

FOR NOTICE REGULATION TEXT

SB 1215 Covered Battery-Embedded Products Emergency Regulations
E-Waste Branch

DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY
CALIFORNIA CODE OF REGULATIONS

Note: Amendments are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions from the existing regulatory text. The symbol “* * * *” means that intervening text not proposed for amendment is not shown.

TITLE 14

DIVISION 7

CHAPTER 8.2 Electronic Waste Recovery and Recycling

ARTICLE 1: General

Section 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(j) 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) "Authorized Signatory" or "Signatory Authority" means the person(s) who has authority to legally bind a person, collector, recycler, dual entity, local government, or manufacturer to a contract.

~~(6)~~ (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.

~~(7)~~ (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.

(8) "Battery Chemistry" means the specific combination of materials used in the cathode, anode, and electrolyte of the battery. Types of battery chemistries include, but are not limited to, lithium-ion, nickel-metal hydride, nickel-cadmium, and small sealed lead-acid.

~~(8)~~ (9) "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.

~~(9)~~ (10) "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.

~~(10)~~ (11) "CRT" means a Cathode Ray Tube with the yoke still attached that has been separated from a CRT device.

~~(11)~~ (12) "CRT device" means a whole covered electronic device containing a Cathode Ray Tube.

~~(12)~~ (13) "California Source" means persons, as defined in Section 42463(r) of the Public Resources Code, located in California who generate CEWs after their own use of a CED

Covered Electronic Device within the State of California. Persons who receive, accumulate, consolidate, store, or otherwise handle discarded, donated or collected CEWs are not the California sources of those CEWs. For purposes of this chapter, “use” or “using” means operating the Covered Electronic Device in a manner consistent with ownership, including business or personal ownership, or the leasing of a Covered Electronic Device so long as the lessees operate the Covered Electronic Device within the State of California.

~~(4314)~~ “CalRecycle” means the Department of Resources Recycling and Recovery.

~~(4415)~~ “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.

~~(4516)~~ “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.

~~(4617)~~ “Commingled” means mixed together and impossible to economically or practically separate.

(18) “Commonly used household tools” or “common household tools” means tools that are routinely used by households.

(A) The following items are categorically considered to be commonly used household tools:

1. Flathead, crosshead, and Phillips screwdrivers;
2. Paper clips;
3. Coins; and
4. Hex keys.

(B) Commonly used household tools or common household tools do not include the following items:

1. Hammers, mallets, scissors, pliers, knives, ratchets, saws, or chisels;
2. Screwdrivers with drive tips that are not available for purchase by the general public, only used for the products of a single manufacturer or brand, or have an active U.S. patent;
3. Tools that are only available to:
 - a. A consumer with the purchase of a product;
 - b. Persons who are employees of or are contracted with the manufacturer or brand; or
 - c. Persons holding a required licensure or certification;
4. Tools that require the use of batteries, electricity, or fuel to power; or
5. Tools that require the application of heat, solvents, or significant force to separate a covered battery from a product.

(18.5) “Covered Battery-Embedded Product” or “CBEP” has the same meaning, for the purposes of this Chapter, as a covered battery-embedded product specified in Section 42463(f)(1)-(2) of the Public Resources Code.

(A) A motor vehicle is not a covered battery-embedded product.

~~(4719)~~ “Covered Electronic Device” or “CED” , ~~through and including December 31, 2024,~~ has the same meaning, for the purposes of this Chapter, as a covered electronic device specified in Section 42463(g)(1)(A)-(B) of the Public Resources Code.

(1820) “Covered Electronic Waste” or “CEW”, through and including December 31, 2024, has the same meaning, for the purposes of this Chapter, as covered electronic waste specified in Section 42463(h) of the Public Resources Code, which defines “covered electronic waste” or “covered e-waste” as a covered electronic device, defined in Section 42463(g)(1)(A)-(B) of the Public Resources Code, that is discarded. means a discarded device that DTSC has determined to be a covered electronic device, as specified by Section 42463(g)(1)(A)-(B) of the Public Resources Code.

(1921) “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.

(22) “Designed to be easily removed from a product by the user of the product, with no more than commonly used household tools” means that the product is manufactured so that the included batteries can be simply and readily removed by a consumer using the product using no more than commonly used household tools or common household tools.

(A) Except as provided in subsection (C)3., a battery that is glued or otherwise secured within the product by the manufacturer in a manner that requires more than commonly used household tools or common household tools or a trained technician to remove is not considered to meet this definition.

(B) The following are examples of batteries that are designed to be easily removed:

1. A battery that is marketed to be removed from a product by the consumer using commonly used household tools or common household tools.
2. A battery contained in a product that has a warranty or instructions acknowledging or permitting consumer battery removal using common household tools.
3. A battery that charges or powers the product, such as by physically abutting it or by the insertion of its cable into the product, and can be manually removed from the product without the use of any tools.

(C) Notwithstanding the foregoing:

1. A battery is not designed to be easily removed from a product if both of the following are true:

a. A tool that is not a common household tool or commonly used household tool exists for fastening a compartment containing a battery, and

b. The battery can be removed using a common household tool or commonly used household tool, but use of such a tool would void the product’s warranty.

2. A battery is not designed to be easily removed if, by means of a label affixed to the product or written prohibition that can be found in a manufacturer’s warranty, product instructions, or a subsequently issued notice to consumers, the manufacturer advises consumers not to remove the battery from the product, even if such a removal could physically be accomplished using common household tools.

3. A key, application, or other locking device provided to the consumer by the manufacturer of the product or battery that is warranted by the manufacturer of the product or battery to serve solely to prevent theft of the battery or tampering by persons other than the consumer and not to inhibit the consumer’s ability to remove, replace, or

recycle the battery shall not prevent a battery from being considered designed to be easily removed from a product by the user of the product, with no more than common household tools.

~~(2023)~~ “DTSC” means the Department of Toxic Substances Control.

~~(2124)~~ “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.

~~(2225)~~ “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.

~~(2326)~~ “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.

~~(2427)~~ “Initial Destination” means, for the purposes of this Chapter, the location(s) to which treatment residuals are initially shipped by an approved recycler.

~~(2528)~~ “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.

~~(2629)~~ “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.

~~(29.5)~~ “Motor vehicle” has the same meaning as set forth in Section 415 of the Vehicle Code.

~~(A)~~ “Motor vehicle” does not include any of the following:

1. A motorized scooter.

2. A motorized skateboard.

3. A motorized hoverboard.

~~(27)~~ “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(h) of the Public Resources Code.

~~(28)~~ “Manufacturer Payment Claim” means a registered manufacturer's request submitted to CalRecycle with all required documentation for a manufacturer payment.

~~(29)~~ “Manufacturer Take Back” means a program administered by a registered manufacturer that accepts CEWs from California sources for the purposes of recycling.

~~(30)~~ “Non-CRT CEW” or “non-CRT containing CEW” means a covered electronic device that is a video display device, as defined in Public Resources Code section 42463(g)(1)(A), but which does not contain a cathode ray tube (CRT).

~~(3031)~~ “PBBs” mean Polybrominated Biphenyls.

~~(3132)~~ (3432) “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.

~~(3233)~~ (3233) “Product Category” ~~, through and including December 31, 2024,~~ means the types of covered electronic devices as defined in Section 42463(g)(1)(A)-(B) 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.

(H) Covered battery-embedded products pursuant to Section 42463(f)(1) and (2) of the Public Resources Code.

~~(3334)~~ (3334) “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 an approved collector, or recycler, or dual entity as being approved pursuant to this Chapter.

~~(3435)~~ (3435) “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.

~~(3536)~~ (3536) “Receiving log” means a record maintained by an approved recycler that documents CEW transfers from approved collectors to the approved recycler.

~~(3637)~~ (3637) “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.

~~(3738)~~ (3738) “Recovery payment request” means an approved collector's request for recovery payment made to an approved recycler accompanying the transfer of CEWs.

~~(3839)~~ (3839) “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.

~~(3940)~~ (3940) “Recycling payment claim” means an approved recycler's claim that includes all required documentation submitted to CalRecycle for recycling payments for cancelled CEWs.

~~(40) “Registered Manufacturer” means a manufacturer as defined in Section 42463(q) of the Public Resources Code who registers with CalRecycle pursuant to this Chapter and therefore may be eligible for manufacturer payments from CalRecycle.~~

~~(4141)~~ (4141) “Signature” or “signed” means either of the following:

(A) An original handwritten signature; or

(B) An electronic signature. An electronic signature includes an electronic sound, symbol, or process attached to or logically associated with an electronic record, executed or adopted by a party with the intent to represent an original handwritten signature.

(1) For claims submitted through CalRecycle's designated electronic information submittal system available from CalRecycle's website, a username and password shall be considered an electronic signature.

(2) An electronic signature may not be denied legal effect, validity, or enforceability solely on the ground that it is electronic.

(3) An electronic signature shall be binding on all persons and for all purposes under the law, as if the signature had been handwritten on an equivalent paper document.

(4242) "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.

(4343) "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.

(4444) "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.

(4545) "Standard Statewide Combined Recycling and Recovery Payment Rates" 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.

(4646) "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.

(4747) "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.

(4848) "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.

(4949) "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.

(50) "Weighmaster" has the same meaning as defined in Section 12700 of the Business and Professions Code.

Authority cited: Sections 40502, 42475~~(b)~~ and 42475.2, Public Resources Code.
Reference: Sections 42463, 42465.2, 42466.2, 42467, 42474, 42475~~(a)~~, 42476, 42477, 42478 and 42479, Public Resources Code.

ARTICLE 2.0: Electronic Waste Payment System — ~~Applicability and Limitations,~~ Document Submittals, Records, Audits and Net Cost Report

Section 18660.6. ~~Applicability and Limitations.~~

(a) Limitations on the types of CEWs eligible for payments:

(1) An approved collector or approved dual entity may request recovery payment only for the types of CEWs specified by DTSC, or as specified in this Chapter and authorized by the Act that ~~are~~ were used in California by a California Source and were transferred to an approved recycler or an approved dual entity by the approved collector or approved dual entity.

(2) An approved recycler or approved dual entity may claim recycling payment only for the types of CEWs specified by DTSC, or as specified in this Chapter and authorized by the Act that ~~are~~ were used in California by a California Source and received from an approved collector or approved dual entity and are cancelled by the approved recycler or approved dual entity.

~~(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, ~~or 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, or 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 results from Load eCheck a Activities as defined in Section 18660.5(a)(269) 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 results from illegal disposal clean-up activities conducted by a Local Government, as defined in Section 18660.47, or its Designated Approved Collector; or
- (C) The source-anonymous CEWs results from illegal disposal on property owned or managed by an approved collector.
- (4) CEWs that ~~is~~are transferred to a Designated Approved Collector ~~is~~are not eligible for payments unless the CEWs ~~is~~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 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 or approved dual entity is eligible for recovery payments only if the collector or approved dual entity establishes convenient, a cost-free

~~opportunities~~opportunity for a California source ~~to transfer~~to transfer or discard CEWs ~~to~~with the ~~approved collector or the approved dual entity.~~

(7) An approved collector is ~~entitled~~eligible for recovery payments only for CEWs transferred to the recycler that are accompanied by ~~applicable~~required 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.

(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(q) 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.~~

(ij) Limitations on recycling payments on exported CEWs:

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

(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.

Section 18660.7. Document Submittals.

(a) A collector, a recycler, a dual entity, 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 signature of one or more Authorized Signatories ~~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) For collectors, recyclers, or dual entities, CalRecycle shall accept payment claims and reports bearing a Signature by any person with Signatory Authority designated pursuant to Section 18660.11. Payment claims and reports bearing a Signature by any person that does not have Signatory Authority designated pursuant to Section 18660.11, shall be deemed incomplete and not be accepted for review or evaluation by CalRecycle.

~~(c)(d)~~ For manufacturers, CalRecycle shall only accept ~~manufacturer registrations, claims and reports~~ containing all the required information and bearing an original ~~Signature of the an Authorized Signatory authority registrant as designated by the primary registrant pursuant to Section 18660.35 of this Chapter.~~

(e) If a person, collector, recycler, dual entity, local government, or manufacturer, seeks to submit documentation, including an application, payment claim, report, or to provide other information pursuant to the Act and this Chapter, the applicable information shall be submitted to CalRecycle using CalRecycle's designated electronic information submittal system available from CalRecycle's website that is utilized for the purposes of implementing the Covered Electronic Waste Recycling Program.

(1) All applications, application renewals, claims, and reports must be submitted electronically to CalRecycle using CalRecycle's designated electronic information submittal system available from CalRecycle's website and bear the Signature of a person with Signatory Authority designated pursuant to Section 18660.11.

(2) ~~Manufacturer registrations, claims, and reports~~ bearing a Signature by any person that does not have Signatory Authority designated pursuant to Section 18660.35, shall be deemed incomplete and not be accepted for review or evaluation by CalRecycle.

(3) Information submitted outside CalRecycle's designated electronic information submittal system will not be accepted by CalRecycle for review or consideration.

(4) Any electronically filed report, notice, claim, or other document shall be deemed to be a valid, original document, including reproductions of the document made by CalRecycle onto paper or other media.

(5) Nothing in this subsection shall eliminate the need for compliance with record keeping and record retention provisions required by these regulations.

~~(d)(f)~~ 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)(g)~~ A collector, a recycler, a dual entity, a Local Government, or a 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, a recycler, a dual entity, or a Local Government may void errors only by using a single line through the error. A collector, a recycler, a dual entity, 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)(h)~~ Any person, including but not limited to, collectors, recyclers, dual entities, local governments, manufacturers, or a handlers, shall not make false statements or representations in any document filed, submitted, maintained, or used for purposes of compliance with the Act and this Chapter.

(1) If CalRecycle determines that any information that is filed, submitted, maintained, or used for the purposes of compliance with the Act and this Chapter contains one or more false statements, CalRecycle will do any of the following:

(A) Conclude its review of the information submitted and deem it incomplete or insufficient for evaluation or consideration;

- (B) Adjust or deny all or any portion of the payment claim by reducing the total dollar amount claimed in a payment claim that is supported by or otherwise relies upon the false statement(s); and
(C) Follow the procedures set forth in Section 18660.44 of this Chapter.

Authority cited: Sections 40502, 42474, 42475~~(b)~~ and 42475.2, Public Resources Code.
Reference: Sections 42465.2, 42466.2, 42467, 42474~~(d)~~, 42476, 42477, 42478 and 42479, Public Resources Code.

Section 18660.8. Records.

