

## **Update on California's Covered Electronic Waste Recycling Program Implementation of the Electronic Waste Recycling Act of 2003 (SB 20, Sher)**

**April 2011**

All program responsibilities of the former California Integrated Waste Management Board (CIWMB) have been transitioned to the Department of Resources Recycling and Recovery (CalRecycle)

### **Overview**

The Electronic Waste Recycling Act of 2003 (Act), as amended and as codified in the Public Resources Code (PRC) 42460, et seq, established a funding mechanism to improve and provide for the proper end-of-life management of certain hazardous electronic products. The program is funded through a fee paid by consumers of covered electronic devices (CED) at the time of retail purchase. Collected fees are remitted by retailers to the State and deposited in an account. Subsequently, payments are made to approved collectors and recyclers of covered electronic waste (CEW) to offset the net cost of appropriate waste recovery, processing, and recycling activities.

### **Intent of the Act:**

- Provide financial relief to responsible parties for managing covered electronic waste
- Foster cost-free recycling opportunities for consumers throughout the state
- Reduce illegal dumping
- Eliminate the stockpile of waste computer monitors/TVs
- Decrease amount of hazardous materials in covered products

### **Major Components of the Act:**

- Assesses an electronic waste recycling fee on retail sales of covered electronic devices (CED).
- Tasks the Department of Resources Recycling and Recovery (CalRecycle) with administering a payment system for collectors/recyclers to cover the costs of recovering/recycling CEW.
- Authorizes the Department of Toxic Substances Control (DTSC) to develop regulations for the proper management (storage, collection and recycling) of discarded electronic devices.
- Requires DTSC to adopt regulations, consistent with the European Union's Restriction of Hazardous Substances (RoHS) directive, limiting the concentration of hazardous metals in covered electronic devices offered for sale in California.
- Establishes certain manufacturer responsibilities: consumer information, brand labeling, annual reporting, product design for recycling, and reduction of hazardous materials

### **Covered Electronic Devices (CED)**

CEDs are video display devices that have been determined by the Department of Toxic Substances Control (DTSC) to be hazardous when disposed. Covered devices must have screens greater than four inches on the diagonal. Unless excluded by PRC 42463(f)(2), current covered devices include:

- Cathode Ray Tube devices
- Televisions and computer monitors containing cathode ray tubes (CRTs)
- Televisions and computer monitors containing liquid crystal displays (LCDs)
- Laptop computers w/ LCD screens
- Plasma televisions
- Personal portable DVD players w/ LCD screens

### **Revenue and Payment Status**

CalRecycle is charged with statutory obligations to adjust the consumer fee in order to maintain fund solvency.

***In July 2010, CalRecycle acted to lower the consumer recycling fee to original levels to reduce excess fund reserves. This change took effect January 1, 2011.***

## Annual Gross Revenue:

FY 09/10 ~ \$175M; FY 10/11 projected ~ \$81M; FY 11/12 projected ~ \$86M

- Consumers pay fee to retailers at time of new device purchase based on the screen size (*fee adjusted to \$6, \$8, and \$10 effective January 1, 2011*).
- Retailers remit collected fees to the Board of Equalization (BOE) at least quarterly.
- Retailers are allowed to keep 3% of fee for administration.
- Manufacturers are required to notify retailers regarding which products are subject to the fee.

## Covered Electronic Waste (CEW) Payment System (as of April 2011):

Approved Collectors: ~580

Approved Recyclers: ~55

- Growth in California's electronic waste collection and recycling infrastructure has been fostered by the Act and the CEW recycling payment system.
- Voluntary participants represent a diverse group: non-profits organizations, landfills, local governments and traditional e-waste collection and recycling businesses.
- Annual participant turnover of over 10% typical.
- DTSC inspections of recycling facilities and compliance with environmental standards are required for participant approval and eligibility to receive payments.
- The infrastructure to recover CEW also recovers substantial quantities of miscellaneous electronic waste not covered by the CEW payment system.

***CalRecycle pays approved recyclers; approved recyclers are required to pay collectors. The current combined recovery and recycling payment rate is \$0.39 per pound.***

## Payment Statistics to Date:

- Approximately 1,900 claims submitted to CalRecycle by recyclers for payment
- Approximately \$ 430 million (representing over **988 million pounds** of recycled covered electronic waste) have been claimed through the CEW payment system since January 2005
- Mean claim size: ~\$230,000; Median claim size: ~\$130,000

## Year to Year Comparison:

- 2005 total 225 claims submitted: \$31 M (~ 65 M pounds)
- 2006 total 298 claims submitted: \$61 M (~128 M pounds)
- 2007 total 351 claims submitted: \$89 M (~185 M pounds)
- 2008 total 411 claims submitted: \$96 M (~218 M pounds)
- 2009 total 315 claims submitted: \$73 M (~186 M pounds)
- 2010 thus far ~248 claims; ~\$ 73 M (~186 M pounds) – *May not be a complete year*
- 2011 thus far ~50 claims; ~\$ 8.7 M (~ 22 M pounds) – *Not a complete year*

***CalRecycle has denied between 1% and 12% of moneys claimed in the CEW system annually due to non-compliant or significantly inconsistent documentation. Current total payment denial of about \$20 million (5% of claimed) over life of program.***

## Compliance Assistance and Fraud Prevention:

- CalRecycle works closely with DTSC to enhance the material handling compliance and enforcement portion of the program. The departments have an existing MOU that delineates fraud investigation responsibilities.
- CIWMB worked with the Department of Finance to develop audit functions in the program. DOF auditors reviewed documentation protocols, provided suggestions and assistance to staff, and have participated in auditing cost reports submitted by the participants in the system.

