

JUL - 7 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: 18660.47, 18660.48,  
18660.49, 18660.50

Amend sections: 10660.5, 18660.6, 18660.7,  
18660.20

Repeal sections: 18660.51

NOTICE OF APPROVAL OF CERTIFICATE OF  
COMPLIANCE

Government Code Sections 11349.1 and  
11349.6(d)

OAL Matter Number: 2020-0521-03

OAL Matter Type: Certificate of Compliance  
(C)

This rulemaking action by the Department of Resources Recycling and Recovery (Department) makes permanent, with additional amendments, regulatory changes originally made in emergency action 2017-0309-02E and readopted in 2019-0225-01. These changes include amending existing regulations and adopting new article 7, in title 14, division 7, chapter 8.2 of the California Code of Regulations relating to Designated Approved Collectors of covered electronic waste.

OAL approves this regulatory action pursuant to section 11349.6(d) of the Government Code. These changes are effective October 1, 2020.

Date: July 3, 2020



Kevin D. Hull  
Senior Attorney

For: Kenneth J. Pogue  
Director

Original: Ken DaRosa, Acting Director  
Copy: Irina Kaminer

NOTICE PUBLICATION/REGULATION SUBMISSION



(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01/2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER <b>2020-0321-03C</b>	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

<p>2020 MAY 21 P 12:40</p> <p>OFFICE OF ADMINISTRATIVE LAW</p>	<p>ENDORSED - FILED</p> <p>in the office of the Secretary of State of the State of California</p> <p>JUL 03 2020</p> <p>2:58pm</p>
NOTICE	REGULATIONS

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 <b>2019-41-2</b>	FAX NUMBER (Optional) <b>10/11/2019</b>
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 <b>2017-32-2</b>	PUBLICATION DATE <b>8/11/2017</b>

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Electronic Waste Recycling and Designated Approved Collectors	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2017-0309-02E and 2019-0225-01EE
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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 <b>18660.47, 18660.48, 18660.49, 18660.50</b> <i>7/3/20 agency request</i>
	AMEND <del>10660.5, 18660.6, 18660.7, 18660.20, 18660.47, 18660.48, 18660.49, 18660.50</del>
TITLE(S) 14	REPEAL 18660.51

3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input checked="" 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 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)

*11/31/20 - 2/14/20 7/1/20*

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)

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 type="checkbox"/> 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 <b>5/13/20</b>
TYPED NAME AND TITLE OF SIGNATORY Elliot Block, Chief Counsel	

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**ENDORSED APPROVED**

**JUL 03 2020**

**Office of Administrative Law**

**Proposed Electronic Waste Regulations—Title 14 CCR Division 7 Chapter 8.2 Section 18660.5 et seq.  
Administration of the Electronic Waste Recycling Act of 2003; Public Resources Code 42460 et seq.**

**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, 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. Lamps may remain affixed to an otherwise bare panel only if they cannot be removed without breaking.

(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, as required, 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.

**Proposed Electronic Waste Regulations—Title 14 CCR Division 7 Chapter 8.2 Section 18660.5 et seq. Administration of the Electronic Waste Recycling Act of 2003; Public Resources Code 42460 et seq.**

- (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.
- (19) “DTSC” means the Department of Toxic Substances Control.
- (20) “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 and alter its physical form or characteristics. “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 physical form or characteristics of the treatment residual.
- (21) “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.
- (22) “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.
- (23) “Initial Destination” means, for the purposes of this Chapter, the location(s) to which treatment residuals are initially shipped by an approved recycler.
- (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 and dismantling, as specified in Section 18660.21(b) of this Chapter.



**Proposed Electronic Waste Regulations—Title 14 CCR Division 7 Chapter 8.2 Section 18660.5 et seq. Administration of the Electronic Waste Recycling Act of 2003; Public Resources Code 42460 et seq.**

(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) 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 status of an approved collector or approved recycler, as portrayed on the CalRecycle website. The Proof of Approval is associated with an unique identification number issued by CalRecycle to identify 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.