- (a) An approved collector, ~~an approved recycler, or a registered manufacturer and dual entity~~ shall send written notice to CalRecycle regarding any change in location, or intent to establish a new location, of records required by this Chapter no less than 10 days prior to the change. In the written notice, an approved collector or an approved recycler shall include its name, the unique identification number from the proof of approval, and the complete present and potential future address of the location of the records, if applicable.
- (b) All records maintained pursuant to this Chapter must include the books of account that are ordinarily maintained by a prudent business person engaged in the same activity, together with all bills, receipts, invoices, manifests, cash register tapes, or other documents of original entry supporting the entries in the books of account.
- (c) An electronic data processing system must have built into its program a method of producing visible and legible records that will provide the necessary information to determine compliance with the requirements of this Chapter.
- (d) An approved collector, ~~an approved recycler, or a registered manufacturer and dual entity~~ shall maintain records for at least three years.
- (e) An approved collector, ~~an approved recycler, or a registered manufacturer and dual entity~~ shall maintain records that are originals, and typed or legibly handwritten in English.
- (f) An approved collector, ~~an approved recycler, or a registered manufacturer and dual entity~~ shall not store records in an unprotected area, in an outside location, in a motor vehicle or in a location where the records are likely to become contaminated, damaged or stolen.
- (g) An approved collector, ~~an approved recycler, or a registered manufacturer and dual entity~~ shall maintain records suitable for examination prepared and retained in accordance with generally accepted accounting principles and good business practice.
- (h) If CalRecycle determines that records do not meet the conditions in this Section, CalRecycle may revoke approval or deny payments.

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

Section 18660.9. Audits.

(a) CalRecycle, or persons authorized by CalRecycle, may conduct audits of approved collectors, ~~approved-recyclers~~, and dual entities ~~registered manufacturers~~ to determine compliance with the requirements of this Chapter.

(b) As part of an audit, CalRecycle may do any one or all of the following in relation to CEW recovery or recycling:

- (1) Review, examine or investigate any books, records, accounts, or documentation.
- (2) Observe, review, examine or investigate any on-site activities, operations, processes, CEWs, treatment residuals or other materials.
- (3) Observe and inspect transactions.
- (4) Verify measurements, counts, weights, and calculations.
- (5) Examine and verify revenue, cost and net cost information and calculations.
- (6) Use other examination procedures to investigate recovery payments, recycling payments, ~~manufacturer payments~~, transfers of CEWs or treatment residuals, costs, revenue, net costs, or other activities related to determining compliance with this Chapter.

(c) An approved collector, ~~an approved-recycler~~, or dual entity ~~a registered manufacturer~~ shall provide CalRecycle staff, or persons authorized by CalRecycle, access to location(s) and records for the purpose of audits related to the requirements of this Chapter, and for any or all of the following purposes in relation to CEW recovery or recycling:

- (1) To determine compliance with CalRecycle's regulations and with the provisions of the Act.
- (2) To determine the accuracy of the information provided in the application for approval ~~or registration~~.
- (3) To determine the accuracy of the information, calculations, weights, counts, and other data upon which claims for payments or payments are based.
- (4) For the investigation of complaints related to recovery payments to collectors.
- (5) For the investigation of complaints related to the geographic origin of CEWs.
- (6) To obtain cost data, revenue data and net cost calculations required for CalRecycle to set and adjust the Standard Statewide Recovery Payment Rate, recycler payment rates and consumer fees.
- (7) To obtain sample data to calculate component weight to device weight conversion factors.
- (8) To inspect any records required by this Chapter or the Act.

(d) If an approved collector, ~~an approved-recycler~~, or dual entity ~~a registered manufacturer~~ fails to provide reasonable access for audits pursuant to this Section, CalRecycle shall do one or more of the following:

- (1) Deny approval ~~or registration~~ if a renewal is pending.
- (2) Revoke an existing approval ~~or registration~~.

(3) Recoup monies previously paid by CalRecycle, which were the subject of the audit, accumulated interest, and any associated penalties.

(4) Deny current and future claims for payments.

(e) An approved collector, ~~an approved recycler, or dual entity or a registered manufacturer~~ that must repay monies to CalRecycle based on the results of a CalRecycle audit shall pay the entire amount, including the original amount, accumulated interest, and any associated penalties.

(f) An approved collector, ~~an approved recycler, or dual entity or a registered manufacturer~~ shall make any payments, repayments or recoupments in U.S. dollars by check, draft, money order or cashier's check payable to the State of California, Department of Resources Recycling and Recovery, or to a designee selected by CalRecycle.

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

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

Section 18660.10. Net Cost Requirements~~Report~~.

~~(a) To adjust the Standard Statewide Recovery Payment Rate and the Standard Statewide Combined Recovery and Recycling Payment Rates, establish future payment schedules and adjust the consumer fees, CalRecycle shall periodically update information concerning the net costs of CEW recovery and CEW recycling. CalRecycle, or a person, as defined in Public Resources Code section 42463(r), that is authorized by CalRecycle, shall annually conduct net cost report surveys of approved collectors, recyclers, and dual entities to determine the average net costs associated with recovering and recycling CEW, and to adjust the Standard Statewide Recovery Payment Rate described in Section 18660.33 and the Standard Statewide Combined Recovery and Recycling Payment Rates described in Section 18660.34.~~

~~(b) An approved collector or an approved recycler shall maintain records and provide information for use by CalRecycle in the update on their actual net costs to operate. An approved collector, recycler, or dual entity shall provide CalRecycle, or its authorized representative, with responses to written or verbal requests for information and requests for records, as required by 18660.10(c), to substantiate reported costs and revenues associated with collecting, consolidating, transporting, receiving, processing, and recycling CEW.~~

~~(1) Any requests pursuant to this Section by CalRecycle, or its authorized representative, shall be presented in writing at the time of any in-person site visit or electronically delivered to the approved collector, recycler, or dual entity's email address on record. This request shall specify where the records can be presented for CalRecycle's or its authorized representative's inspection.~~

~~(2) The approved collector, recycler, or dual entity shall provide CalRecycle, or its authorized representative, with records or supporting documentation requested pursuant~~

to this Section no later than ten (10) business days following the date of any written request. Responses to questions or requests for clarification that do not require the production of records shall be provided as soon as practicable, but no later than five (5) business days following the request, unless a different timeframe is mutually agreed upon in writing. Failure to provide records or respond to requests for information pursuant to this Section constitutes a prohibited activity pursuant to Section 18660.17.

(c) An approved collector, ~~or an approved recycler, or dual entity~~ shall provide CalRecycle, or its authorized representative, with accurate and complete information and documentation pertaining to ~~use the following allowable revenues and costs; for use in the calculation of net costs:~~

(1) Revenues in relation to CEW recovery or recycling, other than the payments required pursuant to this Chapter, including but not limited to:

(A) Up-front revenues received, such as from fees charged.

(B) Treatment residual revenues, such as from commodity values.

(2) Costs ~~for approved collectors and dual entities to collect, consolidate, and transport CEW, and for approved recyclers and dual entities to receive, process, and recycle CEW~~ including but not limited to ~~in relation to CEW recovery or recycling including, but not limited to:~~

(A) Direct labor costs, such as wages.

(B) A pro rata share of overhead costs, including indirect labor costs, administration, facility permitting, accounting, and other activities not directly involved in recovering or recycling CEW.

(C) Property taxes.

(D) Depreciation of applicable assets.

(E) Utilities.

(F) Supplies.

(G) Fuel.

(H) Insurance, such as general liability insurance, property insurance, commercial auto insurance, workers' compensation insurance, business interruption insurance, and commercial umbrella insurance.

(I) Business interest expenses, such as loan interest.

(J) Facilities purchase, mortgage, rent, or lease.

(K) Equipment purchase, rental, or lease.

(L) Equipment and facility maintenance and repair.

(M) Transportation costs such as, trucking, freight, rail, container handling charges, port fees, customs fees, and overseas container shipping.

(N) Handling costs.

(O) Hazardous waste disposal.

(P) Municipal solid waste disposal.

(Q) Recycling costs for low-value material.

(R) Marketing, promotion, and public education.

(S) A reasonable rate of profit or return on investment.

~~(A) The actual costs of receiving, handling, processing, storing, transferring and transporting CEWs.~~

~~(B) The actual costs of canceling CEWs.~~

~~(C) Labor.~~

~~(D) Property taxes.~~

~~(E) Depreciation.~~

~~(F) Utilities.~~

~~(G) Supplies.~~

~~(H) Fuel.~~

~~(I) Insurance.~~

~~(J) Interest.~~

~~(K) General overhead.~~

~~(L) Facilities and equipment rent or lease.~~

~~(M) Maintenance.~~

~~(N) Transportation.~~

~~(O) Handling costs.~~

~~(P) Disposition costs.~~

~~(Q) A reasonable rate of profit or return on investment.~~

~~(R) Marketing, promotion and public education.~~

(3) All information submitted pursuant to this Section shall be provided on a pro rata basis only so that this information reflects business revenues and costs that are related to managing CEW.

(4) An approved collector, recycler, or dual entity may voluntarily provide additional information not listed in subsection (c)(2).

(5) For the purposes of this Section, payments to handlers and approved collectors in excess of the Standard Statewide Recovery Payment Rate shall not be considered by CalRecycle when determining the average net costs associated with recovering and recycling CEW and establishing the payment rates pursuant to Public Resources Code sections 42477 and 42478.

~~(d) An approved collector or approved recycler shall submit to CalRecycle a report on the net costs of recovering CEW or separately recycling CRT CEW and non-CRT CEW for the prior calendar year. The report shall include:~~

~~(1) An annualized summary of the revenues, costs, and net cost (costs minus revenues) of CEW recovery or CEW recycling based on the records maintained pursuant to Sections 18660.20(j)(3) and 18660.21(f)(5) of this Chapter.~~

~~(2) Name, identification number and mailing address.~~

~~(3) The name and phone number of a contact person for purposes of the report.~~

~~(4) The reporting year and date of preparation of the report.~~

~~(5) The total annualized revenues excluding recovery and recycling payments received from CalRecycle, plus a list of the types of revenues included in the revenue calculation.~~

~~(6) The total annualized costs, plus a list of the types of costs included in the cost calculation.~~

~~(7) The total annualized net costs (annualized costs minus annualized revenues).~~

~~(8) The net cost per pound of CEW recovery and the net cost per pound of CEW recycling.~~

~~(9) Provide a description of the types of targeted consumers, and the methods of collection used to obtain CEWs from the California sources, including but not limited to:~~

- ~~(A) Drop-off at permanent location,~~
- ~~(B) Temporary event drop-off,~~
- ~~(C) Pick-up at source,~~
- ~~(D) Pick-up at handler location,~~
- ~~(E) Curbside collection,~~
- ~~(F) Landfill drop-off or load check.~~
- ~~(10) The Signature and title of a person with Signatory Authority for net cost reports as designated pursuant to Section 18660.11 of this Chapter.~~
- ~~(11) The Signature block shall state and certify the following statement: "I hereby declare under penalty of perjury that this net cost report, including any and all figures, calculations and accompanying documents has been examined by me and is true, correct and complete."~~
- ~~(12) The date and place of the signing of the report.~~
- ~~(e) An approved collector or an approved recycler shall convert any data captured on a per unit basis to a per pound basis for the purposes of determining revenues, costs and net costs.~~
- ~~(f) CalRecycle may revoke approval or deny recycling payments for failure to comply with the requirements of this Section, submit a net cost report, or for the submission of a fraudulent report information pursuant to this Section.~~
- ~~(g) The net cost report shall be submitted to CalRecycle on or before March 1, 2006, and each year thereafter.~~
- ~~(1) The requirement to submit a net cost report subsequent to March 1, 2007, shall be determined by CalRecycle at a public hearing.~~
- ~~(2) Notice of the requirement to submit a net cost report subsequent to March 1, 2007, shall be issued by CalRecycle on or before December 31 of the year proceeding the year in which the report is next due.~~
- ~~(h) In addition to the net cost report described by this Section, a~~ An approved collector, or an approved recycler, or dual entity ~~may submit test results, studies or other information for CalRecycle to consider when the Standard Statewide Recovery Payment Rate or the Standard Statewide Combined Recovery and Recycling Payment Rate is reviewed and, if necessary, adjusted pursuant to Sections 18660.33 and 18660.34 of this Chapter.~~

Authority cited: Sections 40502, 42475~~(b)~~ and 42475.2, Public Resources Code.
 Reference: Sections 42463, 42464, 42474, 42475~~(a)~~, 42476, 42477, 42478 and 42479, Public Resources Code.

ARTICLE 2.1: Electronic Waste Payment — Applications for Approval

Section 18660.11. General Application Requirements

- (a) Collectors and recyclers may submit an application to become approved at any time.

(b) In applications for approval, collectors and recyclers shall provide the following general information:

(1) Name of organization.

(2) Type of organization:

(A) If the organization is an individual doing or proposing to do business under a different name, the applicant shall provide a copy of any fictitious business name statement.

(B) If the organization is a partnership, the applicant shall provide a copy of the current partnership agreement and any fictitious business name statement.

(C) If the organization is a corporation, the applicant shall provide the corporate number and Articles of Incorporation and name and position of all current corporate officers, and directors, as filed with the Secretary of State, any fictitious business name statement, and the agent for service of process.

(D) If the organization is a corporation from a state other than California, the applicant shall provide a copy of the approved certificate from the California Secretary of State qualifying and authorizing the corporation to transact business in California.

(E) If the organization is a ~~husband and wife~~ co-ownership, the applicant shall provide ~~both~~ all names and any fictitious business name statement.

(F) If the organization is a local government agency, and is applying as a recycler or dual entity, the applicant shall provide a copy of the authorizing resolution from the governing board.

(G) If the organization is a limited liability company (LLC), the applicant shall provide a copy of the Articles of Organization and Statement of Information as filed with the Secretary of State, the name of the current managing member(s), any operating agreement, any fictitious business name statement, and the agent for service of process.

(H) If the organization is a limited liability company from a state other than California, the applicant shall provide a copy of their certificate from the California Secretary of State authorizing the LLC to transact business in California.

(I) If the organization is a non-profit or charity, the applicant shall provide a description and a copy of the appropriate designation documentation.

(3) Mailing address and physical address.

(4) Name(s) of the contact person Primary Authorized Signatory, one or more Authorized Signatories. The application shall specify at least one Authorized Signatory who is designated as the main contact to communicate with CalRecycle.

(5) Telephone number(s) of the contact person Authorized Signatory and any other persons included on the application.

(6) An e-mail E-mail address of the contact person Authorized Signatory, and any other person(s) included on the application. Or organization, if available.

(7) List(s) of the persons (if any) Authorized Signatories, who, in addition to the primary applicant Authorized Signatory, who are authorized to sign:

(A) Payment claims.

(B) Net cost reports.

