Title 14 Natural Resources
Division 7 California Integrated Waste Management Board (CalRecycle)
Chapter 8.2 Electronic Waste Recovery and Recycling

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Article 1. General
§ 18660.5. Definitions.

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

(1) "Act" or "the Act" means the Electronic Waste Recycling Act of 2003 (Senate Bill 20, Chapter 526, Statutes of 2003), as amended.

(2) "Approved Collector" means an authorized collector as defined in Section 42463(b) of the Public Resources Code who applies to CalRecycle for approval and whose application is approved pursuant to this Chapter and therefore may be eligible for recovery payments from approved recyclers.

(3) "Approved Dual Entity" means an entity that is both an "approved collector" and an "approved recycler" as defined in this Section.

(4) "Approved Recycler" means a "covered electronic waste recycler" as defined in Section 42463(h) of the Public Resources Code who applies to CalRecycle for approval and whose application is approved pursuant to this Chapter and therefore may be eligible for recycling payments from CalRecycle.

(5) "Bare CRT" means a Cathode Ray Tube with the vacuum relieved and the yoke removed that has been separated from the device housing and has had all circuit boards, wiring and other components detached from the tube.

(6) "Bare Panel" means an LCD, ~~gas~~ plasma, or other non-CRT video display panel that has been separated from the device housing and has had all circuit boards, lamps, wiring and other components detached from the panel. Lamps may remain affixed to an otherwise bare panel only if they cannot be removed without breaking.

(7) "Cancellation" means a processing or treatment method that qualifies CEWs for recycling payments, removes the CEWs from the payment system eliminating the possibility of double payments, dismantles or destroys the original CEW, and results in treatment residuals as specified in Section 18660.32 of this Chapter.

(8) "Claim Activity Period" means the span of time during which an approved recycler received CEWs from approved collectors, processed and cancelled CEWs, and shipped treatment residuals, as required, that results in a recycling payment claim being submitted to CalRecycle.

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

(10) "CRT device" means a whole covered electronic device containing a Cathode Ray Tube.

(11) "California Source" means persons, as defined in Section 42463(n) of the Public Resources Code, located in California who generate CEWs after their own use of a CED. Persons who receive, accumulate, consolidate, store, or otherwise handle discarded, donated or collected CEWs are not the California sources of those CEWs.

(12) "CalRecycle" means the Department of Resources Recycling and Recovery.

(13) "Collection log" means a record maintained by an approved collector that records CEW collection activities as specified in Section 18660.20(j) of this Chapter.

(14) "Collective Report" means a report submitted to CalRecycle through a trade association, a group of associations, or other organization that represents more than one manufacturer.

(15) "Commingled" means mixed together and impossible to economically or practically separate.

(16) "Covered Electronic Device" or "CED" has the same meaning, for the purposes of this Chapter, as a covered electronic device specified in Section 42463(e) of the Public Resources Code.

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(17) "Covered Electronic Waste" or "CEW" means a discarded device that DTSC has determined to be a covered electronic device, as specified by Section 42463(e) of the Public Resources Code.
(18) "Designated Approved Collector" means an approved collector, as defined in subsection (a)(2) of this section, that has been designated by a California local government to provide CEW collection services for or on behalf of the local government and who, in the course of providing the services for the local government, would not be subject to the source documentation requirements pursuant to Section 18660.20(j)(1)(B) of this Chapter.
(19) "DTSC" means the Department of Toxic Substances Control.
(20) ~~"End-Use Destination" means the location where the treatment residuals from the approved recycler are sent after cancellation.~~
~~(21)~~ "Further treat" means, for the purposes of this Chapter, activities such as crushing, size reduction, washing, cleaning, smelting, or similar steps taken to process the treatment residual ~~rendering it more marketable~~ and alter its physical form or characteristics. "Further treat" does not mean, for the purposes or 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.
(~~22~~21) "Handler", for the purposes of this Chapter, has the same meaning as a universal waste handler or CRT material handler, as applicable, as defined in Section 66273.9 of Title 22 of the California Code of Regulations.
(~~23~~22) "Illegal Disposal" means, for the purposes of this Chapter, the disposal or placement of CEWs on a property without the permission of the owner(s) of, or responsible party(ies) for, the property.
(23) "Initial Destination" means, for the purposes of this Chapter, the location(s) to which treatment residuals are initially shipped by an approved recycler.
(24) "Load" means a single transfer (a pick up or delivery) of CEWs, such as from a California source to a collector or from a collector to a recycler.
(25) "Load Check Activities" means, for the purposes of this Chapter, the efforts made to identify, retrieve and divert from the disposed solid waste stream those CEWs that have been illegally discarded by generators. "Load Check Activities" do not include the rejection or acceptance of CEWs due to the lack of source documentation.
(26) "Manufacturer Payment" or "Manufacturer Take Back Payment" means a payment made by CalRecycle to a registered manufacturer that takes back covered electronic wastes (CEWs) from a California source for the purposes of recycling the CEW pursuant to Section 42476(g) of the Public Resources Code.
(27) "Manufacturer Payment Claim" means a registered manufacturer's request submitted to CalRecycle with all required documentation for a manufacturer payment.
(28) "Manufacturer Take Back" means a program administered by a registered manufacturer that accepts CEWs from California sources for the purposes of recycling.
(29) "PBBs" mean Polybrominated Biphenyls
(30) "Processing log" means a record maintained by an approved recycler that records CEW activities associated with CEW cancellation, such as but not limited to weighing, dismantling, documenting ~~crushing, shredding~~, etc., as specified in Section 18660.21(b) of this Chapter.
(31) "Product Category" means the types of covered electronic devices as defined in Section 42463(e) of the Public Resources Code. These categories include, but are not limited to, the following:

(A) Cathode Ray Tubes (CRTs) devices used in televisions,
(B) CRTs devices used in monitors,

(C) Liquid Crystal Display (LCD) monitors,
(D) Laptop computers containing LCD screens,
(E) LCD televisions,
(F) ~~Gas p~~ Plasma display televisions, and
(G) Other video display devices as specified by the DTSC pursuant to Section 25214.10.1(b) of the Health and Safety Code.

(32) "Proof of ~~a~~Approval" means the status of an approved collector or approved recycler, as portrayed on the CalRecycle website, that is associated with the unique identification number ~~and expiration date,~~ issued by CalRecycle ~~that identifies a collector or recycler as being approved pursuant to this Chapter~~.