(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 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.

**Proposed Electronic Waste Regulations—Title 14 CCR Division 7 Chapter 8.2 Section 18660.5 et seq.  
Administration of the Electronic Waste Recycling Act of 2003; Public Resources Code 42460 et seq.**

(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 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 recovery or recycling 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 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.

**Proposed Electronic Waste Regulations—Title 14 CCR Division 7 Chapter 8.2 Section 18660.5 et seq. Administration of the Electronic Waste Recycling Act of 2003; Public Resources Code 42460 et seq.**

**Article 2.0. Electronic Waste Payment System – Applicability and Limitations, Document Submittals, Records, Audits and Net Cost Report**

**§ 18660.6. Applicability and Limitations.**

- (a) Limitations on the types of CEWs eligible for payments:
- (1) An approved collector may request recovery payment only for the types of CEWs specified by DTSC that are transferred to an approved recycler by the collector.
  - (2) An approved recycler may claim recycling payment only for the types of CEWs specified by DTSC that are received from an approved collector and are cancelled by the recycler.
  - (3) A registered manufacturer may claim manufacturer payment only for the types of CEWs specified by DTSC that the manufacturer takes back for recycling.
- (b) Limitations on the timeframes eligible for payments:
- (1) An approved collector, an approved recycler, or a registered manufacturer shall not receive payment for any CEWs transferred from a California source before January 1, 2005.
  - (2) An approved collector shall not request recovery payments from recyclers for transfers that occur prior to the approval of the collector's application by CalRecycle.
  - (3) An approved recycler shall not claim recycling payments from CalRecycle for CEWs cancelled prior to the approval of the recycler's application by CalRecycle.
  - (4) A registered manufacturer shall not claim manufacturer payments from CalRecycle for recycling that occurs prior to the manufacturer's registration with CalRecycle.
- (c) Limitations on the Sources of CEWs and CEWs eligible for payments:
- (1) Only CEWs resulting from a California source are eligible for recovery, recycling, or manufacturer payments.
  - (2) CEWs owned by a person in California, but used entirely outside of California are not eligible for payments.
  - (3) Source-anonymous CEWs, documented pursuant to Section 18660.20(j)(1)(E) of this Chapter, are eligible for recovery and recycling payments if:
    - (A) The source-anonymous CEWs result from load check activities as defined in Section 18660.5(a)(25) conducted at permitted solid waste facilities whose operator is an approved collector or, if not an approved collector, the source-anonymous CEWs are directly transferred from the permitted solid waste facility to an approved collector; or
    - (B) The source-anonymous CEWs result from illegal disposal clean-up activities conducted by ~~an approved collector who is a local government, as defined in Section 18660.47,~~ or its Designated Approved Collector; or
    - (C) The source-anonymous CEWs result from illegal disposal on property owned or managed by an approved collector.
  - (4) CEWs that are transferred to a Designated Approved Collector are not eligible for payments unless the CEWs are accompanied by applicable source documentation pursuant to Section 18660.20(h) of this Chapter.
- (d) Limitations on the ability of collectors and recyclers to charge a fee:
- (1) If the recovery payment from a recycler does not fully cover the net cost of CEW recovery, and the collector establishes a cost-free opportunity for a California source to

**Proposed Electronic Waste Regulations—Title 14 CCR Division 7 Chapter 8.2 Section 18660.5 et seq. Administration of the Electronic Waste Recycling Act of 2003; Public Resources Code 42460 et seq.**

transfer CEWs to the collector, then an approved collector may charge a fee for CEW recovery.

(2) If the recovery payment from a recycler fully covers the net cost of CEW recovery, an approved collector shall provide CEW recovery at no charge to California sources or CalRecycle may revoke approval and direct recyclers to deny recovery payments to the collector.

(3) If the recycling payment from CalRecycle does not fully cover the net cost of CEW recycling, an approved recycler may charge a fee for CEW recycling.