(C) Other payment related documents and correspondence with CalRecycle.

(8) An indication of whether the collector or recycler wishes to be included in an ~~on-line registry~~ online directory.

(9) The location in which the records required by this Chapter will be maintained.

(c) Applications shall be sent to CalRecycle's designated electronic information submittal system available from CalRecycle's website pursuant to Section 18660.7 that is utilized for the purposes of implementing the Covered Electronic Waste Recycling Program.

NOTE: Authority cited: Sections 40502, 42475(b) and 42475.2, Public Resources Code.
Reference: Sections 42474, 42475(a), 42476, 42477, 42478 and 42479, Public Resources Code.

Section 18660.12. Additional Application Requirements for Collectors.

(a) In addition to the general application information required in Section 18660.11 of this Chapter, a collector shall also include the following information:

(1) The date and the name under which the collector notified DTSC as a CRT or universal waste handler.

(2) A description of the existing or proposed collection operation, including but not limited to:

(A) The types of California sources from which the collector may recover CEWs, including but not limited to households, businesses, or other collectors.

(B) The type(s) of CEWs that may be recovered by the collector.

(C) Whether the collector may recover CEWs from outside of the State of California.

(D) The cost-free opportunity(ies) established by the collector for a California source to transfer CEWs to the collector as required by Section 42476(gf)(3) of the Public Resources Code.

(3) Certification statements by the collector as follows:

(A) "The undersigned collector agrees under penalty of immediate revocation of approval and denial of recovery payments that as an approved collector:"

1. "I shall make reasonable efforts to ensure that any CEWs for which payment is claimed originate from a California source."

2. "I shall provide free CEW collection to California sources if the payments I receive from recyclers fully covers the net cost of collection, transportation and charges paid to the recycler."

3. "I shall operate in compliance with the requirements of this Chapter, the Act and with all applicable local, state and federal regulatory provisions."

4. "I shall establish a cost-free CEW collection opportunity for California sources."

5. "I have read and understand the requirements set forth in the statutes and regulations governing this program."

(B) "The undersigned collector certifies under penalty of perjury under the laws of the State of California that the information provided herein is true and correct and that the undersigned has the authority to legally bind the collector to the terms and requirements of the application."

(4) The name and ~~s~~Signature of the primary applicant Authorized Signatory ~~who has the authority to sign and bind the collector to this application.~~

(5) The date and location of application.

(b) A collector shall maintain a physical location within the State of California at which:

(1) CEWs can be handled.

(2) All records required by this Chapter shall be maintained.

(c) CalRecycle shall not approve a collector located outside the United States, unless required to by treaty. If CalRecycle must approve a collector outside the United States, the collector must comply with the requirements of Section 42476.5 of the Public Resources Code.

(d) Any application to recover battery-embedded products pursuant to this Section and Section 18660.11, or to change information contained in an approved application pursuant to Section 18660.18 to include the recovery of battery-embedded products, shall be submitted to CalRecycle on or after September 1, 2025. This submission shall be sent to CalRecycle's designated electronic information submittal system available from CalRecycle's website pursuant to Section 18660.7 that is utilized for the purposes of implementing the Covered Electronic Waste Recycling Program.

NOTE: Authority cited: Sections 40502, 42475(b), and 42475.2 and 42478, Public Resources Code. Reference: Sections 42474, 42475(a), 42476, 42476.5, 42477, 42478 and 42479, Public Resources Code.

Section 18660.13. Additional Application Requirements for Recyclers.

(a) In addition to the general information required in Section 18660.11 of this Chapter, a recycler shall also include the following information:

(1) Documentation that the recycler has fulfilled DTSC notification and authorization requirements regarding the handling and processing of CEWs.

(2) A description of the recycling operation, including:

(A) The method(s) of cancellation used by the recycler.

(B) The types of CEWs cancelled by the recycler, pursuant to Section 18660.32 of this Chapter.

(C) Estimated percentages of cancelled CEWs expected to originate from inside of and from outside of the State of California annually.

(3) An explanation and documentation showing how the demonstrations in Public Resources Code Section 42479(b) have been satisfied, including but not limited to the following:

(A) The recycler is in compliance with DTSC's minimum standards for managing hazardous and universal waste set forth in Chapters 12, 14, 15, 16, 20, 22, and 23 of Division 4.5 of Title 22 of the California Code of Regulations.

(B) The recycler demonstrates to CalRecycle that the recycler's facility meets all of the following standards:

1. The facility has been inspected by DTSC within the past 12 months, as specified in Section 42479(b)(2)(A). If a DTSC inspection has been requested but not yet completed, then CalRecycle will review the remainder of the application but withhold approval until the DTSC inspection is completed and the facility found to be in conformance.

2. The facility is accessible during normal business hours for unannounced inspections by state or local agencies.

3. The facility has health and safety, employee training, and environmental compliance plans and certifies compliance with the plans.

4. The facility meets or exceeds the standards specified in Chapter 1 (commencing with Section 1171) of Part 4 of Division 2, Division 4 (commencing with Section 3200), and Division 5 (commencing with Section 6300), of the Labor Code or, if all or part of the work is to be performed in another state, the equivalent requirements of that state.

(4) Unless the recycler is applying as a dual entity, the name, address, contact person's name and telephone number of at least one (1) collector from which the recycler has accepted, has contracted to accept or intends to contract to accept CEWs for cancellation with a letter from the collector certifying under penalty of perjury that California CEWs from that collector will be transferred to the recycler for recycling.

(5) A completed "Payee Data Record" STD. 204 form (Rev. 6-2003 or as revised) -- Department of Finance, State of California with an ~~original~~ Signature of the primary applicant Authorized Signatory. The form will be provided by CalRecycle and is hereby incorporated by reference.

(6) Certification statements by the recycler as follows:

(A) "The undersigned recycler agrees under penalty of perjury and of immediate revocation of approval and denial of recycling payments that as an approved recycler:"

1. "I shall fully reimburse an approved collector for all CEWs transferred at the rate specified in this Chapter within 90 days"

2. "Notwithstanding the allowances contained in Section 18660.6(d) of this Chapter, I shall not adjust fees, charges or other contract provisions upward for the purpose of negating the recovery payment to approved collectors."
3. "I shall provide free CEW recycling by accepting without charge CEWs from approved collectors if the payment from CalRecycle fully covers the net cost of CEW recycling."
4. "I shall operate in compliance with the requirements of this Chapter, the Act and with all applicable local, state and federal regulatory provisions."
5. "I have read and understand the requirements set forth in the statutes and regulations governing this program."

(B) "The undersigned certifies under penalty of perjury under the laws of the State of California that the information provided herein is true and correct and that the undersigned has the authority to legally bind the recycler to the terms and requirements of the application."

(7) The name and ~~s~~Signature of the ~~primary applicant~~ Authorized Signatory ~~Authorized Signatory~~.

(8) The date and location of application.

(b) CalRecycle shall not approve a recycler located outside California.

(c) Any application to cancel battery-embedded products pursuant to this Section and Section 18660.11, or to change information contained in an approved application pursuant to Section 18660.18 to include the cancellation of battery-embedded products, shall be submitted to CalRecycle on or after November 1, 2025. This submission shall be sent to CalRecycle's designated electronic information submittal system available from CalRecycle's website pursuant to Section 18660.7.

NOTE: Authority cited: Sections 40502, 42475(b), and 42475.2 and 42478, Public Resources Code. Reference: Sections 42474, 42475(a), 42476, 42477, 42478 and 42479, Public Resources Code.

Section 18660.14. Additional Application Requirements for Dual Entities.

(a) An entity that is both a collector and a recycler at the same location may apply for both approvals, and if approved will be an approved dual entity.

(b) In addition to completing and submitting one copy of the General information required in Section 18660.11 of this Chapter, all dual entity approval applications shall contain the information and Signatures required in Sections 18660.12 and 18660.13 for collector applications and recycler applications, respectively.

(c) Unless there are specific “dual entity” provisions, an approved dual entity, when acting as a collector, shall meet all the requirements in this Chapter for approved collectors.

(d) Unless there are specific “dual entity” provisions, an approved dual entity, when acting as a recycler, shall meet all the requirements in this Chapter for approved recyclers.

(e) Any application to recover and cancel battery-embedded products pursuant to this Section and Section 18660.11, or to change information contained in an approved application pursuant to Section 18660.18 to include the recovery and cancellation of battery-embedded products, shall be submitted to CalRecycle on or after November 1, 2025. This submission shall be sent to CalRecycle's designated electronic information submittal system available from CalRecycle's website pursuant to Section 18660.7.

NOTE: Authority cited: Sections 40502, 42475(b), and 42475.2 and 42478, Public Resources Code. Reference: Sections 42474, 42475(a), 42476, 42477, 42478, and 42479, Public Resources Code.

Section 18660.15. CalRecycle Review of Applications.

(a) Upon receipt of the application, CalRecycle will notify the applicant within 30 calendar days if the application is complete or incomplete.

(b) If CalRecycle determines the application is incomplete, with exception of a pending inspection by DTSC, CalRecycle notification will list the missing information, and the applicant will have 30 calendar days from the notification to provide the missing information or CalRecycle will deny the application.

(c) After CalRecycle determines that an application is complete, CalRecycle will notify the applicant within 30 calendar days whether the application has been:

(1) Approved, and if so, issue a proof of approval stating the type of approval granted:

(A) Approved collector, or

(B) Approved recycler, or

(C) Approved dual entity.

(2) Denied, and if so, the cause(s) for denial will be listed. After denial, an application to become approved may be resubmitted at any time after the causes for denial have been corrected.

(d) CalRecycle shall not charge collector or recyclers to process an application.

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.

Section 18660.16. Approval Term and Applications Requirements for Renewal.

(a) An approved collector's ~~approval~~Proof of Approval remains valid for 2 years following the date of approval, provided that all of the following conditions are met: the information in the approved application remains unchanged, the collector continues to meet and fulfill the requirements of this Chapter, and the collector continues to operate in conformance with DTSC requirements.

(1) The information in the approved application remains unchanged, except as specified in Section 18660.18;

(2) The collector continues to meet and fulfill the requirements of this Chapter; and

(3) The collector continues to operate in conformance with DTSC requirements.

(b) An approved dual entity or recycler's ~~approval~~Proof of Approval remains valid for 2 years following the date of approval, provided that all of the following conditions are met: the information in the approved application remains unchanged, the recycler continues to meet and fulfill the requirements of this Chapter, and the recycler continues to operate in conformance with DTSC requirements and submit to inspections by DTSC.

(1) The information in the approved application remains unchanged, except as specified in Section 18660.18;

(2) The recycler continues to meet and fulfill the requirements of this Chapter; and

(3) The recycler continues to operate in conformance with DTSC requirements and submit to inspections by DTSC.

(c) To renew approval, a collector, ~~or~~ recycler, or dual entity shall reapply to CalRecycle on a biennial basis at least 90 calendar days prior to the expiration date associated with ~~of approval~~the Proof of Approval.

(d) If a collector, ~~or~~ recycler, or dual entity fails to ~~reapply for approval~~obtain CalRecycle's approval of its renewal application, by the 2-year expiration date, after the expiration date then all of the following conditions shall apply:

(1) The approval is expired and invalid.

(2) The collector, ~~or recycler, or dual entity~~ shall be ineligible for all payments set forth in this Chapter.

(3) The collector, ~~or recycler, or dual entity~~ shall immediately cease using the issued unique identification number.

(e) An approved collector, ~~or an approved recycler, or dual entity~~ may withdraw their approved application at any time ~~viab~~y sending an email to ewasteapplications@calrecycle.ca.gov and the approval shall be displayed as "inactive" on CalRecycle's website. ~~written notice to CalRecycle.~~

(f) Application renewals shall be sent to CalRecycle's designated electronic information submittal system available from CalRecycle's website pursuant to Section 18660.7. The date of electronic information submittal will be considered the date of receipt.

Authority cited: Sections 40502, 42475~~(b)~~ and 42475.2, Public Resources Code.
Reference: Sections 42463, 42475~~(a)~~, 42476, 42477, 42478 and 42479, Public Resources Code.

Section 18660.17. Prohibited Activities and Reinstatement Procedures.

(a) CalRecycle may deny an application or revoke or suspend the approval of a collector, ~~or recycler, or dual entity~~ for any of the following prohibited activities:

(1) Failure ~~by a collector or recycler~~ to operate in conformance with DTSC requirements.

(2) Failure by a recycler or dual entity to submit to a DTSC inspection within any 12-month period.

(3) Failure by a recycler or dual entity to provide recovery payments to approved collectors as specified in this Chapter.

(4) Failure to submit to CalRecycle audits, including failing to provide CalRecycle access to records upon request, as specified by this Chapter.

(5) Failure to submit a net cost ~~report~~ information and documentation as specified in Section 18660.10.

(6) Transferring an approval or proof of approval to any other person.

(7) Misrepresenting an approval status.

(8) A material breach of any of the certification statements contained in the approved application.

(9) Fraudulently requesting a recovery payment.

(10) Fraudulently claiming a recycling payment.

(11) Submitting a fraudulent information or documentation when providing information or documentation to CalRecycle pursuant to Section 18660.10. ~~net cost report.~~

(12) Failure to secure, maintain, submit, or transfer documentation as specified by this Chapter.

(13) Failure to notify CalRecycle of changes to information contained in the approved application as specified in Section 18660.18.

(14) Making a false statement or representation in any claim, report, or document filed, submitted, maintained or used for purposes of compliance with this chapter or Division 30, Part 3, Chapter 8.5 of the Public Resources Code.

(15) Failure by a recycler or dual entity to operate in conformance with Division 5 of the Business and Professions Code (Weights and Measures) and any applicable regulations thereunder.

(b) CalRecycle shall reinstate a collector, recycler, or dual entity that has been suspended where CalRecycle has determined that the collector, recycler, or dual entity has remedied the cause of the suspension and is eligible for reinstatement pursuant to this Section. In such instances, CalRecycle shall send written notification to the collector, recycler, or dual entity that the cause of the suspension has been remedied and will reinstate the collector, recycler, or dual entity within two (2) business days from the date of CalRecycle's notification. A collector, recycler, or dual entity that is not eligible for reinstatement pursuant to this Section is subject to the reconsideration and appeals procedure detailed in Section 18660.19. If CalRecycle denies an application or revokes an approval for prohibited activities, all of the following conditions apply:

(1) An approved collector, recycler, or dual entity shall be eligible for reinstatement without resorting to the appeals procedure pursuant to Section 18660.19 if one or more of the below events occurs such that the cause of the suspension is remedied, as specified herein, and there are no additional instances of noncompliance noted in the suspension letter.