(33) "Proof of designation" means a letter or other document that must be secured by a designated approved collector from a California local government that, at a minimum, specifies the following information:

(A) The beginning and end dates of the designation.
(B) The geographic area within which the designated approved collector is providing CEW collection services for the local government and the locations(s) at which the collection service is provided.
(C) The customer type to be served by the designated approved collector (i.e. residential, commercial, etc).
(D) The nature of collections activities to be provided by the designated approved collector (i.e. drop-off receipt, curbside service, illegal disposal clean-up, etc).
(E) Contact information for the designating authority.
(F) If the proof of designation secured by the designated approved collector is a document other than a letter from the local government, the proof must also include the designated approved collector's written notification to the local government that such other document has been used. The written notification provided to the local government must be accompanied by a copy of the document being used to demonstrate designation.
(G) If, after January 1, 2005, and before the effective date of this regulation, a designated approved collector has secured a document from a local government that does not meet the definition of proof of designation as specified in this Section, such document may be used by a designated approved collector to comply with applicable requirements of this Chapter through March 31, 2006.

(34) "Receiving log" means a record maintained by an approved recycler that documents CEW transfers from approved collectors to the approved recycler.

(35) "Recovery payment" means the payment made by an approved recycler to an approved collector in exchange for the transfer of CEWs pursuant to Section 42477 of the Public Resources Code.

(36) "Recovery payment request" means an approved collector's request for recovery payment made to an approved recycler accompanying the transfer of CEWs.

(37) "Recycling payment" means the payment made by CalRecycle to an approved recycler that includes a recovery component related to recycler payments to collectors pursuant to Section 42477 of the Public Resources Code and a recycling component for CEW cancellation pursuant to Section 42478 of the Public Resources Code.

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

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(39) "Registered Manufacturer" means a manufacturer as defined in Section 42463(m) of the Public Resources Code who registers with CalRecycle pursuant to this Chapter and therefore may be eligible for manufacturer payments from CalRecycle.
(40) "Source-anonymous CEWs" means CEWs whose originating California source cannot be identified in collection log information required pursuant to Section 18660.20(j)(1)(B) of this Chapter.
(41) "Source documentation" means collection logs and other information developed, maintained and transferred pursuant to Section 18660.20(h) of this Chapter that demonstrates the eligibility, originating generator ~~and/~~or intermediate handlers of collected CEWs as applicable.
(42) "Standard Statewide Recovery Payment Rate" means the amount paid to an approved collector per pound of CEWs transferred to an approved recycler to cover the cost of collection, consolidation and transportation of CEWs as established pursuant to Section 42477 of the Public Resources code.
(43) "Standard Statewide Combined Recycling and Recovery Payment Rate" means the amount paid to an approved recycler per pound of CEWs cancelled and claimed to cover the cost of receiving, processing and recycling CEWs as established pursuant to Section 42478 of the Public Resources Code, and making recovery payments to approved collectors.
(44) "Transfer" or "Transferred" means physically changing possession of CEWs, such as a transfer from a California source to a collector or from a collector to a recycler.
(45) "Transfer documentation" means, for the purposes of this Chapter, records ~~and/~~or receipts that record the transfer of CEWs from an approved collector to an approved recycler, which include the weight, number, and source of the transferred CEWs, and the date(s) of transfer.
(46) "Treatment ~~r~~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. ~~In some cases, t~~ Treatment residuals may be used to demonstrate the ~~prior~~ processing of CEWs, and ~~bills of lading for~~ documentation demonstrating the subsequent movement or ultimate disposition of the ~~material~~ treatment residuals may be required as part of the claim for payment submitted by an approved recycler.
(47) "Ultimate Disposition" means, for the purposes of this Chapter, the consumption of a treatment residual into a manufacturing process or the disposal of a treatment residual at a permitted disposal facility. Storage of a treatment residual at a site of generation or at an intermediate facility, or accumulation of a treatment residual at a location prior to consuming or disposing, is not ultimate disposition.

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

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

§ 18660.6. Applicability and Limitations.

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

(1) An approved collector may request recovery payment only for the types of CEWs specified by DTSC that are transferred to an approved recycler by the collector.
(2) An approved recycler may claim recycling payment only for the types of CEWs specified by DTSC that are received from an approved collector and are cancelled by the recycler.
(3) A registered manufacturer may claim manufacturer payment only for the types of CEWs specified by DTSC that the manufacturer takes back for recycling.

(b) Limitations on the timeframes eligible for payments:
(1) An approved collector, an approved recycler, or a registered manufacturer shall not receive payment for any CEWs transferred from a California source before January 1, 2005.
(2) An approved collector shall not request recovery payments from recyclers for transfers that occur prior to the approval of the collector's application by CalRecycle.
(3) An approved recycler shall not claim recycling payments from CalRecycle for CEWs cancelled prior to the approval of the recycler's application by CalRecycle.
(4) A registered manufacturer shall not claim manufacturer payments from CalRecycle for recycling that occurs prior to the manufacturer's registration with CalRecycle.

(c) Limitations on the Sources of CEWs and CEWs eligible for payments:
(1) Only CEWs resulting from a California source are eligible for recovery, recycling, or manufacturer payments.
(2) CEWs owned by a person in California, but used entirely outside of California are not eligible for payments.
(3) Source-anonymous CEWs, documented pursuant to Section 18660.20(j)(1)(E) of this Chapter, are eligible for recovery and recycling payments if:
(A) The source-anonymous CEWs result from load check activities as defined in Section 18660.5(a)(25) conducted at permitted solid waste facilities whose operator is an approved collector or, if not an approved collector, the source-anonymous CEWs are directly transferred from the permitted solid waste facility to an approved collector; or
(B) The source-anonymous CEWs result from illegal disposal clean-up activities conducted by an approved collector who is a local government or its designated approved collector; or
(C) The source-anonymous CEWs result from illegal disposal on property owned or managed by an approved collector.
(4) CEWs are transferred to a designated approved collector are not eligible for payments unless the CEWs are accompanied by applicable source documentation pursuant to Section 18660.20(h) of this Chapter.

(d) Limitations on the ability of collectors and recyclers to charge a fee:
(1) If the recovery payment from a recycler does not fully cover the net cost of CEW recovery, and the collector establishes a cost-free opportunity for a California source to 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.

