

JUN 17 2020

**State of California
Office of Administrative Law**

In re:
Department of Resources Recycling and Recovery

Regulatory Action:

Title 14, California Code of Regulations

Adopt sections:
Amend sections: 18660.24, 18660.25,
18660.33, 18660.34
Repeal sections:

NOTICE OF FILING AND PRINTING ONLY

Government Code Section 11343.8

OAL Matter Number: 2020-0527-02

OAL Matter Type: File and Print Only (FP)

This is a request, pursuant to Government Code section 11340.9(g), to file with the Secretary of State and print in the California Code of Regulation amendments to two recycling and recovery rates paid for two types of materials: Covered Electronic Waste (CEW) containing Cathode Ray Tube (CRT) (from \$.49 to \$.66 per pound) and CEW not containing CRT (from \$.60 to \$.87 per pound). The request also includes changing the rate paid by an approved recycler to an approved collector for all CEWs regardless of real or anticipated disposition of the CEWs (from \$.19 to \$.26 per pound).

The amendments become effective July 1, 2020.

OAL filed these regulations with the Secretary of State and will publish them in the California Code of Regulations.

Date: June 5, 2020


Dale P. Mentink
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Ken DaRosa, Acting Director
Copy: Irina Kaminer

NOTICE PUBLICATION/REGULATION

SUBMISSION

(See instructions on reverse)

FILE PRINT

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2020-0527-02FP	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only		<p style="text-align: center;">2020 MAY 27 A 10:55</p> <p style="text-align: center;">OFFICE OF ADMINISTRATIVE LAW</p>	
NOTICE		REGULATIONS	

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

JUN 05 2020

1:50 P.m.

AGENCY WITH RULEMAKING AUTHORITY Department of Resources Recycling and Recovery (CalRecycle)	AGENCY FILE NUMBER (if any)
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A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Covered Electronic Waste Recovery and Recycling Payment Rates	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)				
<table border="1"> <tr> <td rowspan="3">SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)</td> <td>ADOPT</td> </tr> <tr> <td>AMEND 18660.24, 18660.25, 18660.33, 18660.34</td> </tr> <tr> <td>REPEAL</td> </tr> </table>	SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT	AMEND 18660.24, 18660.25, 18660.33, 18660.34	REPEAL
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		AMEND 18660.24, 18660.25, 18660.33, 18660.34		
	REPEAL			
TITLE(S) 14				

3. TYPE OF FILING
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §511349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input checked="" type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____ <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))
 Effective on filing with Secretary of State
 \$100 Changes Without Regulatory Effect
 Effective other (Specify) **July 1, 2020**

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

Department of Finance (Form STD. 399) (SAM §6660)
 Fair Political Practices Commission
 State Fire Marshal
 Other (Specify) _____

7. CONTACT PERSON Irina Kaminer	TELEPHONE NUMBER (916) 341-6396	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) Irina.Kaminer@calrecycle.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Elliot W. Block</i>	DATE 5/26/20
TYPED NAME AND TITLE OF SIGNATORY Elliot Block, Chief Counsel	

For use by Office of Administrative Law (OAL) only

AUTHORIZED FOR FILING AND PRINTING

JUN 05 2020

Office of Administrative Law

Proposed Revised Regulatory Language to Adjust the Covered Electronic Waste Recovery and Recycling Payment Rates

**California Code of Regulations – Title 14 Natural Resources
Division 7 Department of Resources Recycling and Recovery (CalRecycle)
Chapter 8.2 Electronic Waste Recovery and Recycling**

Article 2.3. Electronic Waste Payment System – Recycling Payment Claims

§ 18660.24. Additional Requirements for Recycling Payment Claims to Demonstrate Cancellation of CRTs or CRT-Containing CEWs Through Dismantling to a Bare CRT After Relieving the Vacuum.

(a) In addition to the general information required in Section 18660.22 of this Chapter, an approved recycler shall include the information in this Section to claim recycling payments for canceling CRT containing CEWs through dismantling to a bare CRT after relieving the vacuum as specified in Section 18660.32 of this Chapter.

(b) An approved recycler shall base recycling payment claims on the weight of CRT-containing CEWs cancelled.

(c) An approved recycler shall submit a recycling payment claim within 45 calendar days of the end of a reporting month.

(d) The reporting month for a recycling payment claim pursuant to this Section is the calendar month in which the approved recycler first makes shipment(s) to an initial destination of bare CRTs or CRT glass cullet derived from the claimed CEWs.