(A) DTSC notifies CalRecycle in writing that a DTSC Class I violation has been corrected.

(B) CalRecycle receives written confirmation from CDFA that a recycler's or dual entity's weighmaster license is active.

(C) The collector or dual entity provides written documentation to CalRecycle that demonstrates that the collector or dual entity is maintaining a physical location within the state of California at which CEW can be handled.

(D) The recycler or dual entity previously failed to submit to a DTSC inspection in a 12-month period and subsequently remedied this failure to submit to the inspection. CalRecycle shall receive written confirmation from DTSC demonstrating that the inspection occurred and that the recycler or dual entity is in compliance with all applicable DTSC laws and regulations.

(E) The collector, recycler, or dual entity previously failed to submit to a CalRecycle audit pursuant to this Chapter and subsequently remedied this failure by submitting to the audit and providing CalRecycle with any documentation requested during the audit.

(F) The collector, recycler, or dual entity previously failed to provide CalRecycle, or an entity acting on behalf of CalRecycle, with access to records pursuant to Sections 18660.8 or 18660.10 and subsequently remedied this failure by providing CalRecycle with access to those records and providing CalRecycle with any documentation that was requested when access was denied.

(2) A suspended collector, recycler, or dual entity shall not be reinstated and shall be subject to the reconsideration and appeals procedures detailed in Section 18660.19 if it fails to:

(A) Meet the reinstatement requirements in this Section.

(B) Meet the requirements in this Chapter, including failing to operate in conformance with DTSC requirements.

(C) Provide any documentation, information, or records requested by CalRecycle relevant to the suspension. Any documentation, information, or records submitted to CalRecycle pursuant to this Section shall not contain false, misleading, or inaccurate information.

(c) The following conditions apply if CalRecycle denies an application or revokes an approval based on prohibited activities:

(1) The approval is immediately invalid.

(2) The collector or recycler shall be ineligible for all payments set forth in this Chapter.

(3) The collector or recycler shall immediately cease using the issued unique identification number.

(ed) A collector, or recycler, or dual entity may not reapply for approval until 180 calendar days after denial or revocation for prohibited activities.

(de) If CalRecycle suspends an approval for prohibited activities, all t~~If CalRecycle suspends an approval for prohibited activities, all t~~The following conditions apply if CalRecycle suspends an approval for prohibited activities until CalRecycle determines that the cause for suspension has been remedied:

(1) The approval is temporarily invalid and shall be displayed as “inactive” on CalRecycle’s website. CalRecycle’s website shall be updated to reflect an “active” status for any collector, recycler, or dual entity that has been reinstated pursuant to subsection (b).

(2) The collector, or recycler, or dual entity shall be ineligible for all payments set forth in this Chapter as of the date of suspension for recovery or recycling activities conducted during the suspension of approval.

(ef) CalRecycle shall deny A~~An application for approval or renewal application if that application includes the name of from a collector or recycler or an individual who has a history of fraudulent conduct or who has a history of demonstrating a pattern of operation in conflict with the requirements of this chapter and Division 30, Part 3, Chapter 8.5 of the Public Resources Code. Any supporting documentation or record, including supplemental documentation provided to CalRecycle during the application process, shall be considered part of the application.~~identified in the application who has a history of demonstrating a pattern of operation in conflict with the requirements of this chapter and Division 30, Part 3, Chapter 8.5 of the Public Resources Code may be denied.

Authority cited: Sections 40502, 42475~~(b)~~ and 42475.2, Public Resources Code.
Reference: Sections 42463, 42474~~(e)~~, 42475~~(a)~~, 42476, 42477, 42478 and 42479, Public Resources Code.

Section 18660.18. Changes to Information Contained in an Approved Application

(a) An approved collector or an approved recycler shall notify CalRecycle in writing of changes to information contained in an approved application at least 30 calendar days prior to the effective date of any proposed changes. For purposes of this section, “CEWID” means a number provided to applicants when the department approves their application to be an approved collector or approved recycler.

(b) If an unforeseen change occurs, an approved collector or an approved recycler shall notify CalRecycle in writing of the change within ten calendar days after the unforeseen change.

(c) Beginning September 1, 2025, an approved collector seeking to recover types of CEWs that are different from, or in addition to, the CEWs identified in their application must notify CalRecycle as follows:

(1) The collector shall submit the following information to CalRecycle electronically:

(A) Name of organization and CEWID number.

(B) Mailing address and physical address.

(C) Name of the Authorized Signatory.

(D) Telephone number(s) of the Authorized Signatory and any other persons identified in the application.

(E) E-mail address of the Authorized Signatory, and any other persons identified in the application.

(F) The types of CEWs the approved collector intends to recover.

(G) The anticipated start date of recovery of the CEWs.

(H) A statement, signed under penalty of perjury by an Authorized Signatory, that the information submitted is true and correct, and that the collector has satisfied the requirements of section 18660.12 of this Chapter.

(2) Submission of this notification pursuant to this subsection shall not modify the expiration date of the collector's existing approved application.

(d) Beginning November 1, 2025, an approved recycler seeking to add new cancellation method(s) that were not identified in their approved application must notify CalRecycle as follows:

(1) The recycler shall submit the following information to CalRecycle electronically:

(A) Name of organization and CEWID number.

(B) Mailing address and physical address.

(C) Name of the Authorized Signatory.

(D) Telephone number(s) of the Authorized Signatory, and any other persons identified in the application.

(E) E-mail address of the Authorized Signatory.

(F) The additional or different types of CEWs cancelled, along with the anticipated start date of cancellation.

(G) If applicable, the additional or different cancellation methods the approved recycler intends to use, along with the anticipated start date of when these methods will be utilized.

(H) A copy of the DTSC inspection report demonstrating that the recycler has satisfied the requirements of section 18660.13(a)(3)(B)(1) of this Chapter.

(I) A statement, signed under penalty of perjury, that the information submitted is true and correct, and that the recycler has satisfied the requirements of section 18660.13(a)(3)(B)(1) of this Chapter.

(2) An approved recycler shall not claim recycling payments for different or additional types of CEWs cancelled prior to compliance with this subsection

(3) Submission of this notification pursuant to this subsection shall not modify the expiration date of the recycler's existing approved application.

(e) A dual entity seeking to add new cancellation method(s) that were not identified in their approved application must notify CalRecycle as follows:

(1) The dual entity shall submit the following information to CalRecycle electronically:

(A) Name of organization and CEWID number.

(B) Mailing address and physical address.

(C) Name of the Authorized Signatory.

(D) Telephone number(s) of the Authorized Signatory and any other persons identified in the application.

(E) E-mail address of the Authorized Signatory.

(F) The additional or different types of CEWs the dual entity intends to recover and cancel, along with the anticipated start date of recovery and cancellation.

(G) The additional or different cancellation methods the dual entity intends to use, along with the anticipated start date of when these methods will be utilized.

(H) A copy of the DTSC inspection report demonstrating that the recycler has satisfied the requirements of Section 18660.13(a)(3)(B)(1) of this Chapter.

(l) A statement, signed under penalty of perjury, that the information submitted is true and correct, and that the dual entity has satisfied the requirements of Sections 18660.12 and 18660.13(a)(3)(B)(1) of this Chapter.

(2) A dual entity shall not claim recycling payments for different or additional types of CEWs cancelled prior to compliance with this subsection.

(3) Submission of this notification pursuant to this subsection shall not modify the expiration date of the dual entity's existing approved application.

(f) CalRecycle shall review the notice specified in subsections (c), (d), and (e) using the procedures set forth in Section 18660.15 for review, approval, or denial of the notice.

(g) Changes to information contained in an approved application shall be sent to CalRecycle's designated electronic information submittal system available from CalRecycle's website pursuant to Section 18660.7.

NOTE: Authority cited: Sections 40502, 42475(b), and 42475.2 and 42478, Public Resources Code. Reference: Sections 42474, 42475(a), 42476, 42477, 42478 and 42479, Public Resources Code.

Section 18660.19. Request for Reconsideration, Appeal of Denial, Suspension or Revocation of Approval.

(a) If CalRecycle denies an application for approval or suspends or revokes an approval, the collector, or recycler, or dual entity shall may request reconsideration of a denied application or application renewal, suspension, or revocation by submitting a written request for reconsideration electronically to ewasteapplications@calrecycle.ca.gov, within 30 calendar days of the date the notice of suspension, revocation, or denial of the application or application renewal is electronically mailed to the participant. The request for reconsideration shall be titled: "Request for Reconsideration". appeal that decision by requesting a hearing within 30 calendar days after the date of the denial, suspension or revocation. Any appeal received by CalRecycle after 30 calendar days from the date of the denial, suspension or revocation shall be denied without a hearing or consideration of the appeal.

(1) Any request for reconsideration received by CalRecycle after 30 calendar days from the date the denied application or application renewal, suspension, or revocation is electronically mailed to the participant shall be denied without reconsideration and CalRecycle's determination to deny the application or renewal, suspension, or revocation may not be appealed pursuant to this section.

(2) A request for reconsideration shall include all of the following information. CalRecycle shall deny the request for reconsideration if a recycler fails to provide the following information:

(A) The collector's, recycler's, or dual entity's name, mailing address, contact name and daytime telephone number.

(B) The type of approval: collector, recycler or dual entity.

(C) Physical address.

(D) A statement, which may include providing supporting documentation, of the basis for objecting to the denial, suspension or revocation.

(E) A copy of CalRecycle's determination letter for the denied application or application renewal, suspension, or revocation.

(b) The collector, recycler, or dual entity may appeal CalRecycle's denial of the application or application renewal, suspension, or revocation within 30 calendar days from the date of CalRecycle's determination of the request for reconsideration is electronically mailed to the participant. Any appeal received by CalRecycle after 30 calendar days from the date of CalRecycle's determination of the request for reconsideration shall be denied without a hearing or consideration of the appeal.

(bc) This appeal provided for in this Section is also governed by the general administrative adjudication provisions of the California Administrative Procedure Act, found at Chapter 4.5 of Part 1 of Division 3 of Title 2 of the Government Code, commencing with Section 11400. This appeal is not subject to the provisions of Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, commencing with Section 11500.

(ed) The collector, or recycler, or dual entity requesting a hearing must submit the appeal electronically in writing to ewasteapplications@calrecycle.ca.gov and ensure that it is received by CalRecycle's main business office, to the attention of the Legal Office. The collector, or recycler, or dual entity shall clearly mark the outside of the package containing title the appeal with: "Covered Electronic Waste Application Appeal Enclosed".

(de) In an appeal, a collector, or recycler, or dual entity shall include, at a minimum, all of the following information. CalRecycle shall deny the appeal if a collector, recycler or dual entity fails to provide the following:-

(1) The collector, recycler or dual entity's collector's or recycler's name, mailing address, contact name and daytime telephone number.

(2) The type of approval: collector, recycler, or both dual entity.

(3) The location and street address.

(4) The date on the notification from CalRecycle and the stated reasons for denial, suspension or revocation.

(5) A statement, which may include providing supporting documentation, of the basis for objecting to the denial, suspension or revocation.

(6) A copy of CalRecycle's reconsideration determination letter.

(ef) At any time during the proceeding, after filing an appeal and before a decision is issued, CalRecycle, with the consent of and the collector, recycler, or dual entity the petitioner, may engage in alternative dispute resolution refer the matter to mediation, or binding or non-binding arbitration, consistent with the provisions of Government Code Section 11420.10.

(fg) CalRecycle shall provide a hearing before the director, or his or her designee, who shall act as a hearing officer. The hearing officer shall consider the application, the

reasons for denial, suspension or revocation, and any additional relevant information presented by the ~~applicant~~collector, recycler, or dual entity or CalRecycle staff. The hearing officer shall issue a written decision stating the factual and legal basis for the decision.

(gh) ~~The hearing officer~~ CalRecycle will notify the ~~collector or recycler~~collector, recycler or dual entity of the determination in writing within 20 calendar days from the date of the decision.

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

Reference: Sections 42463~~(b)~~, 42474~~(e)~~⁽³⁾ and 42479, Public Resources Code; and Sections 11400.20 and 11415.10, Government Code.

ARTICLE 2.2: Electronic Waste Payment System — Business Requirements

Section 18660.20. Requirements for an Approved Collector or Dual Entity.

(a) Upon CalRecycle approval of its application, an approved collector or dual entity 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 an approved collector or dual entity fails to begin collection activities within 180 days.

(2) Transfer at least one (1) load of CEWs to an approved recycler or dual entity within 180 calendar days of approval. Approved dual entities may also meet this requirement by both collecting and ~~canceled~~cancelling 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 or dual entity 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 or dual entity shall not request recovery payment for non-California CEWs.

(e) An approved collector or dual entity 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 or dual entity 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 or dual entity 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 Designated Approved Collector for a Local Government.

(i) An approved collector or dual entity 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 or dual entity 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 or dual entity, 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, or battery-embedded CEW 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 or dual entity, 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 or dual entity 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, and 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 or dual entities, including:

(A) Inventory records that document the relationship between the CEWs received from all sources and the CEWs transferred to the approved recycler, dual entity, or to other handlers.

(B) Signed and dated receipts showing the number and weight of CEWs transferred. The approved collector or dual entity 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.

Section 18660.21. Requirements for an Approved Recycler or Dual Entity.

(a) Upon CalRecycle approval of its application, an approved recycler or dual entity may begin claiming recycling payments for CEWs received from an approved collector and cancelled after CalRecycle has approved the recycler or dual entity application and issued the appropriate Proof of Approval~~the approval~~.

(b) An approved recycler or dual entity shall ~~comply with the requirements of this Chapter, including:~~

(1) Begin CEW cancellation activities within 180 calendar days of approval. Approved dual entities may meet this requirement by both collecting and cancelling at least one load of CEW within 180 days of approval. CalRecycle may revoke approval if a recycler or dual entity fails to begin CEW cancellation within 180 days.

~~(2) Accept transfer of and cancel at least one (1) load of CEWs from an approved collector within 180 days of approval. Approved dual entities may also meet this requirement by both collecting and canceling at least one load of CEWs within 180 days of approval. CalRecycle may revoke approval if a recycler fails to cancel at least one load within 180 days of approval.~~

(32) Record each approved collector's proof of approval identification number and provide a receipt showing the weight and number of CEWs transferred and the amount of the corresponding recovery payment due to the collector.

(43) Make recovery payments to approved collectors, or their agents, for all CEWs transferred, in accordance with this Chapter, at the time of transfer of CEWs, or at a later time specified in a written contract between the approved collector and approved recycler or dual entity, but not more than 90 days from the date of transfer.

(54) Cancel CEWs by one or more of the manners prescribed in Section 18660.32 of this Chapter.