## Current System Challenges

- CalRecycle must ensure that payment is made in a timely manner only for eligible and properly documented CEW; specifically through complete and verifiable payment claims, including appropriate source, collection, transfer, processing, and residual disposition documentation.
- The program must accommodate continued use (resale, reuse) as a possible destination for recovered CEW, but only pay for recycled CEW.
- The program must allow for certain instances of otherwise eligible (California-sourced) covered electronic wastes resulting from illegal abandonment and load check activities to enter the payment system while simultaneously not creating a portal for fraudulent activities.
- The use of “handlers” not directly approved in the CEW system by approved recyclers and collectors has exposed system participants to increased risk of falsified collection documentation.

## Future System Challenges

### Future CRT Glass Markets Uncertain:

- CRT glass managed under universal waste rules in CA has restricted options for ultimate disposition; feedstock to CRT manufacturing or feedstock to primary/secondary lead smelting.
- “Glass-to-glass” recycling has limitations since CRT technology is being replaced by flat screens.
- Smelter flux continues to be option; limited domestic destinations, higher cost.
- New options for CRT glass disposition are likely needed; industry must engage with DTSC.

### Non-CEWs: How to Manage Rest of E-waste Stream and Who Pays?

- Mixed e-waste (non-CEW) volumes are substantial and have little value.
- CEW collectors and recyclers are expected by consumers to handle mixed e-waste at no cost; most are able to accommodate.
- No State-level restrictions exist on wholesale export of miscellaneous e-waste; however substantial domestic processing and “de-manufacturing” is occurring.
- All e-waste handlers/processors are required to report activities, including exports, to DTSC.
- The Federal government must play a role to further limit/control international flow of miscellaneous electronic waste, if that is desired.

## Other Program Implementation Activities

### Regulations:

- Any CalRecycle adjustment to payment rates or fee structures is considered a regulation and requires adherence to the provisions of the Administrative Procedures Act.
- The Office of Administrative Law (OAL) approved CalRecycle “print only” filing on regulations to govern the recovery and recycling payment rates in June 2008.
- CalRecycle submitted emergency regulations affecting fee level changes in October 2008, with new fees effective January 1, 2009. It filed emergency regulations again in October 2010 based upon fee reduction decisions, with new fee levels taking effect January 1, 2011.

### Recent Legislation:

- At least four bills have been introduced in the current session pertaining to electronic waste management – AB 548; AB 583; AB 794; AB 960 (<http://www.leginfo.ca.gov/index.html>).
- Bills in recent legislative sessions to alter the definition of covered electronic devices and to grant funds to the Conservation Corp were withdrawn or redirected.

## Annual Net Cost Reporting

- Program participants must report annually on costs to handle and process CEWs if so directed by CalRecycle. This information is used to inform CalRecycle in fulfilling its obligation to adjust payment rates. These rates were originally set at \$.28 per pound to recyclers and \$.20 per pound to collectors, but are now set at \$.23 per pound to recyclers and \$.16 per pound to collectors.

- The California Integrated Waste Management Board (CIWMB) acted in November 2009 to require that reports be submitted to cover 2009 operations, which were due to CalRecycle on or before March 1, 2010. Data from these reports was used to maintain existing payments rates.
- CalRecycle determined in December 2010 that Net Cost Reports are again required from all participants covering 2010 operations. Those reports were due March 30, 2011.

**Public Education/Outreach**

- CalRecycle maintains a public oriented website ([www.eRecycle.org](http://www.eRecycle.org)) to inform the public on environmental matters associated with the management of electronic waste, including a directory of reuse and recycling opportunities throughout California.

**Other States and Federal Government:**

California is closely monitoring activity on the national level. Approximately two dozen other states have passed legislation, all taking more of a producer responsibility approach. As mentioned above, the largest program challenge -- ensuring payment only for California material -- would be minimized or eliminated by a national-level program. However, any national system should provide cost relief to local governments and not contradict the stringent hazardous waste/universal waste management standards adopted by DTSC. The Act specifically describes conditions under which under which a national program would preempt the implementation of the Act (Public Resources Code 42485 (a)).

**Outreach and Other Resources:**

- [www.eRecycle.org](http://www.eRecycle.org) is a consumer-friendly central website for information relating to the Electronic Waste Recycling Act. The site includes information on recycling locations, links to PSAs, and public education materials including downloadable point of purchase ads and banners.
- A list of approved covered electronic waste collectors and recyclers is available at: [www.calrecycle.ca.gov/Electronics/Act2003/Recovery/Approved/](http://www.calrecycle.ca.gov/Electronics/Act2003/Recovery/Approved/)
- The Board of Equalization website contains Frequently Asked Questions, registration information and registration forms. ([www.boe.ca.gov/sptaxprog/ewaste.htm](http://www.boe.ca.gov/sptaxprog/ewaste.htm))
- The Department of Toxics Substances Control website contains information on covered devices, hazardous waste management standards, and regulatory requirements. (<http://www.dtsc.ca.gov/HazardousWaste/EWaste/>)

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**\*Comments on Quarterly Claim Chart (Next Page)**