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(e) Limitations on recovery payments:

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

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

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

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

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

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

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

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

(f) Limitations on recycling payments:

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

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

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

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

(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 ~~recycling payments on exported CEWs and~~ the disposition of treatment residuals:

~~(1) CalRecycle shall not approve recyclers located outside the State. CEWs sent to and cancelled by unapproved recyclers are not eligible for payments pursuant to this Chapter regardless of the location of the unapproved recycler.~~

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~~(2) If treatment residuals are disposed to land, water or air, then a recycler shall not be eligible for recycling payments for the original CEWs unless the treatment residual is not economically feasible to recycle and/or cannot be recycled because it would pose a hazard to public health, safety or the environment.~~

(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.

(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 Division 4.5 of Chapter 23 of Title 22 of the California Code of Regulations.

(4) If any treatment residuals are disposed, an approved recycler shall ensure and be able to demonstrate that the disposal is compliant 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 demand demonstration of compliance or conformance with all laws associated with treatment residual shipment, initial destination, or ultimate disposition.

(i) Limitations on the manufacturer payment system:

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

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

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

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

(j) Limitations on recycling payments on exported CEWs:

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

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

Authority cited: Sections 40502, 42475(b) and 42475.2, Public Resources Code.
Reference: Sections 42472(b), 42475(a), 42476, 42477, 42478 and 42479, Public Resources Code.

§ 18660.7. Document Submittals.

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

(b) CalRecycle shall only accept collector, recycler or dual entity applications, claims and reports containing all the required information and bearing an original signature of the primary applicant, or all persons with signature authority as designated by the primary applicant pursuant to Section 18660.11 of this Chapter.
(c) CalRecycle shall only accept manufacturer registrations, claims and reports containing all the required information and bearing an original signature of the primary registrant, or a person with signature authority as designated by the primary registrant pursuant to Section 18660.35 of this Chapter.
(d) CalRecycle shall provide forms upon request that may be used to meet the requirements for the applications, registrations, and payment claims specified in this Chapter.
(e) A collector, a recycler, or manufacturer shall ensure that applications, registrations, claims, reports and all applicable supporting documentation are accurate, complete, and typed or legibly handwritten in English using permanent ink. A collector or a recycler may void errors only by using a single line through the error. A collector or a recycler shall not use correction fluid, correction tape or erasures for correcting errors on any document required by or submitted to CalRecycle.
(f) Any person, including but not limited to a handler, who provides documentation or information to an approved collector or an approved recycler that may be used by the approved collector or approved recycler pursuant to this Chapter shall not make a false statement or representation in the information or documentation provided.

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

§ 18660.8. Records.

(a) An approved collector, an approved recycler, or a registered manufacturer 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 and the unique identification number from the proof of approval, the complete present and potential future address of the location of the records~~, if applicable, and the names and telephone numbers of the individuals responsible for such records~~.
(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 shall maintain records for at least three years.
(e) An approved collector, an approved recycler, or a registered manufacturer shall maintain records that are originals, and typed or legibly handwritten in English.
(f) An approved collector, an approved recycler, or a registered manufacturer 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.

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(g) An approved collector, an approved recycler, or a registered manufacturer 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 ~~and/~~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.

§ 18660.9. Audits.
(a) CalRecycle, or persons authorized by CalRecycle, may conduct audits of approved collectors, approved recyclers, and 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, ~~and/~~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 a registered manufacturer shall provide CalRecycle staff, or persons authorized by CalRecycle, access to location(s) ~~and/~~or 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 rate 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 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.

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(e) An approved collector, an approved recycler 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 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.

§ 18660.10. Net Cost Report.

(a) To adjust the statewide 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.
(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.
(c) An approved collector or an approved recycler shall 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) ~~End-use~~ Treatment residual revenues, such as from commodity values.

(2) Costs in relation to CEW recovery or recycling including, but not limited to:

(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.

(d) An approved collector and approved recycler shall submit to CalRecycle a report on the net costs of recovery ~~and/~~or recycling for the prior calendar year, including:

(1) An annualized summary of the revenues, costs, and net cost (costs minus revenues) of CEW recovery ~~and/~~or CEW recycling based on the records maintained pursuant to Sections 18660.20(j)(3) and 18660.21(l)(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 and or load check.
(10) The signature and title of a person with signature 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 ~~and/~~or deny recycling payments for failure to submit a net cost report, or for the submission of a fraudulent report.
(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, an approved collector or an approved recycler may submit test results, studies or other information for CalRecycle to consider when the Standard Statewide Recovery Payment Rate ~~and/~~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 42464, 42475(a), 42476, 42477, 42478 and 42479, Public Resources Code.

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Article 2.1. Electronic Waste Payment System – Applications for Approval
§ 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 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 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, 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 of the contact person.
(5) Telephone number(s) of the contact person.
(6) An e-mail address of the contact person or organization, if available.
(7) List(s) of the persons (if any), in addition to the primary applicant, who are authorized to sign:
(A) Payment claims.
(B) Net cost reports.
(C) Other payment related correspondence with CalRecycle.
(8) An indication of whether the collector or recycler wishes to be included in an on-line registry.
(9) The location in which the records required by this Chapter will be maintained.

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

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§ 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 ~~and/~~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, ~~and/~~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(f)(2) 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."

(4) The name and signature of the primary applicant 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.

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

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§ 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 applicable requirements of ~~Chapter 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. 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 ~~and/or 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."

(7) The name and signature of the primary applicant who has the authority to sign and bind the recycler to this application.

(8) The date and location of application.

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

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

§ 18660.14. 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 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.

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

§ 18660.15. 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 ~~bearing a unique approval identification number will be provided~~ stating the type of approval granted:

(A) Approved collector, ~~and/~~or

(B) Approved recycler.

(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.

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

§ 18660.16. Approval Term and Applications for Renewal.

(a) An approved collector's approval remains valid for 2 years following the date of approval provided that the information in the ~~original~~ 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.

(b) An approved recycler's approval remains valid for 2 years following the date of approval provided that the information in the ~~original~~ 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.

(c) To renew approval, a collector or recycler shall ~~re-apply~~ reapply to CalRecycle on a biennial basis at least 90 calendar days prior to the expiration date of approval.

(d) If a collector or recycler fails to ~~renew~~ reapply for approval, after the expiration date all of the following conditions apply:

(1) The approval is expired and 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. ~~return any issued proof of approval to CalRecycle.~~

(e) An approved collector or an approved recycler may withdraw their approved application at any time via written notice to 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.

§ 18660.17. Prohibited Activities.

(a) CalRecycle may deny ~~a renewal~~ an application or revoke or suspend the approval of a collector or recycler 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 to submit to a DTSC inspection within any 12-month period.