(A) An approved recycler or dual entity shall maintain a processing log that records the date, method of cancellation, and quantity in pounds of CEWs cancelled.

(B) An approved recycler or dual entity shall maintain inventory records that document the relationship between CEWs received from approved collectors, CEWs processed and cancelled by the approved recycler, and treatment residuals shipped to initial destinations or ultimate dispositions, as applicable.

(65) Submit recycling payment claims to CalRecycle as specified in Sections 18660.22 through 18660.31 of this Chapter.

(76) Submit to and obtain a DTSC inspection, within any 12-month period.

(c) Based on information supplied by approved collectors, an approved recycler or dual entity shall, at a minimum, keep track of the weight of CEWs from both California and non-California sources transferred from approved collectors and ensure that recycling payments are not claimed for non-California source materials.

(d) An approved recycler or dual entity shall not provide recovery payment to approved collectors for CEWs from non-California sources, or to approved collectors that fail to provide complete and applicable source documentation on CEW origin pursuant to Section 18660.20(h) of this Chapter.

(e) An approved recycler or dual entity shall not claim recycling payments for non-California CEWs.

(f) Approved recyclers or dual entities shall determine if CEWs they accept from collectors have already been cancelled and shall keep track of the weight of those materials and ensure that recycling payments are not claimed for these materials.

(g) An approved recycler or dual entity shall not provide recovery payment to approved collectors for previously cancelled material.

(h) An approved recycler or dual entity shall not claim recycling payments for previously cancelled material.

(i) An approved recycler may deny recovery payments for commingled loads in which CEWs cannot be distinguished from other materials.

(j) An approved recycler or dual entity shall operate in accordance with all Federal, State and local laws and regulations.

(k) An approved recycler or dual entity shall:

(1) ~~Be equipped with scales and be a weighmaster~~ Follow all requirements in accordance with Chapter 7 (commencing with Section 12700) of Division 5 of the Business and Professions Code and any applicable regulations thereunder.

(2) Measure, record and report required weights pursuant to this Chapter in pounds, and document those weights on a weighmaster certificate issued by a licensed weighmaster in accordance with all applicable laws and regulations. ~~and issue certified weights.~~

~~(3) Weigh CEWs and treatment residuals on a scale or other device approved, tested and sealed in accordance with Division 5 (commencing with Section 12500) of the Business and Professions Code.~~

(I) In addition to the general record keeping requirements in Section 18660.8 of this Chapter, an approved recycler or dual entity shall maintain the following records:

(1) A receiving log containing a brief written description of CEW transfers by load from approved collectors, the ~~total~~certified number of units and the ~~total~~certified weight of CEWs transferred, and the dates the transfers from collectors occurred.

(2) Records of CEW transfers, including all documentation received from an approved collector as specified in Section 18660.20(h), and recovery payments made and owed to approved collectors, including signed and dated receipts showing the ~~total~~certified number of units and the ~~total~~certified weight of CEWs transferred.

(A) The approved recycler or dual entity shall identify and record each approved collector using the name and identification number from the collector's "proof of approval."

(B) The approved recycler shall record separately the number of units ~~and sum of estimated weights~~ of source-anonymous CEWs reported by and transferred from an approved collector.

(3) A processing log showing the definitive cancellation of CEWs by weight, date and cancellation method, as specified in Section 18660.32 of this Chapter, upon which a payment claim is based.

(4) Applicable records for all shipments of treatment residuals, including but not limited to, ~~weight~~weighmaster certificates, packing lists, bills of lading, manifests, destination receipts, invoices, and payments. Applicable records shall be maintained pursuant to Section 18660.8 of this Chapter and demonstrate the following information:

(A) Date of shipment.

(B) Quantity in pounds and material type in shipment.

(C) The full name and address of shipping service.

(D) The full name and address of the buyer or other transferee, and destination name and address if different.

(E) Identification and description of the initial destinations or ultimate disposition of the treatment residuals, as applicable.

(5) Records on the net costs associated with the management of all CRT CEW, ~~and non-CRT CEW,~~ and battery-embedded product CEW handled, and any additional administrative costs of providing recovery payments to approved collectors.

(6) Complete records of all claims, attachments and supporting documentation for all recycling payment claims made to CalRecycle.

Authority cited: Sections 40502, 42475(b) and 42475.2, Public Resources Code.
Reference: Sections 42463, 42475(a), 42476, 42477, 42478 and 42479, Public Resources Code.

ARTICLE 2.3: Electronic Waste Payment System — Recycling Payment Claims

Section 18660.22. General Requirements for Recycling Payment Claims.

(a) Prior to submitting a recycling payment claim to CalRecycle for cancelled CEW, an approved recycler or dual entity shall:

(1) Ship the following treatment residuals derived from the cancelled and claimed CEW off-site to an initial destination authorized to receive and further treat or legally dispose of the treatment residual:

(A) Bare CRTs.

(B) CRT glass cullet.

1. CRT glass, CRT funnel glass, and CRT panel glass, as defined in Section 66273.9 of Chapter 23 of Division 4.5 of Title 22 of the California Code of Regulations, shall be accounted for separately, as applicable.

2. The shipped CRT glass cullet shall account for the amount derived from the cancelled and claimed CEW.

(2) For each claimed non-CRT-containing CEW, the recycler or dual entity shall record and report the manufacturer name, model number, and weight of each device prior to cancellation.

(A) If the non-CRT-containing CEW contain a plasma display, records relating to quantity in pounds of the bare panel(s) and ultimate disposition shall be maintained pursuant to Section 18660.8 of this Chapter.

(B) If the non-CRT-containing CEW contain cold cathode fluorescent lamps, records relating to quantity in pounds of the lamps and ultimate disposition shall be maintained pursuant to Section 18660.8 of this Chapter.

(C) Records maintained pursuant to (A) and (B) above shall be made available to CalRecycle upon request by CalRecycle or its designee.

(3) Only those CEW that have been processed and documented pursuant to this Section shall be claimed for payment.

(ab) An approved recycler or dual entity shall submit all of the following general information in a recycling payment claim ~~for recycling payments from CalRecycle~~:

(1) The full name, mailing address, and federal tax identification number of the recycler preparing the ~~report~~claim.

(2) The name and phone number of ~~a contact person for purposes of the report~~the person who prepared the claim.

(3) The reporting month (calendar month and year) and date of preparation of the report.

(4) The claim activity period, listing the start and end dates.

(5) The total weight of CEW claimed, as calculated in Sections 18660.24, ~~and~~ 18660.25, and 18660.26 of this Chapter.

(6) The total monetary amount being claimed.

(7) The ~~s~~Signature and title of an ~~person with signature authority~~ Authorized Signatory for payment claims as designated pursuant to Section 18660.11 of this Chapter. The signature block shall include the following certification statements:

(A) "I hereby declare under penalty of perjury that:"

1. "The approved recycler whom I represent is currently in compliance with all Federal, State and local requirements, including compliance with the requirements of the Act and this Chapter."

2. "All claimed CEWs have been cancelled as specified in Section 18660.32 and are unable to re-enter the payment system, and all treatment residuals specified in Section 18660.22(~~ea~~)(1) derived from the claimed CEWs have been shipped off-site to an initial destination authorized to receive and further treat or legally dispose of those treatment residuals."

3. "I have certified the weights and verified the calculations, including the adjustments for CEWs from non-California sources and for prior cancellation."

4. "This payment claim, including any and all accompanying documents has been examined by me and is true and correct."

5. "I understand that errors or omissions on my part may result in CalRecycle delaying or denying payment"

6. "I further understand that fraud could result in revocation of the recycler's approval."

(8) The date and place of the signing of the claim.

(~~bc~~) For each cancellation method used, an approved recycler shall submit no more than one recycling payment claim per calendar month and may only include one reporting month, as specified by Sections 18660.24, ~~and~~ 18660.25, and 18660.26 of this Chapter, in a single recycling payment claim. An approved recycler or dual entity shall prepare payment claims for different cancellation methods separately, but may submit a package containing all the claims for a reporting month.

(~~c~~) ~~Prior to submitting a payment claim for cancelled CEWs, an approved recycler shall:~~

(1) ~~Ship off site all the following treatment residuals derived from the cancelled and claimed CEWs to an initial destination authorized to receive and further treat or legally dispose of the treatment residual:~~

(A) ~~Bare CRTs.~~

(B) ~~CRT glass cullet.~~

1. ~~CRT glass, CRT funnel glass, and CRT panel glass, as defined in Section 66273.9 of Chapter 23 of Title 22 of the California Code of Regulations, shall be accounted for separately, as applicable.~~

2. ~~The shipped CRT glass cullet shall account for the amount derived from the cancelled and claimed CEW.~~

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

(A) ~~If the non-CRT containing CEWs contain a plasma display, records relating to quantity of the bare panel(s) and ultimate disposition shall be maintained pursuant to Section 18660.8 of this Chapter.~~

~~(B) If the non-CRT containing CEWs contain cold cathode fluorescent lamps, records relating to quantity of the lamps and ultimate disposition shall be maintained pursuant to Section 18660.8 of this Chapter.~~

~~(C) Records maintained pursuant to (A) and (B) above shall be made available upon request by CalRecycle or its designee.~~

~~(3) Only those CEWs that have been processed and documented pursuant to the applicable requirements of subsections (c)(1) and (c)(2) of this section shall be claimed for payment.~~

(d) An approved recycler or dual entity shall attach all of the following to the payment claim:

(1) For all CEWs received from collectors during the claim activity period that are cancelled and included in the current claim, a report that includes:

(A) A list of approved collectors from which the transfers of CEWs were accepted with the name and proof of approval identification number of each.

(B) The total weight of CEWs in all loads transferred from each approved collector. Note that this weight may not equal the weight claimed for recycling payment because recovery payments are made on the weight of all CEWs transferred while recycling payments are made on the weight of only those CEWs cancelled.

(C) Signed and dated receipts documenting all CEW transfers from approved collectors.

(D) A copy(ies) of the applicable records specified in Section 18660.21(I)(1)-(4) pertaining to the collection, transfer, and processing activities involving the CEWs cancelled and being claimed for payment.

1. Source documentation not associated with the claimed CEWs shall not be included in the report.

2. Transfer documentation not associated with the claimed CEWs shall not be included in the report.

~~(E) A sum of the number estimated weight of source-anonymous CEWs as reported by and transferred from approved collectors.~~

(2) For all CEWs cancelled during the claim activity period and that are included in the current claim, a description of cancellation activities that includes:

(A) The type(s) of cancellation method used.

(B) The date(s) when cancellation occurred.

(C) The amount of CEWs processed ~~by dismantling~~ by date in pounds.

(D) The dates and destinations of all treatment residual shipments required prior to submitting a claim as specified in subsection ~~(ca)~~ of this ~~s~~Section.

(3) For all CEWs received from collectors during the claim activity period that are not included in a prior claim and that are not cancelled, a description and quantification of those activities including but not limited to storage, repair, refurbishment, resale, reuse, transfer or export.

~~(e) An approved recycler shall deliver recycling payment claims to CalRecycle's main business office, to the attention of the Accounting Section. An approved recycler or shall mark the outside of the package containing the claims clearly with "Covered Electronic Waste Claim Enclosed."~~All payment claims shall be sent to CalRecycle's designated

electronic information submittal system available from CalRecycle's website pursuant to Section 18660.7.

(f) An approved recycler or dual entity shall submit timely recycling payment claims so that CalRecycle receives each claim within 45 days of the end of the reporting month, as specified by Sections 18660.24, ~~or 18660.25, or 18660.26~~ of this Chapter. CalRecycle may ~~reject~~return without payment any claim received more than 45 days after the end of the reporting month, as specified by Sections 18660.24, ~~or 18660.25, or 18660.26~~ of this Chapter. ~~CalRecycle shall determine a claim's receipt as either the date of the postmark on the claim package, or the date the claim package was physically received by CalRecycle, whichever is earlier.~~CalRecycle shall determine a payment claim's date of receipt as the date the payment claim is deemed complete by CalRecycle pursuant to Section 18660.7(e).

(g) CalRecycle may reject a claim if it fails to comply with the general requirements of this Section, or the additional requirements in the applicable provisions regarding cancellation methods in Sections 18660.24 ~~or 18660.25, or 18660.26~~ of this Chapter.

~~(h) CalRecycle's rejection of a recycling payment claim shall not extend any applicable due date or time period.~~

Authority cited: Sections 40502, 42475~~(b)~~, 42475.2 and 42478, Public Resources Code.
Reference: Sections 42463, 42474, 42475~~(a)~~, 42476, 42477, 42478 and 42479, Public Resources Code.

Section 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 or dual entity shall include the information in this Section to claim recycling payments for ~~canceled~~cancelling 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 or dual entity shall base recycling payment claims on the weight of CRT-containing CEWs cancelled.

(c) An approved recycler or dual entity 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 or dual entity first makes shipment(s) to an initial destination of bare CRTs or CRT glass cullet derived from the claimed CEWs.

(e) An approved recycler or dual entity shall calculate the payment and include the calculation in a recycling payment claim specific to ~~canceled~~cancelling 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~~(e)~~(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:~~

The weight of CRT-containing CEWs cancelled:	1000 pounds
Times the per pound Standard Statewide Combined Recovery and Recycling Payment Rate:	x \$1.19
Equals the payment claim for the reporting period:	= \$1190.00 Total Claim

(gf) An approved recycler or dual entity 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~~ Weighmaster certificates documenting the 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.

~~(hg)~~ In addition to the documentation required in subsection (gf), an approved recycler or dual entity 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.

Authority cited: Sections 40502, 42475(b) and 42475.2, Public Resources Code.
Reference: Sections 42463, 42475(a), 42476, 42477, 42478 and 42479, Public Resources Code.

Section 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 or dual entity shall include the information in this Section to claim recycling payments for ~~canceled~~cancelling non-CRT-containing CEWs through dismantling to a bare panel as specified in Section 18660.32 of this Chapter.

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

(c) An approved recycler or dual entity 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 or dual entity first cancels any of the non-CRT CEW being claimed.

(e) An approved recycler or dual entity shall calculate the payment and include the calculation in a recycling payment claim specific to ~~canceled~~cancelling 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(ea)(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:~~

The weight of non-CRT-containing CEWs cancelled:	1000 pounds
Times the per pound Standard Statewide Combined Recovery and Recycling Payment Rate:	x \$1.16
Equals the payment claim for the reporting period:	= \$1160.00 Total Claim

(gf) An approved recycler or dual entity 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~~ Weighmaster certificates documenting the weights 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(ea)(2)(A) and (B) shall be included in the claim.

(hg) In addition to the documentation required in subsection (gf), an approved recycler or dual entity 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.