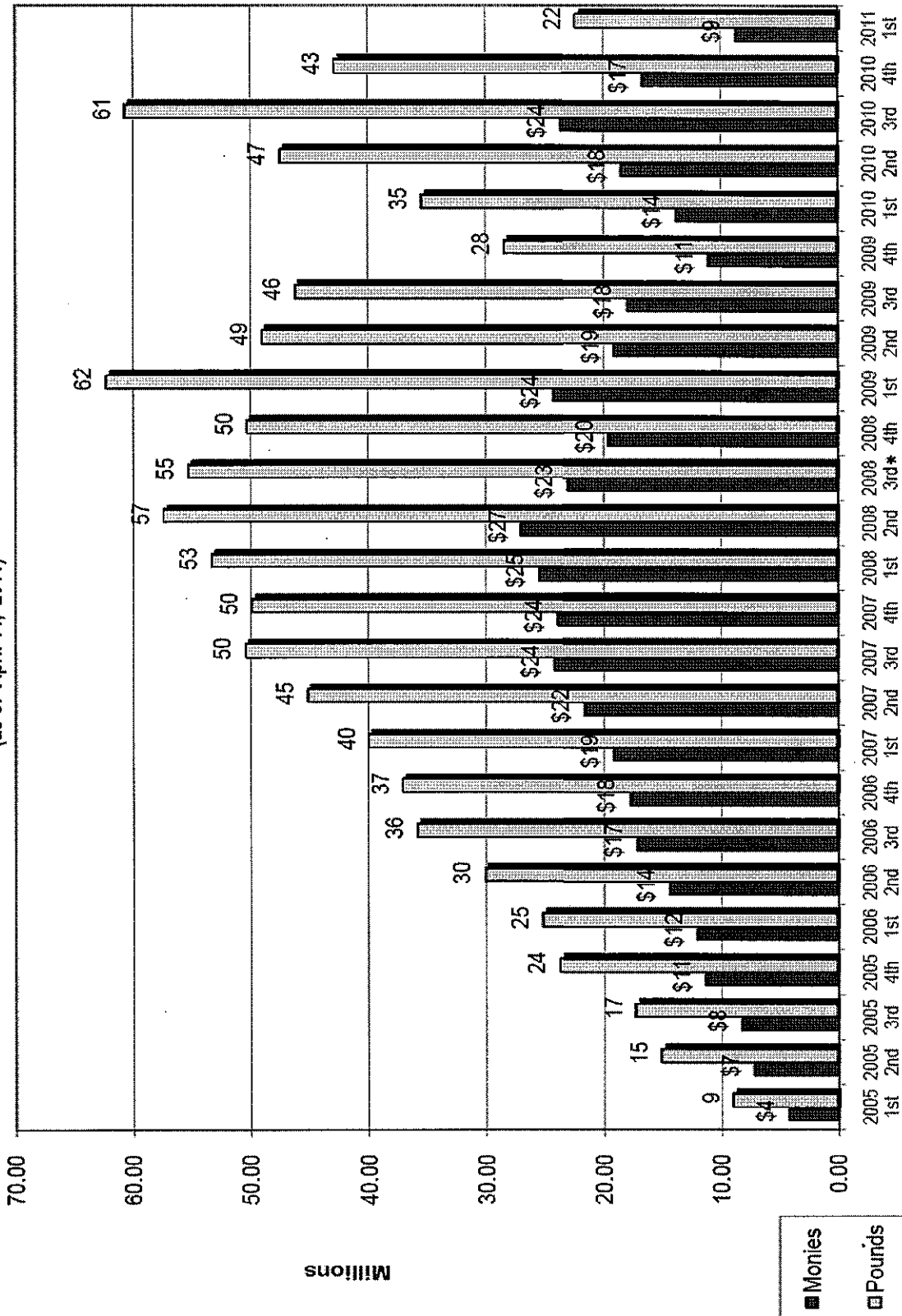
The depiction of claim volumes in the chart reflects the general growth of the program since its inception in January 2005. Factors affecting the fluctuating volumes in recent quarters include a lowered payment rate (effective July 2008), economic uncertainty, the digital television transition in first half of 2009, and the widespread availability of recycling opportunities over the past five years that may have cleaned out much of the available stockpile.

Recyclers must ship CRT glass to qualifying destination prior to submitting a claim. CRT glass market disruptions beginning October 2009 involving Mexican destinations dramatically impacted claim submittals beginning 4<sup>th</sup> quarter 2009. The industry is still recovering, and ongoing CRT glass market uncertainties may be impacting recyclers' ability to submit claims.

Recyclers are technically required to submit claims within 45 days of the end of a claim reporting month, which leads to a delay in the tracking of program volumes. For instance, February 2011 claims aren't technically due until approximately April 15, 2011. However, it is not uncommon for recyclers to incur conditions that delay a claim submittal.

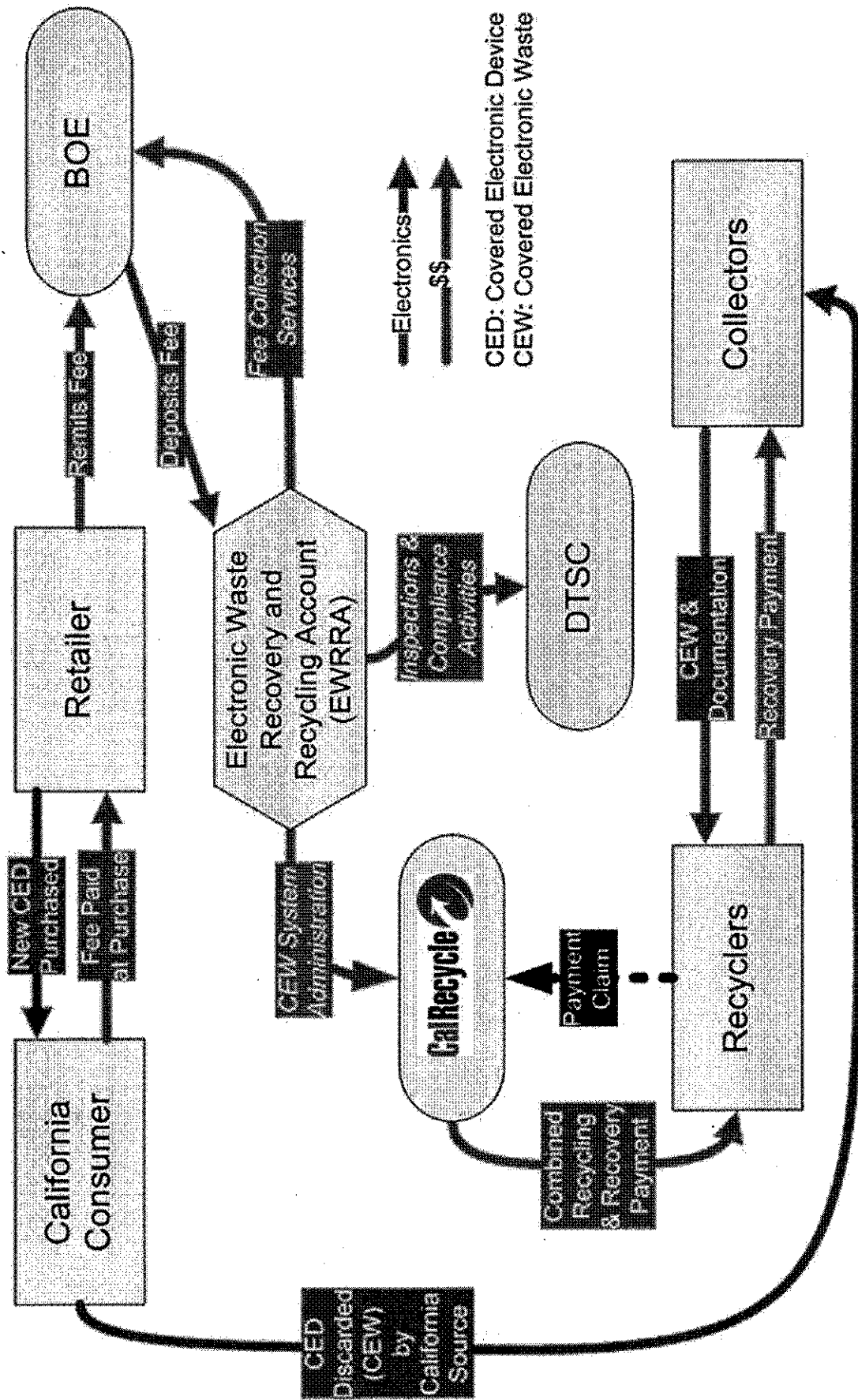
(\* See Chart Comments on Previous Page)

