

**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: 2023-0518-02

OAL Matter Type: File and Print Only (FP)

This action by the Department of Resources, Recycling and Recovery (CalRecycle) amends the payment rates for recovering and recycling covered electronic waste and is submitted to OAL for filing and printing only as exempt from the Administrative Procedure Act pursuant to the exemption for regulations that establish or fix rates (Government Code section 11340.9(g)).

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

Date: June 7, 2023



Amy R. Gowan
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Rachel Machi Wagoner, Director
Copy: Kris Chisholm

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 10/2019)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2023-0518-02	EMERGENCY NUMBER FP
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

For use by Secretary of State only

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

JUN 07 2023

1:54 PM

AGENCY WITH RULEMAKING AUTHORITY
California Department of Resources Recycling and Recovery (CalRecycle)

AGENCY FILE NUMBER (If any)

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 Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE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)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT	
TITLE(S) 14		AMEND 18660.24, 18660.25, 18660.33, 18660.34	
3. TYPE OF FILING		REPEAL	
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <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"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input checked="" type="checkbox"/> File & Print <input type="checkbox"/> Print Only			
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input type="checkbox"/> Other (Specify) _____			
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)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> \$100 Changes Without Regulatory Effect <input checked="" type="checkbox"/> Effective other (Specify) July 1, 2023			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal			
<input checked="" type="checkbox"/> Other (Specify) Department of Toxic Substances Control			
7. CONTACT PERSON Kris Chisholm		TELEPHONE NUMBER 916-322-2404	FAX NUMBER (Optional)
		E-MAIL ADDRESS (Optional) kris.chisholm@calrecycle.ca.gov	

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

Anastasia Baskerville

Digitally signed by Anastasia Baskerville
Date: 2023.05.09 15:51:49 -0700

DATE

TYPED NAME AND TITLE OF SIGNATORY

Anastasia Baskerville

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AUTHORIZED FOR FILING AND PRINTING

JUN 07 2023

Office of Administrative Law

FILE PRINT

8083-0-18-02

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JUN 7 1953

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</i>	
<i>Recovery and Recycling Payment Rate:</i>	<i>X \$0.8598</i>
<i>Equals the payment claim for the reporting period:</i>	<i>= \$85980.00 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</i>	
<i>Recovery and Recycling Payment Rate:</i>	<i>X \$01.0310</i>
<i>Equals the payment claim for the reporting period:</i>	<i>= \$103100.00 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 Rates

§ 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, 2022~~3~~, the Standard Statewide Recovery Payment Rate is \$0.3~~35~~35 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 Rates.

(a) CalRecycle shall pay an approved recycler the 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, 2022~~3~~, the Standard Statewide Combined Recovery and Recycling Payment Rates are:

(1) \$0.8~~598~~598 per pound for CRT CEW.

(2) \$01.0~~310~~310 per pound for non-CRT CEW.

(c) CalRecycle shall review the Standard Statewide Combined Recovery and Recycling Payment Rates at a public meeting and establish the rates 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.