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

(4) Failure to submit to CalRecycle audits as specified by this Chapter.

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

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

(7) ~~Altering the proof of~~ Misrepresenting an approval status.

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

(9) Fraudulently requesting a recovery payment.

(10) Fraudulently claiming a recycling payment.

(11) Submitting a fraudulent net cost report.
(12) Failure to secure, maintain ~~and/~~or transfer documentation as specified by this Chapter.
(13) Failure to notify CalRecycle of changes to information contained in the approved application.
(14) Making a false statement or representation in a 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.

(b) If CalRecycle denies an application ~~renewal~~ or revokes an approval for prohibited activities, all of the following conditions apply:
(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. ~~return any issued proof of approval to CalRecycle.~~

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

(d) If CalRecycle suspends an approval for prohibited activities, all the following conditions apply until CalRecycle determines that the cause for suspension has been remedied:
(1) The approval is temporarily invalid.
(2) The collector or recycler shall be ineligible for all payments set forth in this Chapter for recovery ~~and/~~or recycling activities conducted during the suspension of approval.

(e) An application for approval or renewal from a collector or recycler or an individual identified in the application who has a history 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 42474(e), 42475(a), 42476, 42477, 42478 and 42479, Public Resources Code.

§ 18660.18. Changes to Information Contained in an Approved Application.

(a) An approved collector or an approved recycler shall ~~reapply~~ notify ~~to~~ CalRecycle ~~for approval~~ in writing of changes to information contained in an approved application at least ~~90~~ 30 calendar days prior to the effective date of any proposed changes. ~~change taking effect, if one of the following changes may occur:~~
~~(1) A change in recovery, recycling or business practices that will prevent the approved collector or approved recycler from meeting the requirements of this Chapter.~~
~~(2) A change in recovery, recycling or business practices that will result in the breach of a certified statement on the application or in a prohibited activity as specified in Section 18660.17 of this Chapter.~~

(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. ~~In cases of notification after a change specified in subsections (1) or (2) in part (a) of this Section, CalRecycle may revoke the approval immediately or may require the collector or recycler to reapply for approval.~~

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

§ 18660.19. 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 shall appeal that decision and request 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.
(b) 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.
(c) The collector or recycler requesting a hearing must submit the appeal in writing and ensure that it is received by CalRecycle's main business office, to the attention of the Legal Office. The collector or recycler shall clearly mark the outside of the package containing the appeal with: "~~e-Waste~~ Covered Electronic Waste Application Appeal Enclosed".
(d) In an appeal, a collector or recycler shall include, at a minimum, all of the following:

(1) The collector's or recycler's name, mailing address, contact name and daytime telephone number.
(2) The type of approval: collector, recycler or both.
(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 of the basis for objecting to the denial, suspension or revocation.

(e) 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.
(f) 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 or CalRecycle staff. The hearing officer shall issue a written decision stating the factual and legal basis for the decision.
(g) CalRecycle will notify the collector or recycler 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
§ 18660.20. Requirements for an Approved Collector.

(a) Upon CalRecycle approval of its application, an approved collector may begin requesting recovery payments for CEWs documented and transferred to approved recyclers pursuant to the requirements of this Chapter after the approval.
(b) An approved collector shall comply with the requirements of this Chapter, including:

(1) Begin collection activities from California sources within 180 calendar days of approval. CalRecycle may revoke approval if a collector fails to begin collection activities within 180 days.

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

(c) An approved collector shall make reasonable efforts to determine if CEWs it collects are from California sources or from non-California sources and shall keep track of those materials separately. Reasonable efforts may include any of the following, but are not limited to:

(1) Posting signs and asking California sources.

(2) Conducting spot checks ~~and/~~or surveys.

(3) Checking for a valid California identification of a person, a California license plate on a vehicle, ~~and/~~or a bill of lading showing a California origin.

(4) Requiring additional documentation from California sources or collectors delivering large numbers of CEWs.

(5) Instituting measures to prevent CEWs from being dropped-off anonymously or illegally disposed at the approved collector's facilities or operations.

(d) An approved collector shall not request recovery payment for non-California CEWs.

(e) An approved collector shall determine if CEWs they transfer to recyclers have already been cancelled, and shall keep track of those materials separately.

(f) An approved collector shall not request recovery payment for previously cancelled CEWs.

(g) An approved collector shall provide the CalRecycle-issued proof of approval identification number when transferring CEWs to or requesting recovery payments from an approved recycler. If an approved collector, or its agent, fails to provide the unique identification number from the proof of approval, the approved recycler may deny recovery payment.

(h) An approved collector shall provide to any approved collector or approved recycler to whom it transfers CEWs information on the origin (California or non-California) and cancellation status of CEWs transferred, including but not limited to the following:

(1) Signed statement listing the sources(s) of the transferred CEWs as recorded pursuant to subsection (j) of this section.

(2) A copy(ies) of the applicable portions of the collection log specified in subsection (j) of this section that describe the collection activities that resulted in the transferred CEWs.

(3) Written description of any activity, such as storage, repair, refurbishment, resale, reuse, transfer, packaging ~~and/~~or consolidation, that explains any discrepancy between the CEWs transferred and the CEWs collected as recorded in a log specified in subsection (j) of this section.

(4) A copy of any applicable proof of designation specified in subsection (k) of this section associated with CEWs collected while acting as a designated approved collector for a local government.

(i) An approved collector shall operate in accordance with all Federal, State and local laws and regulations.

(j) In addition to the general record keeping requirements in Section 18660.8 of this Chapter, an approved collector shall maintain the following records:

(1) A collection log containing:

(A) For each collection activity or event that results in CEWs transferred to the approved collector, a brief written description of the collection activity or event, including the type of California sources targeted for collection, the date and location the activity or event occurred, the number of CRT CEWs or non-CRT CEWs collected, and an estimate of the weight of CEWs collected.

(B) Approved collectors that are not California local governments, nor entities acting as the designated approved collector for a California local government, shall maintain a list of all California sources who discarded the CEWs transferred to the approved collector, including the name and address of the California source and the number and type(s) of CEWs discarded by the California source.
(C) When receiving five (5) or more CEWs units discarded from a non-residential California source, an approved collector shall record the name of the non-residential organization, an address, a contact person and a telephone number.
(D) A list of other handlers and approved collectors who transferred CEWs to the approved collector in any month, including the name and address of the other handler and approved collector and the number of CEWs transferred and the sources of those CEWs as recorded pursuant to parts (A) and (B) of this Section.
(E) When collecting source-anonymous CEWs, all approved collectors shall:
1. Log the source-anonymous CEW collection activity separately.
2. Provide a brief written description of the activity or incident that resulted in the source-anonymous CEWs.
3. Record the date and location of the activity or incident, the number and an estimate of the weight of source-anonymous CEWs collected from the location of the activity or incident.
4. Record the name, organizational affiliation, address and phone number of a person responsible for the site of the activity or incident.