### Covered Electronic Waste Recycling Payment System Quarterly Monies and Pounds Claimed (as of April 14, 2011)



\* Change in the standard payment rate effective 3rd quarter 2008.

# Covered Electronic Waste (CEW) Recovery & Recycling Payment System



**Mary Pitto**

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**From:** EWaste@calrecycle.ca.gov  
**Sent:** Thursday, March 24, 2011 6:05 PM  
**To:** Mary Pitto  
**Subject:** California E-Waste Updates: Implementing the Electronic Waste Recycling Act

CalRecycle Electronic Product Management ListServ

March 24, 2011

Dear Electronic Waste Stakeholder:

This electronic newsletter is an update on the implementation of California's Electronic Waste Recycling Act of 2003 and other electronic waste (e-waste) management developments in California.

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In this issue:

E-WASTE STAKEHOLDER MEETING SCHEDULED FOR APRIL 19TH

REMINDER: NET COST REPORTS FOR CEW COLLECTION AND RECYCLING DUE

FOUR E-WASTE BILLS INTRODUCED

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#### E-waste Stakeholder Meeting Scheduled for April 19th ####

California's covered electronic waste (CEW) recycling program will be holding a stakeholder workshop on Tuesday April 19, 2011. The meeting will be held at the Cal/EPA Headquarters Building in Sacramento, and is currently scheduled to run from 9AM until 4PM.

The California Department of Resources Recycling and Recovery (CalRecycle) invites all interested parties to attend this meeting. Items to be discussed include a program update with statistics and an overview of recently introduced legislation. Program staff anticipates holding open dialog on topics such as regulatory priorities and evolving market conditions, notably the current status of cathode ray tube (CRT) glass recycling markets.

Representatives from the Department of Toxic Substances Control (DTSC) will also be in attendance to discuss issues within their jurisdiction.

More information can be found on the CalRecycle website at:  
<http://calrecycle.ca.gov/Calendar/EventDetail.aspx?ID=2742&DS=ACES>

#### Reminder: Net Cost Reports for CEW Collection and Recycling Due ####

This important reminder pertains to approved participants in California's covered electronic waste (CEW) recovery and recycling payment system.

All approved collectors and recyclers in California's CEW program who held an active status during calendar year 2010 should note that the annual Net Cost Report is due. This required report must summarize a participating organization's revenues and costs for CEW recovery and/or recycling activities conducted during calendar year 2010.

Completed reports may be transmitted to CalRecycle, either in mailed hard copy or via online submission, until March 31, 2011, without adverse consequence to the participant.

The online portal to submit the 2010 Net Cost Report electronically is now available. All Primary Authorized Signatories, as recorded in an organization's application to participate, should have received an invitation to access the online reporting system via email on Thursday, March 17. If you did not receive the email invitation to submit online, please contact Andrew Hurst ([andrew.hurst@calrecycle.ca.gov](mailto:andrew.hurst@calrecycle.ca.gov)) as soon as possible. Please note that reports will not be accepted via email.

More information on Net Cost Reporting is available at:  
<http://calrecycle.ca.gov/Electronics/Act2003/Recovery/NetCost/default.htm>

#### Four E-waste Bills Introduced ####

The 2011/12 California Legislative Session opened with the introduction of at least four bills intended to clarify or modify existing statute governing California's e-waste management practices. These include:

AB 549 (Carter) -- This bill would clarify covered electronic waste eligibility and the State's authority to review payment claims.

AB 583 (Knight) -- This bill would transfer certain duties, powers, and authority of the DTSC under the Electronic Waste Recycling Act to CalRecycle.

AB 794 (Wieckowski) -- This bill would also clarify covered electronic waste eligibility and the State's authority to review payment claims, as well as establish penalties for false documentation.

AB 960 (Lowenthal) -- This bill would revise requirements imposed on exportation of electronic waste and component parts.