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

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

Section 18660.26. Additional Requirements for Recycling Payment Claims to Demonstrate Cancellation of Battery-Embedded CEW.

(a) In addition to the general information required in Section 18660.22 of this Chapter, an approved recycler or dual entity shall include the information in this Section to claim recycling payments for cancelling battery-embedded CEW as specified in Section 18660.32 of this Chapter.

(b) An approved recycler or dual entity shall base recycling payment claims on the weight of the cancelled battery-embedded CEW.

(c) An approved recycler or dual entity 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 or dual entity first cancels any of the battery-embedded CEW being claimed.

(e) An approved recycler or dual entity shall calculate the payment and include the calculation in a recycling payment claim specific to cancelling battery-embedded CEW by removing the battery as follows:

(1) The total weight of cancelled battery-embedded CEW for the reporting month. Battery-embedded CEW commingled with other material is ineligible for recycling payment.

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

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

(4) Prior to submitting a battery-embedded CEW recycling payment claim to CalRecycle, the recycler shall weigh and issue separate weighmaster certificates for each treatment residual derived from cancellation of battery-embedded CEW. For battery treatment residuals derived from cancellation of battery-embedded CEW, each battery chemistry is a separate treatment residual.

(f) For each battery chemistry type that is derived from cancellation of battery-embedded CEW during the claim activity period, an approved recycler or dual entity shall include the following documentation:

(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 batteries shipped or stored.

(3) Weighmaster certificates of individual shipments, including only batteries derived from the cancellation of battery-embedded CEW and not including any other commodities.

(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 batteries derived from battery-embedded CEW, an explanation 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 must comply with all applicable DTSC laws and regulations, including demonstrating compliance with material handling and shipment requirements set forth in Division 4.5 of Title 22 of the California Code of Regulations.

2. CalRecycle may demand additional documentation as necessary from an approved recycler to determine compliance with material handling and shipment requirements set forth in Division 4.5 of Title 22 of the California Code of Regulations.

(5) The total weight for each battery chemistry type, and the total weight for all batteries, shall be included in the claim.

(g) Excluding material in subsection (f) of this Section, for each treatment residual derived from cancellation of battery-embedded CEW during the claim activity period, including but not limited to circuit boards, plastics, metals, glass, fibers, and any hazardous waste components, an approved recycler or dual entity shall attach to the payment claim:

(1) A description of the material flow; and

(2) The weighmaster certificate and the bill of lading or manifest for all shipments to the initial destination.

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

Reference: Sections 42463, 42475, 42476, 42477, 42478 and 42479, Public Resources Code.

Section 18660.30. CalRecycle Review of Recycling Payment Claims.

(a) CalRecycle shall review a recycling payment claim and determine if a recycling payment is due pursuant to this Chapter. If CalRecycle has cause to investigate any aspect of a claim, the review may be extended until resolution of all issues aspects under investigation.

(b) CalRecycle may deny or adjust payment for any of the following reasons:

(1) CalRecycle determines that:

(A) The signature on the claim is not that of a person with ~~signature authority~~ Signature Authority for recycling payment claims as designated pursuant to Section 18660.11 of this Chapter.

(B) The recycler did not have current approval for the reporting period or the cancellation period in the claim.

(C) The approved recycler failed to meet the requirements in this Chapter or committed an activity prohibited in this Chapter.

(D) The payment claim contains a numerical discrepancy between values or calculations reported on the claim and CalRecycle verified values and calculations.

(E) The facility has not been inspected by DTSC within the past 12 months, as specified in Section 42479(b)(2)(A) of the Public Resources Code.

(F) The recycler is ineligible for payment pursuant to Section 42479(b)(1) of the Public Resources Code.

(G) The payment claim is deficient with regard to any of the following:

1. CEW source documentation
2. CEW transfer documentation
3. CEW processing documentation
4. Treatment residual disposition documentation
5. Any other documentation required as part of a payment claim as specified in Sections 18660.22 through 18660.256 of this Chapter.

(2) CalRecycle has prevailed against the claimant in a civil or administrative action and money is owed to CalRecycle as a result of the action.

(3) CalRecycle discovers, as part of an application review, claim review or an audit, significant inconsistencies or fraud.

(c) If CalRecycle adjusts or denies a payment claim based on deficiencies in documentation specified in subsection (b)(1)(G) of this section, an approved recycler shall not resubmit as part of a future claim that same documentation, or any revised form of that documentation, seeking payment for those CEWs for which payment had been denied.

(d) CalRecycle shall perform a review of all documents submitted as part of a recycling payment claim to determine whether it is complete. For the purposes of review pursuant to this Section, "complete" means that the payment claim was not deficient because all required information and documentation was submitted to CalRecycle in the form and manner prescribed by CalRecycle pursuant to this Chapter.

(e) Within 30 calendar days of the date the recycling payment claim is submitted to CalRecycle's electronic information submittal system pursuant to Section 18660.7, CalRecycle shall notify the recycler or dual entity regarding whether the recycling payment claim is complete or deficient.

(f) A recycling payment claim shall be deemed deficient and shall be rejected by CalRecycle if CalRecycle determines that any required information or documentation is not complete.

(g) If a recycling payment claim is deemed deficient, CalRecycle shall notify the recycler or dual entity of the determination, and specify the reasons why it was deemed deficient.

(1) The notice of deficiency shall be sent by CalRecycle as soon as any deficiency in the required information is identified.

(2) CalRecycle is not required to provide notice of any deficiencies that it has not yet identified and may send more than one notice of deficiency for the payment claim.

(h) If CalRecycle rejects a recycling payment claim for any deficiency and a recycler or dual entity resubmits the recycling payment claim with all deficiencies corrected, it shall be considered a new submission with CalRecycle's 90-day review period beginning on the date that CalRecycle receives the payment claim.

(i) If CalRecycle rejects a recycling payment claim and a recycler or dual entity fails to correct all deficiencies, CalRecycle shall continue to deem the recycling payment claim deficient.

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

Section 18660.31. Request for Reconsideration, Appeal of Denied or Adjusted Recycling Payment Claims.

(a) An approved recycler or dual entity shall may request reconsideration of a denied or adjusted claim by submitting a submit an appeal written request for reconsideration electronically in writing to ewasteclaims@calrecycle.ca.gov the CalRecycle main business office, to the attention of the Legal Office, within 30 calendar days of the date of the notice denying or adjusting the claim. The recycler shall title the electronic request clearly mark the outside of the package containing the appeal with: "Request for Reconsideration Covered Electronic Waste Claim Appeal Enclosed".

(1) Any request for reconsideration received by CalRecycle after 30 calendar days from the date of the claim denial or adjustment from CalRecycle shall be denied without reconsideration of the claim denial or adjustment and the claim denial or adjustment may not be appealed.

(2) An approved recycler or dual entity shall include all of the following information in a request for reconsideration:

(A) The approved recycler's or dual entity's name and Proof of Approval identification number.

(B) The month(s) and year(s) of the recycling payment claim.

(C) A copy of CalRecycle's determination letter denying or adjusting the claim.

(D) An explanation, which may include providing supporting documentation, of why the adjustment or denial was in error.

(3) CalRecycle shall deny the request for reconsideration if an approved recycler or dual entity fails to provide the information requested in subsection (2).

(4) CalRecycle shall have 30 calendar days from the electronic submission date of the request for reconsideration to reconsider the claim adjustment or denial and shall notify the approved recycler or dual entity of its determination. The approved recycler or dual entity and CalRecycle may agree in writing to extend this timeline.

(b) The approved recycler or dual entity may appeal CalRecycle's claim adjustment or denial within 30 calendar days from the date of CalRecycle's determination of the request for reconsideration. Any appeal received by CalRecycle after 30 calendar days from the date of CalRecycle's determination of the request for reconsideration the claim denial or adjustment notice from CalRecycle shall be denied without a hearing or consideration of the appeal.

(c) An approved recycler or dual entity shall include all of the following information in a written appeal submitted electronically to CalRecycle at

ewasteclaims@calrecycle.ca.gov. CalRecycle shall deny the appeal if an approved recycler or dual entity fails to provide the following information:

(1) The approved recycler's or dual entity's name and Proof of Approval identification number, ~~from its proof of approval.~~

(2) The month(s) and year(s) ~~in question~~ of the recycling payment claim.

(3) A copy of CalRecycle's determination letter denying or adjusting the recycling payment claim ~~and the notice denying the claim, or a copy of the remittance advice if a payment adjustment is being appealed.~~

(4) An explanation, which may include providing supporting documentation, of why the adjustment or denial was in error.

(5) A copy of CalRecycle's reconsideration determination letter ~~Any other documentation that supports the appeal.~~

(d) ~~At any time during the proceeding~~ after filing a claim appeal and, before a decision is issued, CalRecycle and the approved recycler or dual entity may engage in alternative dispute resolution, ~~with the consent of the petitioner, may refer the matter to mediation, or binding or non-binding arbitration,~~ consistent with the provisions of Government Code Section 11420.10.

(e) CalRecycle shall provide a hearing before the director, or his or her designee, who shall act as a hearing officer. The hearing officer shall consider the claim, the reasons for payment denial or payment adjustment, and any additional relevant information presented by the approved recycler or dual entity ~~claimant~~ or CalRecycle staff. The hearing officer shall issue a written decision stating the factual and legal basis for the decision.

(f) ~~The hearing officer~~ CalRecycle will notify the approved recycler or dual entity of the determination in writing within 20 calendar days from the date of the decision.

(g) This appeal provided for in this Section is also governed by the general administrative adjudication provisions of the California Administrative Procedure Act, found at Chapter 4.5 of Part 1 of Division 3 of Title 2 of the Government Code, commencing with Section 11400. This appeal is not subject to the provisions of Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, commencing with Section 11500.

Authority cited: Sections 40502, 42475~~(b)~~ and 42475.2, Public Resources Code. Reference: Sections 42463, ~~42474(e)(3)~~ and 42479, Public Resources Code; and Sections 11400.20 and 11415.10, Government Code.

ARTICLE 2.4: Electronic Waste Payment System — Cancellation Methods, Recovery Payment Rate, and Combined Recovery and Recycling Payment Rates

Section 18660.32. Cancellation Methods.

(a) CalRecycle shall not pay recycling payment claims unless the cancellation method used meets the requirements of this Section.

(b) An approved recycler or dual entity shall not use or propose cancellation methods that are inconsistent with any DTSC requirements for handling or otherwise processing CEWs.

(c) An approved recycler or dual entity may use the following standard CEW cancellation methods that qualify for recycling payments as specified in the requirements of this Chapter:

(1) CRT or CRT-containing CEW cancellation through dismantling to a bare CRT after relieving the vacuum.

(2) Cancellation of non-CRT-containing CEWs through dismantling to a bare panel.

(3) Cancellation of battery-embedded CEW by removing the embedded battery in a manner that complies with Chapter 23 of Division 4.5 of Title 22 of the California Code of Regulations, including ensuring the casing of each individual battery cell is not breached and the casing remains intact and closed, and dismantling the CEW into specific material streams such as batteries, plastics, metals, glass, fibers, and any hazardous waste components, if applicable.

(A) Batteries shall be sorted by Battery Chemistry after they are removed from the CEW.

(B) Lithium batteries of all chemistry types shall be stored and handled in a manner that ensures individual battery terminals remain separated with terminal protection, such as non-conductive tape or individual bags, in order to reduce the risk of thermal events.

(4) Motor vehicles may not be cancelled pursuant to this Section.

(d) An approved recycler may submit proposals for alternative cancellation methods to CalRecycle for review on a case-by-case basis. CalRecycle, in consultation with DTSC, shall act within 90 calendar days to disapprove an alternative method, approve an alternative method for use only by the requesting recycler, or approve an alternative method for use by all recyclers.

(e) An approved recycler or dual entity shall not claim, and CalRecycle shall not pay, recycling payments for CEWs “cancelled” with an alternative method unless CalRecycle has previously approved the alternative method. CalRecycle shall deny payment on any CEWs “cancelled” with an alternative method prior to CalRecycle approval.

(f) Reuse of either an intact CEW or of a partially disassembled CEW, such as a CRT with an attached yoke, is not cancellation and is not eligible for recycling payments.

Authority cited: Sections 40502, 42475(b) and 42475.2, and 42476, Public Resources Code. Reference: Sections 42463, 42475(a), 42476, 42477, 42478 and 42479, Public Resources Code.

Section 18660.34. Standard Statewide Combined Recovery and Recycling Payment Rates.

(a) CalRecycle shall pay an approved recycler or dual entity the Standard Statewide Combined Recovery and Recycling Payment Rates for the weight of CRT, ~~and non-CRT,~~ and battery-embedded 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, 2025, the~~ Standard Statewide Combined Recovery and Recycling Payment Rates are:

- (1) \$1.19 per pound for CRT CEW.
- (2) \$1.16 per pound for non-CRT CEW.
- (3) \$1.15 per pound for battery-embedded CEW.
- ~~(c) Beginning January 1, 2026, the Standard Statewide Combined Recovery and Recycling Payment Rate for battery-embedded CEW is \$1.15 per pound for battery-embedded CEW.~~
- (cd) 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.

Authority cited: Sections 40502, 42475~~(b)~~ and 42475.2, Public Resources Code.
 Reference: Sections 42463, 42475(a), 42476, 42477, 42478 and 42479, Public Resources Code.