(2) Records of transfers by load to, and recovery payments from, approved recyclers, including:
(A) Inventory records that document the relationship between the CEWs received from all sources and the CEWs transferred to the approved recycler or to other handlers.
(B) Signed and dated receipts showing the number and weight of CEWs transferred. The approved collector shall identify and record each approved recycler using the name and identification number from the recycler's “proof of approval.”

(3) Records on the costs, revenues and net costs associated with the collection, transportation and disposition of all CEWs handled as specified in Section 18660.10 of this Chapter.

(k) An approved collector that is acting as a designated approved collector for a local government shall do the following:
(1) Secure proof of designation as defined in Section 18660.5(a)(33) of this of this Chapter.
(2) Provide a copy of the applicable proof of designation to another approved collector or approved recycler at the time CEWs are transferred from the designated approved collector to another approved collector or approved recycler.
(3) A designated approved collector shall be relieved only of the source documentation requirement specified by Section 18660.20(j)(1)(B) of this Chapter only for those collection activities that occur within the designation as specified in subsection k(1) of this section.

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

§ 18660.21. Requirements for an Approved Recycler.

(a) Upon CalRecycle approval of its application, an approved recycler may begin claiming recycling payments for CEWs received from an approved collector and cancelled after the approval.
(b) An approved recycler shall comply with the requirements of this Chapter, including:

(1) Begin CEW cancellation activities within 180 calendar days of approval. CalRecycle may revoke approval if a recycler 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.
(3) 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.
(4) 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, but not more than 90 days from the date of transfer.
(5) Cancel CEWs by one or more of the manners prescribed in Section 18660.32 of this Chapter.
(A) An approved recycler shall maintain a processing log that records the date, method of cancellation, and quantity in pounds of CEWs cancelled.
(B) An approved recycler 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 ~~end use~~ initial destinations or ultimate dispositions, as applicable.
(6) Submit recycling payment claims to CalRecycle as specified in Sections 18660.22 through 18660.31 of this Chapter.
(7) Submit to and obtain a DTSC inspection, within any 12-month period.

(c) Based on information supplied by approved collectors, an approved recycler 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 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 shall not claim recycling payments for non-California CEWs.
(f) Approved recyclers 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 shall not provide recovery payment to approved collectors for previously cancelled material.
(h) An approved recycler 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 shall operate in accordance with all Federal, State and local laws and regulations.
(k) An approved recycler shall:
(1) Be equipped with scales and be a weighmaster in accordance with Chapter 7 (commencing with Section 12700) of Division 5 of the Business and Professions Code.
(2) Measure, record and report weights in pounds and issue certified weights.

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(3) Weigh CEWs and~~/or~~ 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.

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

(1) A receiving log containing a brief written description of CEW transfers by load from approved collectors, the certified number of units and the 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/~~or owed to approved collectors, including signed and dated receipts showing the certified number of units and the certified weight of CEWs transferred.

(A) The approved recycler 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) Records for all bills of lading for treatment residuals including the following information:~~

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

(A) Date of shipment.

(B) Quantity 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 destination or ultimate disposition of the treatment residuals, as applicable.

(5) Records on the net costs associated with the disposition of all CEWs handled, the net costs of accepting the transfer of CEWs, the net costs of each cancellation method used, 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 42475(a), 42476, 42477, 42478 and 42479, Public Resources Code.

Article 2.3. Electronic Waste Payment System – Recycling Payment Claims
§ 18660.22. General Requirements for Recycling Payment Claims.

(a) An approved recycler shall submit all of the following general information in a claim for recycling payments from CalRecycle:

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(1) The full name, mailing address, and federal tax identification number of the recycler preparing the report.
(2) The name and phone number of a contact person for purposes of the report.
(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 ~~18660.23,~~ 18660.24~~,~~ and 18660.25 of this Chapter.
(6) The total monetary amount being claimed.
(7) The signature and title of a person with signature authority 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(c) derived from the claimed CEWs have been shipped off-site to an ~~end-use~~ 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 ~~and complete~~."
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.

(b) 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 ~~18660.23,~~ 18660.24 and 18660.25 of this Chapter, in a single recycling payment claim. An approved recycler 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 ~~end-use~~ initial destination authorized to receive and further treat or legally dispose of the treatment residual:

~~(A) CRT glass cullet if conducting CRT or CRT-containing CEW cancellation through crushing or shredding.~~

~~(B)~~ (A) Bare CRTs ~~if conducting CRT or CRT-containing CEW cancellation through dismantling to a bare CRT after relieving the vacuum~~.

(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.

~~(C) Gas plasma display glass cullet if conducting non-CRT-containing CEW cancellation through crushing or shredding.~~

~~(D) Bare gas plasma display panels if conducting non-CRT-containing CEW cancellation through dismantling to a bare panel.~~

(2) For each claimed ~~cancelled~~ non-CRT-containing CEWs, the recycler shall record and report the manufacturer name, model number, ~~serial number~~ and scale 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.

(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.

(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 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(l)(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 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~~, crushing or shredding~~ by date in pounds.

(D) The dates and destinations of all treatment residual shipments required prior to submitting a claim as specified in subsection (c) of this 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 ~~and/~~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 shall mark the outside of the package containing the claims clearly with "~~e-Waste~~ Covered Electronic Waste Claim Enclosed."
(f) An approved recycler 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 ~~18660.23,~~ 18660.24 ~~and~~ or 18660.25 of this Chapter. CalRecycle may return without payment any claim received more than 45 days after the end of the reporting month, as specified by Sections ~~18660.23,~~ 18660.24 ~~and~~ or 18660.25 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.
(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 ~~18660.23,~~ 18660.24 ~~and/~~or 18660.25 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) and 42475.2, Public Resources Code.
Reference: Sections 42475(a), 42476, 42477, 42478 and 42479, Public Resources Code.