Interested parties can follow developments on these and other bills through the Official California Legislative Information website:  
<http://www.leginfo.ca.gov/index.html>

Other Resources:

CEW Payment System Regulations:  
<http://calrecycle.ca.gov/Laws/Regulations/Title14/Chap08pt2/default.htm>

DTSC Universal Waste Electronics Handler Information:  
<http://www.dtsc.ca.gov/HazardousWaste/EWaste/>

Public Resources Code (PRC), Health and Safety Code (HSC), and other statutes:  
<http://www.leginfo.ca.gov/calaw.html>

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Please note that e-mail correspondence with the Department of Resources Recycling and Recovery (CalRecycle) related to e-waste management in general, and implementation of the Electronic Waste Recycling Act in particular, should be directed to [ewaste@calrecycle.ca.gov](mailto:ewaste@calrecycle.ca.gov)

Also note that an archive of past distributions of this newsletter is available at:



## Mary Pitto

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**From:** EWaste@calrecycle.ca.gov  
**Sent:** Thursday, April 07, 2011 6:09 PM  
**To:** Mary Pitto  
**Subject:** California E-Waste Updates: Implementing the Electronic Waste Recycling Act

CalRecycle Electronic Product Management ListServ

April 7, 2011

Dear Electronic Waste Stakeholder:

This electronic newsletter is an update on the implementation of California's Electronic Waste Recycling Act of 2003 and other electronic waste (e-waste) management developments in California.

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In this issue:

REMINDER: E-WASTE STAKEHOLDER MEETING APRIL 19TH

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Note: This e-waste stakeholder workshop should NOT be confused with the regular monthly public meeting of the California Department of Resources Recycling and Recovery (CalRecycle) scheduled for April 12, 2011.

Items to be discussed at the electronic waste workshop include program updates, an overview of recently introduced legislation, and debriefing on the most recent Net Cost Report cycle. Program staff anticipates holding open dialog on topics such as regulatory priority setting and evolving market conditions. A portion of the workshop will be dedicated to discussing the current status of cathode ray tube (CRT) glass recycling markets and exploring options to address this challenge.

Representatives from the Department of Toxic Substances Control (DTSC) will be in attendance to discuss issues within their jurisdiction.

More detailed workshop information will be posted closer to the meeting date on the CalRecycle website at:

<http://calrecycle.ca.gov/Calendar/EventDetail.aspx?ID=2742&DS=ACES>

Other Resources:

CEW Payment System Regulations:

<http://calrecycle.ca.gov/Laws/Regulations/Title14/Chap08pt2/default.htm>

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Also note that an archive of past distributions of this newsletter is available at:  
<http://calrecycle.ca.gov/Electronics/Act2003/Stakeholder/Updates/>

Thank you for your interest in shaping California's e-waste management future.

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To subscribe to or unsubscribe from the E-Waste listserv or other listservs, please go to <http://calrecycle.ca.gov/Listservs/>. For information on California's Electronic Waste Recycling Act of 2003 (SB 20) implementation efforts, as well as other relevant developments go to <http://calrecycle.ca.gov/Electronics/>.



# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



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## Unified Program Newsletter April 2011

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**Orange County Regional Computer Forensics Laboratory Opens for Business**
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- SWRCB    **Compliance of Non-connected BEI eSite Monitoring**  
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**CUPA Semi-Annual Reporting (Report 6)**  
**Biodiesel Variance Reporting**  
**Variances Issued by CUPA/PA**  
**Red Tag Semi-Annual Reporting**
- Cal EMA    None
- OSFM        **California Fire Code**

### California Environmental Protection Agency

#### **California Environmental Protection Agency 2009 Environmental Enforcement Report**

The California Environmental Protection Agency has released its annual 2009 Environmental Enforcement Report. This report was prepared by Cal/EPA, its underlying Boards, Departments and Office, and local and regional government enforcement partners.

This report meets the reporting requirements of California Government Code section 12812.2 and provides government regulators, legislators, the regulated community, non-governmental organizations and all Californians an overview of the mechanics of our complicated environmental law enforcement system.

To view the 2009 Cal/EPA Enforcement Report, please go to:  
<http://www.calepa.ca.gov/Enforcement/Publications/2009/default.htm>

#### **Orange County Regional Computer Forensics Laboratory (Orange County RCFL) Opens for Business**

The FBI and with local area law enforcement officials opened the Orange County Regional Computer Forensics Laboratory in a ribbon-cutting ceremony in Santa Ana, California on January 5, 2011. The Orange County RCFL is part of a national network of FBI-sponsored, full-service forensics laboratories and training centers devoted entirely to the examination of digital evidence in support of federal, state, and local criminal and terrorism investigations. RCFLs provide objective, expert digital forensics services to law enforcement, including court testimony. FBI-certified RCFL personnel strictly adhere to proven objective processes, procedures, and protocols to produce results that are repeatable and verifiable, two critical aspects in the proper practice of digital forensics. For more information see the FBI press release [Orange County RCFL Opens for Business](#) or go to Orange County RCFL site at [www.ocrcfl.org](http://www.ocrcfl.org).

to produce results that are repeatable and verifiable, two critical aspects in the proper practice of digital forensics. For more information see the FBI press release [Orange County RCFL Opens for Business](#) or go to Orange County RCFL site at [www.ocrcfl.org](http://www.ocrcfl.org).

### **APSA On-Line Training Course**

The California Health and Safety Code established the requirements for the California Aboveground Petroleum Act (APSA) in Chapter 6.67. Under APSA, before an inspector is permitted to conduct inspections at tank facilities regulated under APSA program, they are required to complete training and successfully pass an exam, which were developed by Cal/EPA. The San Diego County Certified Unified Program Agency (CUPA) has developed an on-line APSA Training Course that meets the training requirements of APSA and is consistent with the training course and exam developed by Cal/EPA. So if you have staff that needs to be trained as an APSA inspector, please have them go to the link below to sign-up for this training. [http://www.sdcounty.ca.gov/deh/hazmat/hmd\\_apsa\\_inspector\\_training.html](http://www.sdcounty.ca.gov/deh/hazmat/hmd_apsa_inspector_training.html)

### **DTSC – None**

### **State Water Resources Control Board**

#### **Compliance of Non-connected BEI eSite Monitoring**

UST owners/operators utilizing the non-connected BEI eSite leak detection monitoring system and equipment, which do not receive the necessary software updates, are required to complete one of the following: (1) Provide documentation to the local permitting agency that all available updates have been made to the BEI eSite leak detection monitoring system and equipment as needed (future updates, as they become available, must be made to remain in compliance), (2) connect the site to an appropriate monitoring center to allow continuous updates to occur, or (3) discontinue use of the BEI eSite monitoring system and install leak detection components that otherwise meet the requirements of Article 4, Section 2641(j) of the CCR as listed in Local Guidance Letter 113. Local permitting requirements will be applied as required to manage any change in the UST monitoring plan.

