document the relationship between the CEWs received from all sources and the CEWs transferred to the approved recycler or to other handlers.

- (B) Signed and dated receipts showing the number and weight of CEWs transferred. The approved collector shall identify and record each approved recycler using the name and identification number from the recycler's "proof of approval."
- (3) Records on the costs, revenues and net costs associated with the collection, transportation and disposition of all CEWs handled as specified in Section 18660.10 of this Chapter.
- (k) ~~An approved collector that is acting as a designated approved collector for a local government shall do the following:~~
- ~~(1) Secure proof of designation as defined in Section 18660.5(a)(33) of this Chapter.~~
 - ~~(2) Provide a copy of the applicable proof of designation to another approved collector or approved recycler at the time CEWs are transferred from the designated approved collector to another approved collector or approved recycler.~~
 - ~~(3) A designated approved collector shall be relieved only of the source documentation requirement specified by Section 18660.20(j)(1)(B) of this Chapter only for those collection activities that occur within the designation as specified in subsection k(1) of this section.~~

Authority cited: Sections 40502, 42475(b) and 42475.2, Public Resources Code.

Reference: Sections 42475(a), 42476, 42477, 42478 and 42479, Public Resources Code.

Article 7. Designated Approved Collectors

§ 18660.47. Definitions

(a) For the purposes of this Chapter, the following shall apply:

- (1) "Designation" means an arrangement that a Local Government initiates with an approved collector so that the approved collector shall act as a Designated Approved Collector and provide CEW collection services on behalf of the Local Government. The Designation constitutes a local program subject to Form 303 reporting requirements pursuant to Section 18751.2 of this Title. Details and evidence of the Designation are specified in a Proof of Designation pursuant to Section 18660.49(b).
- (2) "Local Government" means a California city, county, city and county, a joint powers authority, or public service district responsible for household hazardous waste or residential waste management planning or services.

§ 18660.48 Additional Requirements for Designated Approved Collectors

(a) A Designated Approved Collector is subject to all collection log requirements pursuant to Section 18660.20(j)(1), except those CEW collection activities occurring under a Designation are not subject to the requirements in Section 18660.20(j)(1)(B). All other requirements in this Chapter that apply to approved collectors also apply to Designated Approved Collectors.

(b) A Designated Approved Collector shall provide the Local Government with a report of all CEW collection activities conducted pursuant to the Designation at least annually on or before September 1 of every calendar year covering the preceding reporting period of July 1 through June 30 for the purposes of incorporating as warranted that information in the Local Government Form 303 reporting.

- (1) The Local Government may require more frequent CEW collection activity reports from a Designated Approved Collector.

(2) A Designated Approved Collector shall upon request provide CalRecycle a copy of any reports given to the Local Government.

(c) A Designated Approved Collector, while acting on behalf of a Local Government, shall only conduct CEW recovery activities that fall within the scope and jurisdictional boundary of the Designation as specified in the Proof of Designation.

§ 18660.49. Proof of Designation

(a) A Local Government shall issue a Designation at least 30 days in advance of any CEW collection activity conducted by the Designated Approved Collector pursuant to the Designation.

(b) The Proof of Designation, as defined in Section 18660.5(a)(33), shall establish the scope of the Designation and include the following information:

(1) The beginning and end dates of the Designation;

(2) The geographic area within which the Designated Approved Collector may provide CEW collection services on behalf of the Local Government and the location(s) at which the collection service is provided;

(3) The method and description of CEW collection activities to be provided by the Designated Approved Collector (e.g., drop-off receipt, curbside service, illegal disposal clean-up, or special events);

(4) Contact information for the Local Government designating authority. The contact shall be a representative of the Local Government that is duly authorized and empowered to execute agreements or contracts related to waste management on behalf of the jurisdiction;

(5) A certification signed by a representative of the Local Government stating the following:

(A) The representative is authorized to execute agreements or contracts related to waste management on behalf of the Local Government; and

(B) The representative has read and understands all applicable laws and regulations governing the Electronic Waste Recovery and Recycling Program; and

(C) The representative agrees that the Local Government shall operate in compliance with those applicable laws and regulations; and

(D) The representative certifies that the Proof of Designation contains true and correct information to the best of the representative's knowledge.

(6) A certification statement signed by a representative of the Designated Approved Collector affirming the representative is an authorized signatory listed in the application for approval pursuant to Section 18660.11, and that the Designated Approved Collector agrees to operate in compliance with the requirements of the Electronic Waste Recovery and Recycling Program and all applicable laws and regulations.

(c) When a Designation is issued by the Local Government, the Local Government shall transmit a copy of the Proof of Designation to CalRecycle either by electronic mail or by mail postmarked at least 30 days in advance of any use of the Designation to:

CalRecycle

Attention: Electronic Waste Recycling Program, Participant Management, MS #9

1001 I Street, P.O. Box 4025

Sacramento, CA 95812-4025

ewaste@calrecycle.ca.gov

(d) A valid Designation issued prior to the effective date of this regulation may remain valid for no more than 120 days after the effective date of this regulation.

(e) A Local Government that has issued a valid Designation to a Designated Approved Collector prior to the effective date of this regulation shall issue a new Designation pursuant to this Article within 90 days of the effective date of this regulation.

(f) A Designated Approved Collector shall provide a copy of the applicable Proof of Designation to another approved collector or approved recycler at the time CEW and associated collection documentation are transferred from the Designated Approved Collector to another approved collector or approved recycler.

§ 18660.50. Invalidation of Designation

(a) A Designation issued to a Designated Approved Collector shall be invalid if the collector's approval status is expired, suspended, or revoked, or if the collector withdraws from being an approved collector.

(1) A Designation invalidated due to expiration or suspension of a collector's approval shall be valid again upon reinstatement by CalRecycle of a collector's approval status unless a Local Government acts to terminate the Designation pursuant to section 18660.51(a).

(2) A Designation invalidated due to a revocation of a collector's approval status or a collector's withdrawal from being an approved collector may be reissued as a new Designation pursuant to this Article at the discretion of the Local Government once the approval status of the collector has been restored.

(b) An approved collector whose Designation is invalid pursuant to subsection (a) shall immediately notify the Local Government that issued the Designation of the circumstances leading to the change in the collector's approval status and that the Designation is invalid until the approval status is reinstated.

§ 18660.51. Termination of Designation

(a) A Local Government may terminate a Designation at its discretion. If a Local Government terminates a Designation, it shall immediately notify the Designated Approved Collector and CalRecycle of the effective date of the termination.

(b) CalRecycle may terminate a Designation if the Local Government or the Designated Approved Collector violates any applicable laws or regulations, including the requirements in this Article. If CalRecycle terminates a Designation, it shall immediately notify the Designated Approved Collector and the Local Government of the effective date of the termination.