(e) An approved recycler shall calculate the payment and include the calculation in a recycling payment claim specific to canceling CRT-containing CEWs through dismantling to a bare CRT as follows:

(1) The total weight of CRT-containing CEWs cancelled from which all treatment residuals specified pursuant to Section 18660.22(c)(1) of this Chapter have been shipped off-site to an initial destination authorized to receive and further treat or legally dispose of those treatment residuals.

(2) The total payment claimed, calculated by multiplying the weight of CRT-containing CEWs specified in subsection (e)(1) of this Section by the Standard Statewide Combined Recovery and Recycling Payment Rate.

(3) If the amount in subsection (1) of this Section includes CEWs from outside California, CEWs without source documentation, or previously cancelled materials, then the recycler shall reduce the payment claim to reflect these corrections by adjusting the weights.

(f) An example calculation for canceling CRT containing CEWs through dismantling to a bare CRT after relieving the vacuum is included for illustration purposes as follows:

<i>The weight of CRT-containing CEWs cancelled:</i>	<i>1000 pounds</i>
<i>Times the per pound Standard Statewide combined recovery and recycling payment rate:</i>	<i>X \$0.49<u>\$0.66</u></i>
<i>Equals the payment claim for the reporting period:</i>	<i>= \$490.00<u>\$660.00</u> Total Claim</i>

(g) An approved recycler shall attach the following documentation for all shipments of bare CRTs or CRT glass cullet made during the claim activity period:

(1) Shipping reports to initial destinations, including the names of the shipping recycler and the receiving initial destination.

(2) The date of the shipment and the weight of the bare CRTs or CRT glass cullet.

(3) Certified weights of individual shipments of bare CRTs or CRT glass cullet.

(4) Verification of post cancellation disposition, including:

(A) For shipments by sea, the proof of transfer to an initial destination shall be the on-board bill of lading and an executed contract or other documentation from the intended recipient of the shipment.

(B) For other shipments, the proof of transfer to an initial destination shall include a receipt issued by the person receiving the shipment and any applicable bill of lading or manifest.

(C) For all shipments of bare CRTs or CRT glass cullet, information pertaining to the initial destination or the ultimate disposition of the material shipped:

1. All documentation necessary to demonstrate compliance with material handling and shipment requirements set forth in Chapters 12, 14, 15, 16, 18, 20, 22 and 23 of Division 4.5 of Title 22 of the California Code of Regulations shall be included in the claim.

2. CalRecycle may demand additional documentation as necessary from an approved recycler to determine compliance with material handling and shipment requirements set forth in Chapters 12, 14, 15, 16, 18, 20, 22, and 23 of Division 4.5 of Title 22 of the California Code of Regulations.

(h) In addition to the documentation required in subsection (g), an approved recycler shall attach to the payment claim a description and quantification of the disposition of other treatment residuals derived from cancellation of the CRT-containing CEWs, including but not limited to metals, plastics, fibers and wood.

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

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

§ 18660.25. Additional Requirements for Recycling Payment Claims to Demonstrate Cancellation of Non-CRT-Containing CEWs.

(a) In addition to the general information required in Section 18660.22 of this Chapter, an approved recycler shall include the information in this Section to claim recycling payments for canceling non-CRT-containing CEWs through dismantling to a bare panel as specified in Section 18660.32 of this Chapter.

(b) An approved recycler shall base recycling payment claims on the weight of the cancelled non-CRT-containing CEWs.

(c) An approved recycler shall submit a recycling payment claim within 45 calendar days of the end of a reporting month.

(d) The reporting month for a recycling payment claim pursuant to this Section is the calendar month in which the approved recycler first cancels any of the non-CRT CEW being claimed.

(e) An approved recycler shall calculate the payment and include the calculation in a recycling payment claim specific to canceling non-CRT-containing CEWs through dismantling to a bare panel as follows:

(1) The total weight of cancelled non-CRT-containing CEWs for the reporting month for which records specified in Section 18660.22(c)(2) of this Chapter have been established and maintained pursuant to Section 18660.8 of this Chapter. Note that non-CRT-containing CEWs commingled with other material are ineligible for recycling payment.

(2) The total payment claimed, calculated by multiplying the weight of non-CRT-containing CEWs specified in subsection (e)(1) of this Section by the Standard Statewide Combined Recovery and Recycling Payment Rate.

(3) If the amount in subsection (1) of this Section includes CEWs from outside California or previously cancelled materials, then the recycler shall reduce the payment claim to reflect these corrections by adjusting the weights.