[http://www.waterboards.ca.gov/water\\_issues/programs/ust/tech\\_notices/esite032411.pdf](http://www.waterboards.ca.gov/water_issues/programs/ust/tech_notices/esite032411.pdf)

**UST Program Contact:** Cory Hootman ([chootman@waterboards.ca.gov](mailto:chootman@waterboards.ca.gov); (916) 341-5668).

#### **Matrix of Pipe Monitoring Applications Updated**

The "Matrix of Pipe Monitoring Applications" can be used to assist with identification of piping that complies with the independent testing requirements of California Code of Regulations, Title 23, section 2631(b). The Matrix of Pipe Monitoring Applications is based on information provided by the pipe manufacturers and reviewed by the State Water Board's UST Program staff. The matrix is available at the link below.

[http://www.waterboards.ca.gov/ust/leak\\_prevention/docs/matrix032311.pdf](http://www.waterboards.ca.gov/ust/leak_prevention/docs/matrix032311.pdf)

**UST Program Contact:** Laura Fisher ([lfisher@waterboards.ca.gov](mailto:lfisher@waterboards.ca.gov); (916) 341-5870).

#### **CUPA Semi-Annual Reporting (Report 6)**

For the July – December 2010 period, 93 CUPAs and PAs (95% of the 98 CUPAs/PAs) submitted semi-annual reports (Report 6, Title 27 regulations). Ten of 93 reports submitted were returned for corrections and 9 were resubmitted and accepted. Seven Report 6s were submitted after the due date and five agencies notified of not submitting the reports on time have not responded. The number of corrections requested was up from eight for the previous period and we still had agencies reporting SOC criteria the old way. Note the sum of the four SOC criteria (Items 4a – 4d) must equal the number of inspections reported in Item 4. Final numbers for USTs are still being processed. We appreciate your ongoing reporting efforts.

UST inspections for Significant Operational Compliance (SOC) totaled 6,709 compared to the previous period's 7694 inspections. Local agencies reported that 7.8% of inspected facilities were in SOC with release detection only, 14.6% were in SOC with release prevention only, 70.2% were in SOC with both release detection and release prevention, and 7.4 % had violations for both release detection and release prevention. The corresponding percentages from the last period were very close to the current at 7.9%, 15.5%, 69.7%, and 6.9% respectively. UPAs issued 54 Red Tags during this period compared to 68 previously.

As of December 31, 2010, there were 14,572 UST facilities, with 71 new facilities and 207 facilities closed during the last 6 months. There are 38,020 active and 128,294 closed petroleum USTs with 127 new tanks opened and 332 tanks closed this period. There are 2,069 active and 21,536 closed hazardous substance USTs, with 13 new and 53 closed this period. There were adjustments to UST databases, as agencies cleaned up their data. During the reporting period, adjustments by UPAs decreased the number of regulated facilities by 8, removed 18 petroleum USTs, and decreased the number of hazardous substance USTs by 22. Consequently, by the end of the period there were 223 less active petroleum USTs, 62 fewer active hazardous substance USTs, and 144 fewer UST facilities in operation

**UST Program Contact:** Terry Snyder (tsnyder@waterboards.ca.gov; (916) 341-5385)

### **Biodiesel Variance Reporting**

Biodiesel variances were reported along with the semiannual Report 6 for the July - December 2010 reporting period. During this period Biodiesel blends up to B5 no longer require a regulatory variance, as B5 was determined to meet testing and evaluation requirements. We have contacted all 20 CUPAs who issued variances totaling 54, and found 10 were for B5 and have been withdrawn. Another 5 variances for > B5 were withdrawn during this period. Total biodiesel variances for > B5 still in effect are 39. The number of variances for this period is shown below along with a breakdown by CUPA. 93 CUPA/PAs submitted their Biodiesel Variance report.

- a. Number of variances issued for the storage of biodiesel = 7 (by 5 CUPAs) compared to 16 and 6 last period. Total biodiesel variances issued to date = 54.
- b. Number of variances withdrawn for the storage of biodiesel = 15 and
- c. No biodiesel variances issued = 78 CUPA/PAs

### **Variances Issued by CUPA/PA**

The following cities issued variances: Gilroy(1) and Mountain View (1). The following counties issued variances: Humboldt (1), San Francisco (3), and Santa Clara (1).

**UST Program Contact:** Terry Snyder (tsnyder@waterboards.ca.gov; (916) 341-5385)

### **Red Tag Semi-Annual Reporting**

For the July - December 2010 semi-annual period, 17 CUPA/PAs issued 54 Red Tags compared to 20 and 68 last period. [Counties of: Humboldt(1), Kern(2), Los Angeles (16), Merced (2), Mono(2), Monterey(2), Nevada(1), Placer (3), San Bernardino (6), San Joaquin(2), San Luis Obispo (3), Santa Barbara (4), and Shasta(1)] [Cities of Bakersfield (2), Healdsburg(1), Los Angeles (1), and Pasadena (5).