§ 18660.23. RESERVED ~~Additional Requirements for Recycling Payment Claims to Demonstrate Cancellation of CRTs or CRT-Containing CEWs through Crushing or Shredding.~~

~~(a) In addition to the general information required in Section 18660.22 of this Chapter, an approved recycler shall include the information in this Section to claim recycling payments for canceling CRT-containing CEWs through crushing or shredding as specified in Section 18660.32 of this Chapter.~~
~~(b) An approved recycler shall base recycling payment claims on the weight of CRT-containing CEWs cancelled.~~
~~(c) An approved recycler shall submit a recycling payment claim within 45 calendar days of the end of a calendar month in which one or more shipments of CRT glass cullet were sent to an end use destination.~~
~~(d) The reporting month for a recycling payment claim pursuant to this Section is the month in which shipment(s) of CRT glass cullet were made.~~
~~(e) An approved recycler shall calculate the payment and include the calculation in a recycling payment claim specific to canceling CRT-containing CEWs through crushing or shredding as follows:~~

~~(1) The total weight of CRT-containing CEWs cancelled for the reporting month from which all treatment residuals specified in Section 18660.22(c)(1) of this Chapter have been shipped to an end-use destination authorized to receive and further treat 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 (e)(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 crushing or shredding 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 $0.49*~~

~~*Equals the payment claim for the reporting period: = $490.00 Total Claim*~~

~~(g) An approved recycler shall attach to the payment claim the following documentation from all shipments of CRT glass cullet made during the reporting period of a calendar month:~~

~~(1) Shipping reports to end-use destinations, including the names of the shipping recycler and the receiving end-use destination.~~

~~(2) The date of the shipment and the weight of the CRT glass cullet.~~

~~(3) Weight tickets of individual shipments of CRT glass cullet.~~

~~(4) Verification of post cancellation disposition, including:~~

~~(A) For shipments by sea, the proof of disposition to an end-use 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 disposition to an end-use destination shall include a receipt issued by the person receiving the shipment and any applicable bill of lading.~~

~~(C) For all shipments of CRT glass cullet, a discussion of the ultimate disposition of the material shipped demonstrating that the disposition is not disposal to land, water or air.~~

~~(h) In addition to the documentation required in subsection (g), an approved recycler shall attach to the payment claim a description and qualification 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 42475(a), 42476, 42477, 42478, and 42479, Public Resources Code.~~

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

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

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

(c) An approved recycler shall submit a recycling payment claim within 45 calendar days of the end of a ~~calendar~~ reporting month ~~in which one or more shipments of bare CRTs were sent to an end use destination~~.

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

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

(1) The total weight of CRT-containing CEWs cancelled from which all treatment residuals specified pursuant to Section 18660.22(c)(1) of this Chapter have been shipped off-site to an ~~end-use~~ 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 $0.49*
Equals the payment claim for the reporting period:	*= $490.00 Total Claim*

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

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

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

(3) Certified ~~W~~weights ~~tickets~~ 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 ~~disposition~~ transfer to an ~~end-use~~ 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 ~~disposition~~ transfer to an ~~end-use~~ initial destination shall include a receipt issued by the person receiving the shipment and any applicable bill of lading, manifest, etc.

(C) For all shipments of bare CRTs or CRT glass cullet, information pertaining to ~~a discussion of~~ the initial destination or the ultimate disposition of the material shipped ~~demonstrating that the disposition is not disposal to land, water or air~~.

1. All documentation necessary to demonstrate compliant material handling and shipment shall be included in the claim.

2. CalRecycle may demand additional documentation as necessary from an approved recycler to determine the legality of shipped material status.

(h) In addition to the documentation required in subsection (g), an approved recycler shall attach to the payment claim a description and ~~qualification~~ 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 42475(a), 42476, 42477, 42478, and 42479, Public Resources Code.

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

(a) In addition to the general information required in Section 18660.22 of this Chapter, an approved recycler shall include the information in this Section to claim recycling payments for canceling non-CRT-containing CEWs through dismantling to a bare panel ~~or crushing/shredding of the entire CEW~~ as specified in Section 18660.32 of this Chapter.
(b) An approved recycler shall base recycling payment claims on the weight of the cancelled non-CRT-containing CEWs.
(c) An approved recycler shall submit a recycling payment claim within 45 calendar days of the end of a ~~calendar~~ reporting month ~~in which it cancels non-CRT-containing CEWs~~.
(d) The reporting month for a recycling payment claim pursuant to this Section is the calendar month in which the approved recycler first cancels any of the non-CRT CEW being claimed ~~cancellation occurs~~.
(e) An approved recycler shall calculate the payment and include the calculation in a recycling payment claim specific to canceling non-CRT-containing CEWs through dismantling to a bare panel ~~or crushing/shredding of the entire CEW~~ as follows:

(1) The total weight of cancelled non-CRT-containing CEWs for the reporting month for which records specified in Section 18660.22(c)(2) of this Chapter have been established and maintained ~~from which all treatment residuals specified pursuant to Section 18660.22(c)(1) of this Chapter have been shipped to an end-use destination authorized to receive and further treat those treatment residuals~~. 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 cancelled non-CRT-containing CEWs, the recycler shall record and report the manufacturer name, model number, ~~serial number~~ and the scale weight of each device prior to cancellation.

(f) An example calculation for canceling non-CRT-containing CEWs through dismantling to a bare panel ~~or crushing/shredding of the entire CEW~~ 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 $0.49*
Equals the payment claim for the reporting period:	*= $490.00 Total Claim*

(g) An approved recycler shall attach the following documentation for all ~~shipments of circuit boards~~ bare plasma panels and lamps derived from non-CRT-containing CEWs ~~made~~ during the ~~reporting~~ claim activity period ~~of a calendar month~~:

(1) Shipping reports to ~~end-use~~ initial destinations, including the names of the shipping recycler and the receiving ~~end-use~~ initial destination.
(2) The accumulation start date(s) of the bare plasma panels or lamps shipped or stored ~~shipment and the weight of the circuit boards~~.
(3) ~~W~~ Certified weights ~~tickets~~ of individual shipments ~~of the circuit boards~~.

(4) Verification of post cancellation disposition, including:

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

(B) For other shipments, the proof of ~~disposition~~ transfer to an ~~end-use~~ 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 ~~circuit boards~~, a discussion of the ultimate disposition of the material shipped demonstrating that the disposition is ~~not disposal to land, water or air~~ compliant with applicable law and conforms with the approved recycler's conditions of authorization.