(4) For each claimed non-CRT-containing CEWs, the recycler shall record and report the manufacturer name, model number, and the weight of each device prior to cancellation.

(f) An example calculation for canceling non-CRT-containing CEWs through dismantling to a bare panel is included for illustration purposes as follows:

<i>The weight of non-CRT-containing CEWs cancelled:</i>	<i>1000 pounds</i>
<i>Times the per pound Standard Statewide combined recovery and recycling payment rate:</i>	<i>X \$0.60\$0.87</i>
<i>Equals the payment claim for the reporting period:</i>	<i>= \$600.00<u>\$870.00</u> Total Claim</i>

(g) An approved recycler shall attach the following documentation for all bare plasma panels and lamps derived from non-CRT-containing CEWs during the claim activity period:

(1) Shipping reports to initial destinations, including the names of the shipping recycler and the receiving initial destination.

(2) The accumulation start date(s) of the bare plasma panels or lamps shipped or stored.

(3) Certified weights ticket of individual shipments.

(4) Verification of post cancellation disposition, including:

(A) For shipments by sea, the proof of transfer to an initial destination shall be the on-board bill of lading or manifest, as applicable.

(B) For other shipments, the proof of transfer to an initial destination shall include a receipt issued by the person receiving the shipment and any applicable bill of lading or manifest.

(C) For all shipments of bare plasma panels and lamps derived from non-CRT-containing CEWs, a discussion of the ultimate disposition of the material shipped demonstrating that the disposition is compliant with applicable law and conforms with the approved recycler's conditions of authorization.

1. All documentation necessary to demonstrate compliance with material handling and shipment requirements set forth in Chapters 12, 14, 15, 16, 18, 20, 22, and 23 of Division 4.5 of Title 22 of the California Code of Regulations shall be included in the claim.

2. CalRecycle may demand additional documentation as necessary from an approved recycler to determine compliance with material handling and shipment requirements set forth in Chapters 12, 14, 15, 16, 18, 20, 22, and 23 of Division 4.5 of Title 22 of the California Code of Regulations.

(5) The quantities of treatment residuals recorded pursuant to section 18660.22(c)(2)(A) and (B) shall be included in the claim.

(h) In addition to the documentation required in subsection (g), an approved recycler shall attach to the payment claim a description and quantification of the disposition of other treatment residuals derived from cancellation of the non-CRT-containing CEWs, including but not limited to circuit boards, other video display panels, metals, plastics, and fibers.

Note: 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 2.4. Electronic Waste Payment System – Cancellation Methods, Recovery Payment Rate, and Combined Recovery and Recycling Payment Rate

§ 18660.33. Standard Statewide Recovery Payment Rate.

(a) An approved recycler shall pay an approved collector the Standard Statewide Recovery Payment Rate for all CEWs transferred to the recycler that are accompanied by applicable source documentation pursuant to Section 18660.20(h) of this Chapter regardless of the real or anticipated disposition of the CEWs.

(b) Beginning July 1, 2016~~20~~, the Standard Statewide Recovery Payment Rate is ~~\$0.49~~\$0.26 per pound.

(c) CalRecycle shall review the Standard Statewide Recovery Payment Rate at a public meeting and establish the rate pursuant to Section 42477 of the Public Resources Code.

Note: Authority cited: Sections 40502, 42475(b) and 42475.2, Public Resources Code.
Reference: Sections 42475(a), 42476, 42477, 42478 and 42479, Public Resources Code.

§ 18660.34. Standard Statewide Combined Recovery and Recycling Payment Rate.

(a) CalRecycle shall pay an approved recycler Standard Statewide Combined Recovery and Recycling Payment Rates for the weight of CRT and non-CRT CEW cancelled and claimed pursuant to the requirements of this Chapter, which includes a component for recovery costs and a component for recycling costs.

(b) Beginning July 1, 2018~~20~~, the Standard Statewide Combined Recovery and Recycling Payment Rates are:

(1) ~~\$0.49~~\$0.66 per pound for CRT CEW.

(2) ~~\$0.60~~\$0.87 per pound for non-CRT CEW.

(c) CalRecycle shall review the Standard Statewide Recovery and Recycling Payment Rate at a public meeting and establish the rate pursuant to Sections 42477 and 42478 of the Public Resources Code.

Note: Authority cited: Sections 40502, 42475(b) and 42475.2, Public Resources Code.
Reference: Sections 42475(a), 42476, 42477, 42478 and 42479, Public Resources Code.