The specific violations cited were as follows:

- 1) 6 violations for conditions at the UST facility threatening to cause a liquid release (Ch. 16, Sec. 2637)
- 2) 15 violations for conditions at the UST facility impairing the ability to detect a leak [Ch.16, Sec. 2636(f)(2)]
- 3) 33 violations for a chronic violation or recalcitrant facility operator/owner.

**Please note when reporting Red Tags, list the total number of Red Tags affixed-not the number of facilities subject to Red Tags.**

**UST Program Contact:** Terry Snyder (tsnyder@waterboards.ca.gov; (916) 341-5385)

**California Emergency Management Agency - None**

**Office of the State Fire Marshal**

**California Fire Code**

For a free online version of the 2010 California Fire Code (California Code of Regulations, title 24, part 9), visit the website at <http://publicecodes.citation.com/st/ca/st/b300v10/index.htm>



# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



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## Unified Program Newsletter May 2011

### IN THIS ISSUE:

#### Cal/EPA

**Cal/EPA Unified Program Bulletin on PA to CUPA Electronic Reporting Relationship**  
**Cal/EPA Unified Program Policy Memo for Lead Acid Battery Inventory Reporting-Guidance and Template**  
**Most Frequent Deficiencies in Annual Summary Reports**

DTSC        None

SWRCB      None

Cal EMA     None

OSFM

California Fire Code

### California Environmental Protection Agency

#### **Cal/EPA Unified Program Bulletin on PA to CUPA Electronic Reporting Relationship**

Assembly Bill 2286 (2008, Feuer) went into effect January 1, 2009, and requires all businesses and local government agencies regulated under the Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Program) to use Internet to file Unified Program information. All regulated businesses and local government agencies in the State of California must use the internet to file by January 1, 2013. To establish the long term electronic information reporting relationship between the California Environmental Protection Agency (Cal/EPA), the CUPAs and PAs, Unified Program sent a bulletin (1011-01) to all Unified Program Agencies. It is now also posted on Unified Program website, [http://www.calepa.ca.gov/CUPA/Bulletins/2011/April8\\_01.pdf](http://www.calepa.ca.gov/CUPA/Bulletins/2011/April8_01.pdf).

#### **Cal/EPA Unified Program Policy Memo for Lead Acid Battery Inventory Reporting – Guidance and Template**

Cal/EPA Unified Program oversees six hazardous waste and materials programs administered by state and local agencies (<http://www.calepa.ca.gov/CUPA/About.htm>). The Hazardous Materials Release Response Plans and Inventories (HMBP) is one of the six programs. A policy Memo has been sent to all Unified Program Agencies by Cal/EPA Unified Program for Lead Acid Battery Inventory Reporting. The purpose of this memo is to establish a uniform inventory form and reporting format for lead acid batteries at hazardous materials businesses that California Environmental Protection Agency (Cal/EPA), local Certified Unified Program Agencies (CUPAs), and regulated businesses will be able to use to ensure that critical information about lead acid batteries is consistently collected and reported.CUPAs. The policy memo (UP-11-03) is now posted on Unified Program Website, <http://www.calepa.ca.gov/CUPA/Bulletins/2011/April28.pdf>.

#### **Most Frequent Deficiencies in Annual Summary Reports**

Another year has nearly passed and CUPA's will be preparing their Annual Summary Reports for FY 2010/2011 to be submitted by September 30, 2011. The most frequent CUPA deficiency being observed during the triennial CUPA

evaluations is "not accurately reporting information on the Annual Summary Reports". Cal/EPA recently published a CUPA Self-auditing and Reporting Guidance Document available on line at: <http://www.calepa.ca.gov/CUPA/Assistance/> or <http://www.calepa.ca.gov/CUPA/Documents/SelfAuditing.doc>.

CUPA's are encouraged to review this document for tips and guidance for completing the Annual Summary Reports, as well as their annual Self-audits, and annual review and update of the CUPA's Inspection and Enforcement Plans (I&E Plans). However, in this article, we would like to briefly address the most frequent deficiencies within the Annual Summary Reports, in descending order of occurrence.

**Report 4:**

"No. of Informal Enforcement Actions": Informal enforcement actions include any action that notifies the regulated business of its non-compliance and establishes an action and a date by which that non-compliance is to be corrected. Informal actions do not impose sanctions. Therefore, this column must include ALL summaries of violations and/or notices to comply (inspection reports with violations) and notices of violation. It should also include in re-inspections (with or without fees), letters, phone calls or office hearings relating to enforcement or verification of compliance of any outstanding violations. CUPAs should also review the enforcement section of their I&E Plans.

"No. of Formal Actions": Formal enforcement actions include any action that mandates compliance and initiates a civil, criminal, or administrative process resulting in an enforceable agreement or order. Therefore, this column must include a total of ALL AEO's (local and otherwise – "Total Number of AEO's") and ALL ("Total Number") of referrals. However, it should also include any action that imposes a penalty, including "Red Tags", permit revocation, facility closure and quarantines. CUPAs should also review the enforcement section of their I&E Plans.

**Report 3:**

Column 2, No. of Regulated Businesses Inspected in each Program Element: This is the "the number of businesses" that received ANY kind of an inspection during the year.

Column 3, Number of Routine Inspections: A routine inspection is a regularly scheduled inspection to evaluate compliance pursuant to one or more program elements. They are the inspections intended to meet the mandated inspection frequency for each program element and includes a complete inspection for compliance with the requirements of the program element.

**Report 2:**

The key for Report 2 is that the surcharges billed should closely match the numbers of businesses (total regulated, CalARP and UST) multiplied times the appropriate surcharge. While opening of new businesses, closing of businesses, and the billing cycle within a year will cause some fluctuations and inconsistency in the numbers, they should be relatively close and deviation should be explainable. The total collections remitted to the State should match what was actually submitted to the state (obtained from state database and/or CUPA Report 1's and copies of checks).

Any discrepancies in the reports should be noted as footnotes on the reports, or within the CUPA's Self-audit Report for that fiscal year. If a CUPA still has any questions, they should contact their Cal/EPA Unified Program staff contact.