(4) If the recycling payment from CalRecycle fully covers the net cost of CEW recycling, an approved recycler shall provide CEW recycling at no charge to approved collectors or CalRecycle may revoke approval and deny recycling payments to the recycler.

(e) Limitations on recovery payments:

(1) An approved recycler shall make recovery payments at the rate specified in Section 18660.33 of this Chapter to approved collectors for all CEWs transferred to the recycler and that are accompanied by applicable source documentation pursuant to Section 18660.20(h) of this Chapter.

(2) CalRecycle shall revoke a recycler's approval and deny recycling payments to a recycler that fails to make recovery payments to approved collectors as specified in this Chapter.

(3) An approved recycler shall not make the recovery payments as specified in this Chapter to collectors who are not approved pursuant to this Chapter.

(4) An approved recycler may make other types of payments, not provided for under this Chapter, to a collector regardless of the collector's approval status.

(5) An approved recycler shall not provide recovery payments to a collector other than the approved collector that transfers the CEWs to the recycler, but nothing limits the collectors involved in prior transfers from negotiating payments among themselves unrelated to the recovery payment provisions of this Chapter.

(6) An approved collector is eligible for recovery payments only if the collector establishes a cost-free opportunity for a California source to transfer CEWs to the collector.

(7) An approved collector is entitled for recovery payments only for CEWs transferred to the recycler that are accompanied by applicable source documentation pursuant to Section 18660.20(h) of this Chapter.

(8) The approved collector shall repay the approved recycler the amount of recovery payment that was paid if an approved collector has received recovery payment from an approved recycler for which the approved collector was not entitled.

(f) Limitations on recycling payments:

(1) CalRecycle shall make recycling payments only to approved recyclers who:

(A) Cancel CEWs using cancellation methods as specified in Section 18660.32 of this Chapter.

(B) Document cancellation and meet the other requirements of this Chapter.

(2) CalRecycle shall not make recycling payments to a recycler other than the approved recycler that cancels the CEWs, but nothing limits the recyclers involved in subsequent transfers from negotiating payments among themselves unrelated to the recycling payment provisions of this Chapter.



**Proposed Electronic Waste Regulations—Title 14 CCR Division 7 Chapter 8.2 Section 18660.5 et seq. Administration of the Electronic Waste Recycling Act of 2003; Public Resources Code 42460 et seq.**

(3) CalRecycle shall not make recycling payments for reuse of either a whole CEW or of a partially disassembled CEW, such as a CRT with an attached yoke.

(g) Limitations in relation to current business practices:

(1) CalRecycle shall not limit the ability of approved collectors and approved recyclers to transfer or not transfer CEWs to or from any party.

(2) CalRecycle shall not limit the ability of approved collectors and approved recyclers from entering into contracts with each other or other parties.

(3) CalRecycle shall not limit the ability of collectors to recover CEWs or recyclers to recycle CEWs without participating in the system described in this Chapter.

(4) If collectors wish to receive recovery payments or recyclers wish to receive recycling payments, then they must meet the requirements in this Chapter.

(h) Limitations on the disposition of treatment residuals:

(1) Approved recyclers are not eligible for CEW recycling payments if treatment residuals are managed in a manner noncompliant or nonconforming with applicable law.

(2) Treatment residuals shall be managed for recycling to the extent economically feasible.

(A) Economic feasibility shall be determined by an approved recycler based on current market conditions for legal management options.

(B) CalRecycle may demand demonstration of economic infeasibility in accordance with Public Resources Code section 42479.

(3) Approved recyclers that ship treatment residual CRTs or CRT glass shall be capable of demonstrating to CalRecycle or its designee upon demand that the CRT or CRT glass has reached an ultimate disposition within one year of the initial shipment, unless the approved recycler is exempt from such demonstration pursuant to Article 7 of Chapter 23 of Division 4.5 of Title 22 of the California Code of Regulations.