~~ARTICLE 2.5. Electronic Waste Payment System — Manufacturer Payments~~

~~Section 18660.35. Manufacturer Registration.~~

- ~~(a) A manufacturer may apply to become registered, to renew an existing registration, or to revise an existing registration at any time by submitting a complete application.~~
- ~~(b) In an application for registration, manufacturers shall provide the following general information:~~
 - ~~(1) Name of manufacturer.~~
 - ~~(2) Mailing address and physical address.~~
 - ~~(3) Name of the employee or officer of the manufacturer who is the contact person.~~
 - ~~(4) Telephone number(s) of the contact person.~~
 - ~~(5) An e-mail address of the contact person.~~
 - ~~(6) Name of the employee or officer of the manufacturer who is the Authorized Signatory to sign:~~
 - ~~(A) Payment claims.~~
 - ~~(B) Reports.~~
 - ~~(C) Other payment related documentation or correspondence required by CalRecycle.~~
 - ~~(7) Name of the employee or officer of the manufacturer (if any), in addition to the Authorized Signatory to sign:~~
 - ~~(A) Payment claims.~~
 - ~~(B) Reports.~~
 - ~~(C) Other payment related documentation or correspondence required by CalRecycle.~~
 - ~~(8) An indication of whether the manufacturer wishes to be included in an on-line registry.~~
 - ~~(9) The location in which the records required by this Chapter will be maintained.~~
- ~~(c) In an application for registration, a manufacturer shall also include the following information about its take back program or activities, including but not limited to:~~
 - ~~(1) The types of California sources from which the manufacturer may take back CEWs, including but not limited to households, businesses, or other collectors.~~

- ~~(2) The type(s) of CEWs that the manufacturer may take back for recycling.~~
- ~~(3) The mechanism(s) by which the manufacturer will accept CEWs into the take back program, such as mail in, drop-off, trade-in, or pick-up.~~
- ~~(4) Any conditions the manufacturer may place on accepting CEWs.~~
- ~~(5) Whether the manufacturer may recover for the purposes of recycling discarded electronic devices similar to CEWs from outside of the State of California.~~
- ~~(d) In an application for registration, a manufacturer shall also include the following information regarding the recycling of the CEWs received into its take back program:~~
- ~~(1) The name and address of the recycling facility(ies) used by the manufacturer.~~
- ~~(2) A description of the recycling operation used by the manufacturer, including the recycling process that results in cancellation as specified in Section 18660.32 of this Chapter or an equivalent result.~~
- ~~(e) In an application for registration, a manufacturer shall make the following certification statements:~~
- ~~(1) "The undersigned manufacturer agrees under penalty of immediate revocation of registration and denial of manufacturer payments that as an registered manufacturer:"~~
- ~~(A) "I shall ensure that any CEWs for which payment is claimed originate from a California source."~~
- ~~(B) "I shall only claim payment for those CEWs that I take back and process for recycling."~~
- ~~(C) "I shall operate in compliance with the requirements of this Chapter, the Act and with all applicable local, state and federal regulatory provisions."~~
- ~~(2) "The undersigned manufacturer certifies under penalty of perjury under the laws of the State of California that the information provided herein is true and correct and that the undersigned has the authority to legally bind the manufacturer to the terms and requirements of the application."~~
- ~~(A) The name and Signature of the Authorized Signatory.~~
- ~~(B) The date and location of application execution.~~
- ~~(f) In an application for registration, a manufacturer shall submit a completed "Payee Data Record" STD. 204 Form (Rev. 6-2003 or as revised) -- Department of Finance, State of California. The form will be provided by CalRecycle and is hereby incorporated by reference.~~
- ~~(g) Within 30 calendar days upon receipt of the application for registration, CalRecycle will notify the manufacturer if the applicant is a registered manufacturer and provide a registration number to be used in all correspondence and claims.~~
- ~~(h) A registered manufacturer's registration remains valid for 2 years following the date of registration provided that the information in the original application remains unchanged and the manufacturer continues to meet and fulfill the requirements of this Chapter.~~

~~Authority cited: Sections 40502, 42475 and 42475.2, Public Resources Code.~~
~~Reference: Sections 42475 and 42476, Public Resources Code.~~

~~Section 18660.36. Requirements for a Registered Manufacturer.~~

- ~~(a) Upon registration with CalRecycle, a registered manufacturer may claim manufacturer payments for those CEWs received by the manufacturer's take back program after the effective date of registration and processed for recycling as specified in Section 18660.6(i)(3) of this Chapter.~~
- ~~(b) A registered manufacturer shall determine if CEWs received by the manufacturer's take back program and processed for recycling are from California sources or from non-California sources and shall keep track of those materials separately.~~
- ~~(c) A registered manufacturer shall not request payment for non-California CEWs.~~
- ~~(d) A registered manufacturer shall not request payment for previously cancelled CEWs.~~
- ~~(e) A registered manufacturer shall ensure that any CEW on which the manufacturer has claimed manufacturer payment does not enter the recovery and recycling payment system.~~
- ~~(f) The recycling operation used by a registered manufacturer shall operate in accordance with all Federal, State and local laws and regulations.~~
- ~~(g) In addition to the general record keeping requirements in Section 18660.8 of this Chapter, a registered manufacturer shall obtain and maintain the following records:~~
 - ~~(1) A written description of the take back program, including the type of consumers from whom CEWs are accepted for take back.~~
 - ~~(2) A record of the number of CEWs collected by Product Category, as defined in Section 18660.5(a)(32) of this Chapter.~~
 - ~~(3) Records of transfers by load to the recycling operation used by the registered manufacturer, including signed and dated receipts showing the weight and number of CEWs transferred.~~
 - ~~(4) Written description of any activity, such as packaging and consolidation, which explains any discrepancy between the CEWs received through the take back program and the CEWs transferred to the recycling operation used by the manufacturer.~~
 - ~~(5) Records showing any CEWs received through the take back program that are reused, repaired, refurbished or otherwise returned to use.~~
 - ~~(6) Records showing any CEWs received through the take back program that are transferred to another entity without being processed for recycling.~~
 - ~~(7) Records showing the processing for recycling of CEWs by number, screen size, weight, date and recycling method that results in cancellation as specified in Section 18660.32 of this Chapter or an equivalent result.~~
 - ~~(8) Complete records of all claims, attachments and supporting documentation for all recycling payment claims made to CalRecycle.~~
- ~~(h) A registered manufacturer shall measure, record and report weights in pounds. A registered manufacturer shall weigh CEWs and treatment residuals on a scale or other device approved, tested and sealed in accordance with Division 5 of the Business and Professions Code (Weights and Measures) or in accordance with comparable standards of the state in which the registered manufacturer is located.~~

Authority cited: Sections 40502, 42475 and 42475.2, Public Resources Code. Reference: Sections 42475, 42476 and 42479, Public Resources Code.

~~Section 18660.37. Manufacturer Payment Claims.~~

~~(a) A registered manufacturer shall base a manufacturer payment claim on the number of CEWs processed for recycling by screen size(s) as listed in Section 42464(a) of the Public Resources Code.~~

~~(b) A registered manufacturer shall submit all of the following general information in a claim for manufacturer payments from CalRecycle:~~

~~(1) The full name, mailing address, registration number, and federal tax identification number of the registered manufacturer preparing the claim.~~

~~(2) The name and phone number of a contact person for purposes of the claim.~~

~~(3) The period of time covered by the claim and date of preparation of the claim.~~

~~(4) The number of CEW devices claimed:~~

~~(A) In each Product Category as defined in Section 18660.5(a)(32).~~

~~(B) By screen size as listed in Section 42464(a) of the Public Resources Code.~~

~~(5) The total monetary amount being claimed, as calculated in subsection (f) of this Section.~~

~~(6) The Signature and title of a person with Signatory Authority for payment claims as designated pursuant to Section 18660.35(b)(6) or (7) of this Article. The signature block shall include the following certification statements:~~

~~(A) "I hereby declare under penalty of perjury that:"~~

~~1. "All claimed CEWs were received from California sources through the manufacture take back program described in the manufacturer registration."~~

~~2. "All claimed CEWs have been processed for recycling in a manner that results in cancellation as specified in Section 18660.32 of this Chapter or an equivalent result."~~

~~3. "No claimed CEWs were transferred into the recovery and recycling payment system."~~

~~4. "I have certified the number of devices and verified the calculations."~~

~~5. "This payment claim, including any and all accompanying documents, has been examined by me and is true, correct and complete."~~

~~6. "I understand that errors or omissions on my part may result in Cal-Recycle delaying or denying payment"~~

~~7. "I further understand that fraud could result in revocation of the manufacturer registration."~~

~~(7) The date and place the claim was signed.~~

~~(c) A registered manufacturer shall submit no more than one payment claim per calendar month.~~

~~(d) The claim period for a manufacturer payment claim pursuant to this Section is the time period within which processing occurs and may not exceed three (3) months.~~

~~(e) A registered manufacturer shall attach all of the following to the payment claim:~~

~~(1) A written description of take back program that collected the CEWs for which payment is being claimed, including the type of consumers from whom CEWs were accepted, and~~

~~a record of the number of CEWs collected by Product Category, as defined in Section 18660.5(a)(32) of this Chapter.~~

~~(2) Records of transfers by load to the registered manufacturer's recycling operation, including signed and dated receipts showing the weight and number of CEWs transferred.~~

~~(3) Written description of any activity, such as packaging and consolidation, which explains any discrepancy between the CEWs received through the take back program and the CEWs transferred to the manufacturer's recycling operation.~~

~~(4) Records showing any CEWs received through the take back program that are reused, repaired, refurbished or otherwise returned to use.~~

~~(5) Records showing any CEWs received through the take back program that are transferred to another entity without being processed for recycling.~~

~~(6) Records showing the processing for recycling of CEWs by number, screen size, weight, date and recycling method that results in cancellation as specified in Section 18660.32 of this Chapter or an equivalent result.~~

~~(f) A registered manufacturer shall calculate the payment and include the calculation in a manufacturer payment claim as follows:~~

~~(1) The total number of CEWs, by screen size as specified in Section 42464(a) of the Public Resources Code, that are processed for recycling during the claim period.~~

~~(2) The total payment claimed, calculated by:~~

~~(A) Multiplying the number of CEWs in each screen size category by the value of the covered electronic waste recycling fee that applies to that category.~~

~~(B) Adding the calculations in (A) above for each screen size category calculation together.~~

~~(g) An example calculation for a manufacturer claim is included for illustration purposes as follows:~~

~~The number CEWs processed for recycling by screen size:~~

100 devices with less than 15 inch screen size	100 devices	
Times the covered electronic waste recycling fee for category	-x \$4.00	
	\$400.00	
200 devices greater than or equal to 15 inch screen size but less than 35 inch screen size	200 devices	
Times the covered electronic waste recycling fee for category	-x \$5.00	
	\$1000.00	

~~Equals the payment claim for the claim period: (\$400.00+\$1000.00)- \$1400.00 Total Claim~~

~~(h) Prior to April 1, 2026, a registered manufacturer shall deliver manufacturer payment claims to CalRecycle's main business office, to the attention of the Accounting Section. A registered manufacturer shall mark the outside of the package containing the claims clearly with "Electronic Manufacturer Claim Enclosed." On or after April 1, 2026, all~~

~~payment claims shall be sent to CalRecycle's designated electronic information submittal system available from CalRecycle's website pursuant to Section 18660.7.~~

~~(i) A registered manufacturer shall submit timely manufacturer payment claims so that CalRecycle receives each claim within 45 days of the end of the claim period.~~

~~CalRecycle may return without payment any claim received more than 45 days after the end of the claim period. Prior to April 1, 2026, CalRecycle shall determine a payment claim's date of receipt as the date the payment claim was physically received by CalRecycle. On or after April 1, 2026, CalRecycle shall determine a payment claim's date of receipt as the date the payment claim is submitted to CalRecycle's designated electronic information submittal system available from CalRecycle's website pursuant to Section 18660.7.~~

~~(j) CalRecycle may reject a claim if it fails to comply with the requirements of this Section.~~

~~(k) CalRecycle's rejection of a manufacturer payment claim shall not extend any applicable due date or time period.~~

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

~~Section 18660.38. CalRecycle Review of Manufacturer Payment Claims.~~

~~(a) CalRecycle shall review a manufacturer payment claim and determine if a manufacturer payment is due pursuant to this Chapter. If CalRecycle has cause to investigate any aspect of a claim, the review will be extended until resolution of all issues aspects under investigation.~~

~~(b) CalRecycle may deny payment for any of the following reasons:~~

~~(1) CalRecycle determines that:~~

~~(A) The signature on the claim is not that of a person with Signatory Authority for registered manufacturer payment claims as designated pursuant to Section 18660.35(b)(6) or (7) of this Article.~~

~~(B) The registered manufacturer did not have current registration for the claim period.~~

~~(C) The registered manufacturer failed to meet the requirements in this Chapter or committed an activity prohibited in this Chapter.~~

~~(D) The payment claim contains a numerical discrepancy between values or calculations reported on the claim and CalRecycle verified values and calculations.~~

~~(2) CalRecycle has prevailed against the claimant in a civil or administrative action and money is owed to CalRecycle as a result of the action.~~

~~(3) CalRecycle discovers, as part of an application review, claim review or an audit, significant inconsistencies or fraud.~~

~~Authority cited: Sections 40502, 42475(b) and 42475.2, Public Resources Code.
Reference: Sections 42475(a) and 42476, Public Resources Code.~~

~~Section 18660.39. Appeal of Denied or Adjusted Manufacturer Payment Claims.~~

~~(a) A registered manufacturer shall submit an appeal in writing to the CalRecycle main business office, to the attention of the Legal Office, within 30 calendar days of the date of the notice denying or adjusting the claim. The registered manufacturer shall clearly mark the outside of the package containing the appeal with: "Electronic Manufacturer Claim Appeal Enclosed".~~

~~(b) Any appeal received by CalRecycle after 30 calendar days from the date of the claim denial or adjustment notice from CalRecycle shall be denied without a hearing or consideration of the appeal.~~

~~(c) A registered manufacturer shall include all of the following information in a written appeal:~~

~~(1) The registered manufacturer's name and registration.~~

~~(2) The month(s) and year(s) in question.~~

~~(3) A copy of the manufacturer payment claim and the notice denying the claim, or a copy of the remittance advice if a payment adjustment is being appealed.~~

~~(4) An explanation of why the adjustment or denial was in error.~~

~~(5) Any other documentation that supports the appeal.~~

~~(d) At any time during the proceeding, before a decision is issued, CalRecycle, with the consent of the petitioner, may refer the matter to mediation, or binding or non-binding arbitration, consistent with the provisions of Government Code Section 11420.10.~~

~~(e) CalRecycle shall provide a hearing before the director, or his or her designee, who shall act as a hearing officer. The hearing officer shall consider the claim, the reasons for payment denial or payment adjustment, and any additional relevant information presented by the claimant or CalRecycle staff. The hearing officer shall issue a written decision stating the factual and legal basis for the decision.~~

~~(f) CalRecycle will notify the registered manufacturer of the determination in writing within 20 calendar days from the date of the decision.~~

~~(g) This appeal provided for in this Section is also governed by the general administrative adjudication provisions of the California Administrative Procedure Act, found at Chapter 4.5 of Part 1 of Division 3 of Title 2 of the Government Code, commencing with Section 11400. This appeal is not subject to the provisions of Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, commencing with Section 11500.~~

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

~~Reference: Sections 42474 and 42476, Public Resources Code; and Sections 11400.20 and 11415.10, Government Code.~~

ARTICLE 2.6 Covered Electronic Waste Recycling Fee

Section 18660.40.1. Fee Amounts for Manufacturer--Bundled Products, Retailer-Combined Packages, Combination and Bundled Packages, Cellular Telephone or Other Wireless Telecommunications Devices.