1. All documentation necessary to demonstrate compliant material handling and shipment shall be included in the claim.

2. CalRecycle may demand additional documentation as necessary from an approved recycler to determine the legality of shipped material status.

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

(h) In addition to the documentation required in subsection (g), an approved recycler shall attach to the payment claim a description and ~~qualification~~ 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 42475(a), 42476, 42477, 42478, and 42479, Public Resources Code.

§ 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 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 ~~and/~~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 18660.25 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.

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

§ 18660.31. Appeal of Denied or Adjusted Recycling Payment Claims.

(a) An approved recycler shall submit an appeal in writing and ensure that it is received by the CalRecycle main business office, to the attention of the Legal Office, ~~file a formal appeal by writing to CalRecycle~~ within 30 calendar days of the date of the notice denying or adjusting the claim. The recycler shall clearly mark the outside of the package containing the appeal with: "Covered Electronic Waste Claim Appeal Enclosed".

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

(c) An approved recycler shall include all of the following information in a written appeal:

(1) The recycler's name and identification number from its proof of approval.

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

(3) A copy of 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 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 recycler 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.

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Authority cited: Sections 40502, 42475(b) and 42475.2, Public Resources Code.
Reference: Sections 42474(e)(3), 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 Rate
§ 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 shall not use or propose cancellation methods that are inconsistent with any DTSC requirements for handling or otherwise processing CEWs.
(c) An approved recycler 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 crushing or shredding.~~
~~(2)~~ CRT or CRT-containing CEW cancellation through dismantling to a bare CRT after relieving the vacuum.
(*2*~~3) Cancellation of non-CRT-containing CEWs through crushing/shredding of the entire CEW.~~
~~(4~~) Cancellation of non-CRT-containing CEWs through dismantling to a bare panel.

(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 ~~180~~ 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 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, Public Resources Code.
Reference: Sections 42475(a), 42476, 42477, 42478 and 42479, Public Resources Code.

§ 18660.33. Standard Statewide Recovery Payment Rate.

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

(b) Beginning July 1, 2014, the Standard Statewide Recovery Payment Rate is $0.19 per pound.

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

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

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

(a) CalRecycle shall pay an approved recycler the Standard Statewide Combined Recovery and Recycling Payment Rate for the weight of CEWs 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, 2014 the Standard Statewide Combined Recovery and Recycling Payment Rate is $0.49 per pound.

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

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

Article 2.5. Electronic Waste Payment System – Manufacturer Payments
§ 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 primary applicant authorized to sign:
(A) Payment claims.
(B) Reports.
(C) Other payment-related documentation ~~and/~~or correspondence required by CalRecycle.
(7) Name of the employee or officer of the manufacturer (if any), in addition to the primary applicant, who is authorized to sign:
(A) Payment claims.
(B) Reports.
(C) Other-payment related documentation ~~and/~~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, ~~and/~~or other collectors.
(2) The type(s) of CEWs that the manufacturer may take back for recycling.

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(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."
(A) The name and signature of the primary applicant who has the authority to sign and bind the manufacturer to this application.
(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 with an original signature of the primary applicant. 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(b) and 42475.2, Public Resources Code.
Reference: Sections 42475(a) and 42476, Public Resources Code.

§ 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 the product categories defined in Section 18660.5(a)(31) 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~~/or~~ 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(b) and 42475.2, Public Resources Code.
Reference: Sections 42475(a), 42476 and 42479, Public Resources Code.

§ 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)(31).

(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 signature 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 CalRecycle 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 the product categories as defined in Section 18660.5(a)(31) 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:

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(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 ~~$6.00~~ $5.00*
	~~$600.00~~ $500.00
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 ~~$8.00~~ $6.00*
	~~$1600.00~~ $1200.00

Equals the payment claim for the claim period: ($~~6~~500.00+$1~~6~~200.00) = $~~22~~1700.00 Total Claim

(h) 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 "e-Waste Claim Enclosed."
(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. 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.
(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 and 42479, Public Resources Code.

§ 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 signature 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.

§ 18660.39. Appeal of Denied or Adjusted Manufacturer Payment Claims.

(a) A registered manufacturer may submit an appeal in writing and ensure that it is received by the CalRecycle main business office, to the attention of the Legal Office, ~~file a formal appeal by writing to CalRecycle~~ 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 ~~letter~~ from CalRecycle ~~on an adjusted payment or the date of the notice denying the claim~~ 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, 42476, Public Resources Code; and Sections 11400.20 and 11415.10, Government Code.

Article 2.6. Covered Electronic Waste Recycling Fee
§ 18660.40. Fee Amounts.

The covered electronic waste recycling fee paid by a consumer upon the purchase of a new or refurbished covered electronic device pursuant to Section 42464 of the Public Resources Code shall be the following amounts:

(a) On or after January 1, 2017, five dollars ($5), for each covered electronic device with a screen size of less than 15 inches measured diagonally.

(b) On or after January 1, 2017, six dollars ($6), for each covered electronic device with a screen size greater than or equal to 15 inches but less than 35 inches measured diagonally.

(c) On or after January 1, 2017, seven dollars ($7), for each covered electronic device with a screen size greater than or equal to 35 inches measured diagonally.

Note:
Authority cited: Sections 40502 and 42475.2, Public Resources Code.
Reference: Sections 42464, 42464.2 and 42464.4, Public Resources Code.

Article 3. Manufacturer Reporting
§ 18660.41. Reporting Requirements.

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

(a) 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.
(2) The information elements, as described in Section 42465.2 of the Public Resources Code and specified in Sections 18660.41(b) through (f), below.
(b) The sales reporting shall include:
(1) Data on the number of covered electronic devices sold in the state by product category.
(2) An explanation of the methodology used to estimate data.
(c) 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 product 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.
(d) Recyclable content reporting shall include:
(1) Estimates on the amount in tons of recyclable content materials (e.g., plastics, glass, and metals) contained in covered electronic devices;
(2) The increase from the previous year in the use of recyclable content materials; and

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

(e) 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.

(f) 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~~/or~~ email address of the retailer to which the notice was made.

(2) The list of covered products 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(a) through (e), above.

(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 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(b) through (f), above, is the individual responsibility of each manufacturer. A manufacturer may comply with the reporting requirements in subsections (b) and (c), 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(b) and (c), 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), 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(b) and (c), 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.

Authority cited: Sections 40502, 42475(b) and 42475.2, Public Resources Code.
Reference: Section 42465.2, Public Resources Code.

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Article 4. Consumer Information Required of a Manufacturer
§ 18660.42. Requirements.