(4) If treatment residuals are disposed, an approved recycler shall ensure and be able to demonstrate that the disposal complies with all applicable laws and conforms to any conditions of authorization or approval under which the approved recycler managed the CEW from which the treatment residuals were derived.

(5) CalRecycle may require approved recyclers to produce documentation maintained pursuant to this Chapter to demonstrate compliance or conformance with all laws associated with treatment residual shipment, initial destination, or ultimate disposition.

(i) Limitations on the manufacturer payment system:

(1) CalRecycle shall not register any entity other than a manufacturer as defined in Section 42463(m) of the Public Resources Code to be a registered manufacturer.

(2) CalRecycle shall not make manufacturer payments to any entity other than a registered manufacturer.

(3) A registered manufacturer shall only claim payment for, and CalRecycle shall only make manufacturer payments for, CEWs received from California sources that are processed for recycling in a manner that results in cancellation as specified in Section 18660.32 of this Chapter or an equivalent result.

(4) A registered manufacturer shall not claim payment for, and CalRecycle shall not make manufacturer payments for, CEWs that are reused, repaired, refurbished or otherwise returned to use.

(j) Limitations on recycling payments on exported CEWs:

(1) CalRecycle shall not approve recyclers located outside the State of California.

**Proposed Electronic Waste Regulations—Title 14 CCR Division 7 Chapter 8.2 Section 18660.5 et seq. Administration of the Electronic Waste Recycling Act of 2003; Public Resources Code 42460 et seq.**

(2) CEWs sent to and cancelled by unapproved recyclers are not eligible for recycling payments pursuant to this Chapter regardless of the location of the unapproved recycler.

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

Reference: Sections 42472(b), 42475(a), 42476, 42477, 42478 and 42479, Public Resources Code.

**§ 18660.7. Document Submittals.**

(a) A collector, a recycler, a Local Government, or a manufacturer shall prepare and submit applications, registrations, claims, Proofs of Designation, or reports required pursuant to this Chapter in the manner designated by CalRecycle.

(b) CalRecycle shall only accept collector, recycler or dual entity applications bearing the signatures of all persons with signatory authority designated pursuant to Section 18660.11. CalRecycle shall accept claims and reports bearing a signature by any person with signatory authority designated pursuant to Section 18660.11.

(c) CalRecycle shall only accept manufacturer registrations, claims and reports containing all the required information and bearing an original signature of the primary registrant, or a person with signature authority as designated by the primary registrant pursuant to Section 18660.35 of this Chapter.

(d) CalRecycle shall provide forms upon request that may be used to meet the requirements for the applications, registrations, and payment claims specified in this Chapter.

(e) A collector, a recycler, a Local Government, or manufacturer shall ensure that applications, registrations, claims, reports, Proofs of Designation, and all applicable supporting documentation are accurate, complete, and typed or legibly handwritten in English using permanent ink. A collector, ~~or a recycler,~~ or a Local Government may void errors only by using a single line through the error. A collector, ~~or a recycler,~~ or a Local Government shall not use correction fluid, correction tape or erasures for correcting errors on any document required by or submitted to CalRecycle.

(f) Any person, including but not limited to a handler shall not make a false statement or representation in any document filed, submitted, maintained, or used for purposes of compliance with this Chapter.

Authority cited: Sections 40502, 42474, 42475(b) and 42475.2, Public Resources Code.

Reference: Sections 42474(d), 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.

**Proposed Electronic Waste Regulations—Title 14 CCR Division 7 Chapter 8.2 Section 18660.5 et seq. Administration of the Electronic Waste Recycling Act of 2003; Public Resources Code 42460 et seq.**

- (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 or surveys.
  - (3) Checking for a valid California identification of a person, a California license plate on a vehicle, 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 unique identification number from 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 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 ~~d~~Designated ~~a~~Approved ~~e~~Collector for a ~~l~~Local ~~g~~Government.
- (i) An approved collector shall operate in accordance with all Federal, State and local laws and regulations.