(a) Sales of Manufacturer-or -Bundled Products:

(1) When a manufacturer combines a video display device, as defined in Public Resources Code section 42463(g)(1)(A), with one or more covered battery-embedded products, as defined in Public Resources Code section 43463(f), within the same package with a single product Universal Product Code (UPC), the retailer must charge a fee for the video display device contained within that package. The retailer shall not charge a fee for the covered battery-embedded products contained within that package.

(2) When a manufacturer combines one or more covered battery-embedded products, as defined in Public Resources Code section 42463(f), with one or more items other than video display devices, within the same package with a single product UPC, the retailer must charge the covered battery-embedded waste recycling fee on the retail sales price of the package.

(b) Sales of Retailer-Combined Packages: When a retailer combines one or more video display devices, as defined in Public Resources Code section 42463(g)(1)(A), one or more covered battery-embedded products, as defined in Public Resources Code section 42463(f), or one or more other items, to be sold in a single bundled transaction, the retailer must charge a separate fee for every video display device and covered battery-embedded product contained within that grouping of products. The retail sales price of such a covered battery-embedded product, upon which the fee is applied pursuant to Section 18660.40(d), shall be the retail sales price of that covered battery-embedded product if sold individually.

(c) The retail sales price of a cellular telephone or other wireless telecommunications device, upon which the fee is applied pursuant to Section 18660.40(d), shall be the same amount upon which sales or use tax is applied, pursuant to Section 1585 of Title 18 of the California Code of Regulations.

Authority cited: Sections 40502 and 42475.2, Public Resources Code.

Reference: Sections 42463, 42464, 42464.2 and 42464.4, Public Resources Code.

ARTICLE 3: Manufacturer Reporting and Submissions

Section 18660.41. Reporting Requirements for Covered Video Display Device Manufacturers.

(a) Each manufacturer as defined by Section 42463(q) of the Public Resources Code shall submit an annual report to CalRecycle on or before July 1, ~~2005, and annually thereafter, each year~~ for the period of the previous calendar year. Each manufacturer shall report information by brand name of covered electronic devices, as defined by Section 42463(g)(1)(A) of the Public Resources Code, sold in the state.

(ab) The report shall include the following:

(1) Name and address of the manufacturer; and name, address, phone number, and email address for a contact person of the manufacturer. The information supplied pursuant to this subsection shall be non-confidential and non-proprietary information.

(2) The information elements, as described in Section 42465.2 of the Public Resources Code and specified in Sections 18660.41(~~bc~~) through (fg), below.

(bc) The sales reporting shall include:

(1) Data on the number of covered electronic devices sold in the state by ~~p~~Product ~~e~~Category.

(2) An explanation of the methodology used to estimate data.

(cd) The materials reporting shall include:

(1) An estimated average amount in milligrams for mercury, cadmium, lead, hexavalent chromium, including their alloys and compounds, and PBBs used in covered electronic devices, and all their component parts by ~~p~~Product ~~e~~Category.

(2) Estimates may be based on either physical testing or maximum tolerance levels of the material in product design specifications.

(3) An explanation of the methodology used to estimate data.

(de) ~~Recyclable~~ Recycled content reporting shall include:

(1) Estimates on the amount in tons of recycled content for each materials type (e.g., plastics, glass, and metals) contained in covered electronic devices;

(2) The increase from the previous year in the use of recycled content materials; and

(3) An explanation of the methodology used to estimate recycled content.

(ef) Design for recycling reporting shall include:

(1) Information on current activities and future plans related to the design of covered electronic devices, including but not limited to, the following:

(A) Ease of disassembly of covered electronic devices;

(B) Identification of resin types; and

(C) Improved materials efficiency through reduction in hazardous materials use or other approaches.

(fg) List of retailers noticed pursuant to Section 42465.2(a)(1)(E) of the Public Resources Code shall include:

(1) The contact information used by the manufacturer to perform the notice, such as the name, address, contact person, phone number and email address of the retailer to which the notice was made.

(2) The list of covered products contained in the notice.

(h) Manufacturers shall individually submit to CalRecycle samples of the consumer information and description of all methods used to comply with Section 18660.42 of this Chapter. Manufacturers shall submit this information at the same time they comply with Section 18660.41(ab) through (ef), above. The samples of consumer information shall

include a detailed description and examples, such as in the form of images or copies of screenshots from the manufacturer's website of the information that the manufacturer has provided to consumers that describes where and how to return, recycle, and dispose of the covered electronic devices, as defined in Section 42463(g)(1)(A) of the Public Resources Code, and the opportunities and locations for the collection or return of those covered electronic devices, through the use of a toll-free telephone number, internet website, information labeled on the devices, information included in the packaging, or information accompanying the sale of those covered electronic devices.

(i) Each manufacturer shall maintain the report and all supporting documentation for three years after the report is submitted. If CalRecycle or DTSC requests a copy of the supporting documentation, the manufacturer shall submit the supporting documentation within 10 days of the request.

(j) Each manufacturer shall provide a certification under penalty of perjury that the information is true and correct.

(k) Collective reporting — Compliance with the reporting required in Sections 18660.41(~~bc~~) through (~~fg~~), above, is the individual responsibility of each manufacturer. A manufacturer may comply with the reporting requirements in subsections (~~bc~~) and (~~ed~~), above, by submitting a collective report for the subsections containing sales and materials information, if the following conditions are met:

(1) A collective report must contain all of the information required in Sections 18660.41(~~bc~~) and (~~ed~~), above, but may combine the information for those manufacturers submitting information for the collective report;

(2) The collective report shall contain a list of all manufacturers whose reports are included in the collective report. This list shall include the name of the manufacturer and address of the manufacturer; and name, address, phone number, and email address for a contact person of the manufacturer;

(3) Each manufacturer shall provide a certification under penalty of perjury that the information provided for the collective report is true and correct; and

(4) Notwithstanding ~~Section 18660.41(j)(1) through (3)~~, subsection 18660.41(k)(1) through (3) above, CalRecycle may request, on a case-by-case basis, a manufacturer to submit an individual report with the information required in Sections 18660.41(~~bc~~) and (~~ed~~), above, and all supporting documentation of the information contained in the report. In response to CalRecycle's request, the manufacturer shall submit an individual report and supporting documentation within ten days of receiving CalRecycle's request.

(~~lk~~) Manufacturer reports shall be sent to CalRecycle's designated electronic information submittal system available from CalRecycle's website pursuant to Section 18660.7.

(m) Any information considered by the manufacturer to be confidential, trade secret, or proprietary shall be, at the time of submission to CalRecycle, identified pursuant to Section 17044 or 17045 of Title 14 of the California Code of Regulations. Any markings made by a manufacturer shall not be conclusive as to whether that information or documentation is exempt from public disclosure pursuant to the California Public Records Act, as specified in Government Code section 7920.000 et. seq.

Authority cited: Sections 40502, 42466.2, 42467, 42474, 42475(b) and 42475.2, Public Resources Code. Reference: Sections 42465.2, 42466.2, 42467 and 42478, Public Resources Code.

Section 18660.41.1. Reporting Requirements for Covered Battery-Embedded Product Manufacturers.

(a) Each manufacturer as defined by Section 42463(g) of the Public Resources Code, shall submit an annual report to CalRecycle on or before July 1, 2027, and annually thereafter, for the period of the previous calendar year. Each manufacturer shall report information by brand name of covered electronic devices, as defined by Section 42463(g)(1)(B) of the Public Resources Code, sold in the state.

(b) The report shall include the following:

(1) Name and address of the manufacturer; and name, address, phone number, and email address for a contact person of the manufacturer. The information supplied pursuant to this subsection shall be non-confidential and non-proprietary information.

(2) The information elements, as described in Section 42467 of the Public Resources Code and specified in Sections 18660.41.1(c) through (f), below.

(c) The sales reporting shall include:

(1) Data on the number of covered electronic devices, as defined in Section 42463(g)(1)(B) of the Public Resources Code, sold in the state, for each brand name.

(2) An explanation of the methodology used to estimate data.

(d) The data shall include the chemistry of the battery(ies) contained within each model of covered electronic devices, as defined in Section 42463(g)(1)(B) of the Public Resources Code.

(e) Recycled content reporting shall include:

(1) Estimates of the amount in tons of recycled content materials (e.g., plastics, glass, graphite, and metals, including, but not limited to, lithium and cobalt) contained in covered electronic devices, as defined in Section 42463(g)(1)(B) of the Public Resources Code;

(2) The increase from the previous year in the use of each type of recycled content material; and

(3) An explanation of the methodology used to estimate recycled content.

(f) List of retailers noticed pursuant to Section 42466.2 of the Public Resources Code shall include:

(1) The contact information used by the manufacturer to perform the notice, including the name, address, contact person, phone number and email address of the retailer to which the notice was made.

(2) The list of covered products, including brand and model number, contained in the notice.

(g) Manufacturers shall individually submit to CalRecycle samples of the consumer information and description of all methods used to comply with Section 18660.42 of this Chapter. Manufacturers shall submit this information at the same time they comply with

Section 18660.41.1(b) through (f), above. The samples of consumer information shall include a detailed description and examples, such as in the form of images or copies of screenshots from the manufacturer's website of the information that the manufacturer has provided to consumers that describes where and how to return, recycle, and dispose of the covered electronic devices, as defined in Section 42463(g)(1)(B) of the Public Resources Code, and the opportunities and locations for the collection or return of the covered electronic devices, through the use of a toll-free telephone number, internet website, information labeled on the devices, information included in the packaging, or information accompanying the sale of the covered electronic devices.

(h) Each manufacturer shall maintain the report and all supporting documentation for three years after the report is submitted. If CalRecycle or DTSC requests a copy of the supporting documentation, the manufacturer shall submit the supporting documentation within 10 calendar days of the request.

(i) Each manufacturer shall provide a certification under penalty of perjury that the information is true and correct.

(j) Collective reporting – Compliance with the reporting required in Sections 18660.41.1(c) through (f), above, is the individual responsibility of each manufacturer. A manufacturer may comply with the reporting requirements in subsections (c) and (d), above, by submitting a collective report for the subsections containing sales and Battery Chemistry information, if the following conditions are met:

(1) A collective report must contain all of the information required in Sections 18660.41.1(c) and (d), above, but may combine the information for those manufacturers submitting information for the collective report;

(2) The collective report shall contain a list of all manufacturers whose reports are included in the collective report. This list shall include the name of the manufacturer and address of the manufacturer; and name, address, phone number, and email address for a contact person of the manufacturer;

(3) Each manufacturer shall provide a certification under penalty of perjury that the information provided for the collective report is true and correct; and

(4) Notwithstanding subsection (j)(1) through (3) above, CalRecycle may request, on a case-by-case basis, a manufacturer to submit an individual report with the information required in Sections 18660.41.1(c) and (d), above, and all supporting documentation of the information contained in the report. In response to CalRecycle's request, the manufacturer shall submit an individual report and supporting documentation within 10 calendar days of receiving CalRecycle's request.

(k) On or after January 1, 2026, manufacturer reports shall be sent to CalRecycle's designated electronic information submittal system available from CalRecycle's website pursuant to Section 18660.7.

(l) Any information considered by the manufacturer to be confidential, trade secret, or proprietary shall be, at the time of submission to CalRecycle, identified pursuant to Section 17044 or 17045 of Title 14 of the California Code of Regulations. Any markings made by a manufacturer shall not be conclusive as to whether that information or documentation is exempt from public disclosure pursuant to the California Public Records Act, as specified in Government Code section 7920.000 et. seq.

Authority cited: Sections 40502, 42466.2, 42467, 42474, 42475 and 42475.2, Public Resources Code. Reference: Sections 42466.2 and 42467, Public Resources Code.

Section 18660.41.5. Retailer Notice Requirements for Covered Battery-Embedded Product Manufacturers.

(a) Notices sent to CalRecycle by a manufacturer of a covered battery-embedded product, pursuant to Section 42466.2(b) of the Public Resources Code, shall be sent electronically to CalRecycle's designated electronic information submittal system available from CalRecycle's website pursuant to Section 18660.7.

(1) Copies of these notices shall be provided to CalRecycle on or before August 1 annually.

(2) If a notice provided does not specify the date and recipient(s), the manufacturer shall provide the date and recipient(s) of the notice through CalRecycle's designated electronic information submittal system.

(b) The notices prepared pursuant to Section 42466.2 of the Public Resources Code, including copies provided to CalRecycle pursuant to Section 42466.2(b), shall not be treated as confidential or proprietary by CalRecycle. Any information considered by the manufacturer to be confidential, trade secret, or proprietary shall be provided separately from the copy of the notice, through CalRecycle's designated information submittal system, and must be identified pursuant to Section 17044 or 17045 of Title 14 of the California Code of Regulations.

Authority cited: Sections 40502, 42466.2, 42475 and 42475.2, Public Resources Code. Reference: Section 42466.2, Public Resources Code.

ARTICLE 7: Designated Approved Collectors

Section 18660.49. Proof of Designation.

(a) A Local Government may establish a 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)(34),~~ 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.
- (2) 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.
- (3) The location(s) where the collection activities may occur on behalf of the Local Government. This includes:
 - (A) The geographic area within the Local Government's jurisdictional boundaries where the Designated Collector may provide CEW collection services; and
 - (B) Any specific sites and addresses at which permanent drop-off services will be provided.
- (4) The method and description of CEW collection activities to be provided by the Designated Approved Collector (e.g., permanent drop-off, curbside service, illegal disposal clean-up, or temporary special events).
- (5) 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 Local Government.
- (6) A certification signed and dated by the designating authority of the Local Government stating the following:
 - (A) The designating authority is authorized to execute agreements or contracts related to waste management on behalf of the Local Government;
 - (B) The designating authority has read and understands all applicable laws and regulations governing the Electronic Waste Recovery and Recycling Program;
 - (C) The designating authority agrees that the Local Government shall operate in compliance with those applicable laws and regulations; and
 - (D) The designating authority certifies that the Proof of Designation contains true and correct information to the best of the 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.
- (9) A certification statement signed and dated by a representative of the Designated Approved Collector stating the following:
 - (A) The representative is an Authorized Ssignatory listed in the application for approval pursuant to Section 18660.11(b)(7) of this Chapter; and

(B) 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) 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 to:

CALRECYCLE

ATTENTION: ELECTRONIC WASTE RECYCLING PROGRAM, DESIGNATION PROCESSING, MS #9

1001 I STREET, P.O. BOX 4025

SACRAMENTO, CA 95812-4025

ewastedesignations@calrecycle.ca.gov ~~EWASTEDSIGNATIONS@CALRECYCLE.CA.GOV~~

(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.

(f) A Designated Approved Collector shall 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 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 Designation regarding representatives identified pursuant to subsections (b)(5), (b)(6), (b)(7), or (b)(9) of this Section.

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

(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 Section.

(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.