A manufacturer shall do the following:

(a) Make the consumer information required by Section 42465.2(a)(2) of the Public Resources Code available in English and Spanish; and
(b) If a manufacturer uses a centralized database or Internet site to meet the requirement in (a), the manufacturer must maintain the databases or Internet site for their accuracy.

Authority cited: Sections 40502, 42475(b), and 42475.2, Public Resources Code.
Reference: Section 42465.2, Public Resources Code.

Article 5. Confidential, Proprietary and Trade Secret Information
§ 18660.43. Requirements.

The protection from disclosure of information or the disclosure of information submitted to CalRecycle by a collector, a recycler, or a manufacturer of covered electronic devices, pursuant to this Chapter, shall be governed by the standards adopted by CalRecycle found at Sections 17041 through 17046, of this Title.

Authority cited: Sections 40502, 42475(b) and 42475.2, Public Resources Code.
Reference: Sections 42465.2(c) and 42475(c), Public Resources Code

Article 6. Administrative Civil Penalties
§ 18660.44. Procedure for Imposing Civil Liabilities for False Statements or Representations.

(a) Administrative civil penalties authorized by Public Resources Code Section 42474(d) shall be assessed in accordance with the procedures set forth in this Section.
(b) The penalties shall be assessed as follows:
    (1) A "Minor" violation means first-time violations where the gravity of the violation is severe. The penalties for this type of violation would be no less than five hundred dollars ($500) and no more than four thousand dollars ($4,000).
    (2) A "Moderate" violation means subsequent or multiple violations. The penalties for this type of violation would be no less than four thousand dollars ($4,000) and no more than fifteen thousand dollars ($15,000).
    (3) A "Major" violation means violations that indicate a pattern and practice of noncompliance, or intentional violations. The penalties for this type of violation would be no less than fifteen thousand dollars ($15,000) and no more than twenty-five thousand dollars ($25,000).
(c) CalRecycle may consider any or all of the following when imposing an administrative civil penalty:
    (1) The nature, circumstances, extent, or gravity of the violation;
    (2) The value of the actual or potential economic benefit to the violator associated with the violation;
    (3) The amount of actual or potential harm to CalRecycle, financial or otherwise;
    (4) Any prior history of noncompliance with this Chapter, including but not limited to any prior violations of a similar nature;

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(5) Truthful and forthright cooperation during any relevant investigation, including but not limited to any measures taken by the violator to remedy the current violation or prevent future violations;
(6) The violator's ability to pay the proposed penalty;
(7) The deterrent effect that the imposition of the proposed penalty would have on the community as a whole and the violator; and
(8) Any other matters that justice may require.

(d) In any case in which it is determined that more than one person or entity is responsible and liable for a violation, each such person may be held jointly and severally liable for an administrative civil penalty.

(e) Prior to the issuance of an accusation, CalRecycle may issue a written notice of violation (NOV).
(1) The NOV shall allege with specificity the following:
(A) A description of the violation or violations;
(B) The potential penalty amount;
(C) The facts considered in determining the type of violation and potential penalty amount;
(D) The corrective action(s) to be taken by the violator; and
(E) An acknowledgement of receipt and review to be executed by the violator.
(2) The NOV and all accompanying documents may be served by certified mail.

(f) CalRecycle shall issue an accusation, as defined in Government Code Section 11503, seeking an administrative penalty or penalties pursuant to this Section. The accusation and all accompanying documents may be served by personal service or registered mail.

(g) Within fifteen (15) days after service upon the respondent of the accusation seeking any administrative civil penalty, respondent may request a hearing by filing a Notice of Defense pursuant to Government Code Sections 11505 and 11506. The request for hearing may be made by delivering or mailing the Notice of Defense to CalRecycle. Failure to file a Notice of Defense within fifteen (15) days of service of the accusation shall constitute a waiver of the respondent's right to a hearing and CalRecycle may proceed upon the accusation without a hearing.

(h) CalRecycle shall provide a hearing before the director or his or her designee, who shall act as hearing officer. At any time during the proceeding, before a decision is issued, CalRecycle and the respondent(s) may engage in settlement of the matter.

(i) The hearing officer shall consider the notice of violation (if applicable), the accusation, the Notice of Defense, and all other relevant evidence presented by CalRecycle and the respondent. The hearing officer shall specify relevant procedures to be conducted during the proceeding, which include but are not limited to, informing the parties as to whether the hearing officer will consider witness testimony, and whether there shall be written or oral arguments. The hearing officer shall issue a written decision stating the factual and legal basis for the decision within thirty (30) days of the hearing. If the hearing officer determines that any penalties are owed, the hearing officer shall include in the written decision the date payment of the assessed penalties shall be due and paid.

(j) The respondent's failure to comply with the hearing officer's written decision may be grounds for suspension or revocation of their status as an approved collector or approved recycler.

(k) Except as otherwise specified herein, the hearing shall be governed by the informal administrative hearing procedures in Chapter 4.5 of Part 1 of Division 3 of Title 2 of the Government Code, commencing with Section 11400. The hearing shall take place in Sacramento, California unless a location is otherwise specified by the hearing officer. If respondent wishes to request an alternate location, the respondent must make that request in the Notice of Defense and provide a justification of undue burden.

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(l) Penalties assessed in a hearing officer's decision may be in addition to any adjustments made pursuant to Section 18660.30 and may be offset by CalRecycle against any other amounts that are otherwise due to the respondent(s) for payment claims. In the event of settlement, the parties may agree to offset provisions in the settlement agreement.

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

§ 18660.45. Procedure for Imposing Civil Liabilities for Failure to Pay a Covered Electronic Waste Recycling Fee.

(a) The administrative procedure set forth in Section 18660.44(c)-(i) shall apply to any civil liability administratively imposed pursuant to Public Resources Code Section 42474(a).
(b) The hearing shall be governed by the informal administrative hearing procedures in Chapter 4.5 of Part 1 of Division 3 of Title 2 of the Government Code, commencing with Section 11400.

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

§ 18660.46. Procedure for Imposing Civil Liabilities for Failure to Comply with Requirements for Manufacturers.

(a) The administrative procedure set forth in Section 18660.44(b)-(i) shall apply to any civil liability administratively imposed pursuant to Public Resources Code Section 42474(c).
(b) The hearing shall be governed by the informal administrative hearing procedures in Chapter 4.5 of Part 1 of Division 3 of Title 2 of the Government Code, commencing with Section 11400.

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

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