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(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 CRT CEWs or non-CRT CEWs collected, and an estimate of the weight of CEWs collected.

(B) Approved collectors that are not California ~~l~~local ~~g~~governments, nor entities acting as the Designated Approved Collector for a California ~~l~~local ~~g~~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 and type(s) 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.

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

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

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**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.

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

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

**§ 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). When conducting CEW collection activities that fall outside the scope or jurisdiction of a Designation, All other requirements in this Chapter that apply to approved collectors also apply to Designated Approved Collectors.
- (b) Pursuant to 18660.20 (j)(1), a Designated Approved Collector, while acting on behalf of a Local Government, shall enter, in a separate log the CEW collection activities that fall within the scope and jurisdictional boundary of each Designation. In addition to the requirements in Section 18660.20(j)(1)(A), a Designated Approved Collector shall, in each separate log for each Designation, record:
- (1) The total number of units of CRT CEWs collected;
  - (2) The total number of units of non-CRT CEWs collected;
  - (3) The total estimated weight of the CRT CEWs collected; and
  - (4) The total estimated weight of the non-CRT CEWs collected.
- ~~(c)~~ A Designated Approved Collector shall provide ~~evidence~~ 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.
- ~~(d)~~ 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, pursuant to Section 18751.2.2(c) of Title 14 of the California Code of Regulations, for

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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) The Local Government may establish a format for the report or require the CEW collection activity reports to be sent to additional parties.

(23) A Designated Approved Collector shall, upon request, provide CalRecycle a copy of any reports provided, or that should have been provided, 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.~~

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

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

**§ 18660.49. Proof of Designation**

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

(1) The Local Government transmits a Proof of Designation to CalRecycle that meets all of the requirements of this Section;

(2) CalRecycle receives the transmitted Proof of Designation at least 30 calendar days in advance of any CEW collection activity conducted by the Designated Approved Collector pursuant to the Designation; and

(3) CalRecycle contacts the Local Government and the Designated Approved Collector, in writing, to confirm that CEW collection activities can begin under 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 name of the Designated Approved Collector and its associated CEW identification number.

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

(A) The beginning date is the first day any CEW collection activities may occur.

(B) The beginning date must be a minimum of 30 calendar days after CalRecycle receives the Proof of Designation from the Local Government.

(C) CalRecycle may modify the beginning date to ensure that the beginning date is at least 30 calendar days from transmittal of the Proof of Designation.

(D) Neither CalRecycle nor the Local Government shall modify the end date.

~~(23) The geographic area within which the Designated Approved Collector may provide CEW collection services location(s) where the collection activities may occur on behalf of the Local Government and the location(s) at which the collection service is provided; This includes:~~

(A) The geographic area within the Local Government's jurisdictional boundaries where the Designated Collector may provide CEW collection services; and



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(B) Any specific sites and addresses at which permanent drop-off services will be provided.

~~(34)~~ The method and description of CEW collection activities to be provided by the Designated Approved Collector (e.g., ~~permanent drop-off receipt~~, curbside service, illegal disposal clean-up, or temporary special events);

~~(45)~~ Contact information for the Local Government designating authority that includes name, title, phone number, email address, and mailing address. The designating authority 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~~Local Government;

~~(56)~~ A certification signed and dated by a ~~representative~~the designating authority of the Local Government stating the following:

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

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

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

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

~~(7)~~ Contact information for the Local Government person responsible for the management of the Designation, if different from the designating authority, that includes name, title, phone number, email address, and mailing address.

~~(8)~~ Contact information for the Designated Approved Collector that includes name, title, phone number, email address, and mailing address.

~~(69)~~ A certification statement signed and dated by a representative of the Designated Approved Collector affirming ~~stating~~ the following:

~~(A)~~ The representative is an authorized signatory listed in the application for approval pursuant to Section 18660.11(b)(7) of this Chapter; and

~~(B)~~ 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, pursuant to subsection (a), 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 MANAGEMENTDESIGNATION PROCESSING, MS #9  
1001 I STREET, P.O. BOX 4025  
SACRAMENTO, CA 95812-4025  
EWASTEDESIGNATIONS@CALRECYCLE.CA.GOV

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(d) Within 10 calendar days of receipt of the Proof of Designation, pursuant to subsection (a)(2), CalRecycle shall either: (1) notify the Local Government, in writing, that a Proof of Designation is complete and correct; or (2) notify the Local Government, in writing, and provide a list of the missing and/or incorrect information in the Proof of Designation. The Local Government shall have 20 calendar days after CalRecycle's notification, to provide missing information and/or make corrections. Failure to timely provide missing information and/or make corrections may result in termination of a Designation, pursuant to subsection 18660.50(b).

(e) A Designation is considered valid only when the requirements in subsections (a), (b), and (c) of this section have been met.

~~(d) A valid designation issued prior to the effective date of this regulation may remain valid for no more than 180 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 150 days of the effective date of this regulation.~~

(f) A Designated Approved Collector shall immediately notify the Local Government and CalRecycle, in writing, at least 30 calendar days prior to a change taking effect or within 10 calendar days after an unforeseen change of regarding any changes in:

(1) The Designated Approved Collector's contact information or operational status identified pursuant to subsection (b)(8); or

(2) The name of the organization under which the Designated Approved Collector is operating, pursuant to subsection (b)(1).

(g) A Local Government shall immediately notify CalRecycle, in writing, of any changes in a ~~valid~~ Designation regarding representatives identified pursuant to subsections ~~(b)(4), (b)(5), or (b)(6), (b)(7), or (b)(9)~~ of this sSection.

(h) Prior to the end date of a ~~valid~~ Designation, at the designating authority of the Local Government may amend the Designation to modify the scope established pursuant to subsections ~~(b)(1), (b2), or (b)(3) or (b)(4)~~ of this sSection.

(1) The Local Government shall immediately notify CalRecycle and the Designated Approved Collector, in writing, of any changes in scope enacted pursuant to this subsection.

(2) The Designated Approved Collector shall not act on any changes in the scope of a Designation prior to the notifications required in subsection (h)(1) of this sSection.

(3) The Designated Approved Collector shall provide a copy of the change-of-scope notification that the Local Government provided CalRecycle, pursuant to subsection (h)(1) of this Section, to another approved collector or approved recycler at the time the Designated Approved Collector transfers CEW to another approved collector or approved recycler.

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

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

**§ 18660.50. ~~Invalidation~~Termination of Designation**

**Proposed Electronic Waste Regulations—Title 14 CCR Division 7 Chapter 8.2 Section 18660.5 et seq.  
Administration of the Electronic Waste Recycling Act of 2003; Public Resources Code 42460 et seq.**

(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, in writing, 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. If CalRecycle terminates a Designation, it shall immediately notify the Designated Approved Collector and the Local Government, in writing, of the effective date of the termination.

(ac) A Designation issued to a Designated Approved Collector shall be ~~invalid~~terminated if the collector's approval status, pursuant to Sections 18660.16 and 18660.17 of this Chapter, is ~~denied~~, expired, suspended, or revoked, or if the collector withdraws from being an approved collector, pursuant to Section 18660.16(e).

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

(2) A Designation terminated due to a denial, suspension, or revocation of a collector's approval status shall be re-established if the collector prevails in an appeal filed pursuant to Section 18660.19.

(23) ~~Except as provided in subsection (c)(2), a~~ Designation ~~invalidated~~terminated due to a revocation of a collector's approval status or a collector's withdrawal from being an approved collector may be ~~re-issued~~re-established 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~~reinstated.

(bd) An approved collector whose Designation is ~~invalid~~terminated pursuant to subsection (ac) shall immediately notify the Local Government that issued the Proof of Designation, in writing, of the circumstances leading to the change in the collector's approval status and that the Designation is ~~invalid~~terminated until the approval status is reinstated.

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

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

**§ 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.

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

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