**DTSC - None**

**State Water Resources Control Board - None**

**California Emergency Management Agency - None**

**Office of the State Fire Marshal**

**California Fire Code**

For a free online version of the 2010 California Fire Code (California Code of Regulations, title 24, part 9), visit the website at <http://publicecodes.citation.com/st/ca/st/b300v10/index.htm>



## Mary Pitto

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**From:** LAMD@calrecycle.ca.gov  
**Sent:** Monday, April 25, 2011 6:01 PM  
**To:** Mary Pitto  
**Subject:** 2011 Waste Reduction Awards Program Now Accepting Applications

CalRecycle Local Jurisdiction Interested Parties

CalRecycle Local Jurisdiction Interested Parties

CalRecycle Local Jurisdiction Interested Parties

2011 Waste Reduction Awards Program (WRAP) Application cycle: April 22 - June 22, 2011

California businesses and nonprofits are encouraged to showcase their voluntary waste reduction, recycling, and resource conservation efforts by applying for recognition in the California Department of Resources Recycling and Recovery (CalRecycle) 2010 Waste Reduction Awards Program (WRAP). The WRAP program was established in 1993 and honors California businesses and nonprofit organizations for demonstrating innovation and leadership in waste prevention, recycling and composting, procurement, and education within their business practices.

K-12 private schools, and businesses and private nonprofit organizations with California facilities are eligible to apply. Local, State, and federal government entities - for example, city and county agencies, K-12 public schools, State Universities, and military establishments - are not eligible. Applicants must be in current compliance with all applicable solid waste regulatory programs. Previous applicants and winners are encouraged to apply.

WRAP applications will be accepted April 22, 2011 through June 22, 2011. The application is available online at <http://www.calrecycle.ca.gov/wrap>. For more information, please call (916) 341-6199, or contact the WRAP Program Coordinator at [wrap@calrecycle.ca.gov](mailto:wrap@calrecycle.ca.gov).

2011 Waste Reduction Awards Program (WRAP) Application cycle: April 15 - June 15, 2011

What are the WRAP awards?

The Waste Reduction Awards Program (WRAP) began in 1993. It is administered by the California Department of Resources Recycling and Recovery (CalRecycle - formerly by the CIWMB). WRAP provides an opportunity for California businesses and nonprofit organizations to gain public recognition for their outstanding waste reduction efforts and lets the community know your business takes waste reduction seriously. WRAP also provides businesses with examples of successful waste reduction techniques, which they may adopt as their own.

All businesses and private nonprofit organizations with California facilities are encouraged to apply for an annual WRAP award. Each business will be evaluated individually, based upon its own accomplishments. Award winners receive authorization to use the WRAP winner logo with their products, advertising, and business websites to publicize waste reduction efforts. All application information should be regarding the 2009 calendar year.

Last year we had over 250 WRAP Winners that reported diverting over 2 million tons of material from the landfill, and also reported over \$180 million in operational savings resulting from this diversion!

We would like your help in promoting this year's WRAP cycle.

How does WRAP relate to the RMDZ program?

- \* Manufacturers that win WRAP awards may also be interested in using recycled feedstock.
- \* Other WRAP winners may be potential markets for RMDZ business products.
- \* RMDZ Businesses may be interested in applying for the WRAP program.
- \* WRAP Winners may be willing to help promote the RMDZ program to their local suppliers.
- \* RMDZ Businesses may help in promoting the WRAP Program.

What does a business need to do to win a WRAP award?

The business must actively practice some sort of Waste Prevention, Recycling and/or Composting, Recycled Product Procurement, and Education in some or all of these programs within their daily business practices, not necessarily as their primary business. For example: a recycling company can apply, but the recycling they do for others as a company would not qualify for the application. Recycling they do in their own offices in their daily business would. All kinds of companies can apply.

For more information, please see [www.calrecycle.ca.gov/wrap](http://www.calrecycle.ca.gov/wrap).

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## Reducing Greenhouse Gas Emissions through Recycling and Composting

You are probably already aware that recycling and composting provide many environmental benefits. But did you know that diverting recyclable and compostable materials from the waste stream can lead to significant greenhouse gas (GHG) emissions reductions? In fact, within California, Oregon, and Washington, recycling or composting many of the commonly found items in the disposed waste stream could reduce GHG emissions by more than 32 MMTCO<sub>2</sub>e\* the equivalent of taking 6.3 million cars off the road for a year.

We are pleased to share this finding from a new report, "Reducing Greenhouse Gas Emissions through Recycling and Composting," produced by the West Coast Climate and Materials Management Forum, an EPA-led partnership of western city, county, state, and tribal governments. The full report is available online at [http://www.epa.gov/region10/pdf/climate/wccmmf/Reducing\\_GHG\\_s\\_through\\_Recycling\\_and\\_Composting.pdf](http://www.epa.gov/region10/pdf/climate/wccmmf/Reducing_GHG_s_through_Recycling_and_Composting.pdf)

This landmark study identifies the top ten materials in California, Oregon, and Washington with the greatest potential for reducing GHG emissions if diverted from landfill disposal through recycling and composting. The analysis, carried out using EPA's Waste Reduction Model (WARM) and statewide disposal characterization data, reveals that there are common materials in all three states that promise the greatest emissions reduction potential. These four priority material categories include: carpet</b>, core recyclables, \*\* dimensional lumber, and food scraps.

Although recycling is an established practice in many West Coast communities, this report shows that further progress can be made by diverting greater quantities of materials currently recycled or composted, and by establishing new programs for materials such as carpet and dimensional lumber. The report offers current information about successful and innovative local programs, and resources to help you reach your goals. Approaching recycling and composting from a climate perspective challenges many of our assumptions. We hope that the report stimulates new thinking and help you find new directions in your work.

This report shows that recycling and composting also contributes significantly to the green economy. Recycling or composting just half of core recyclables and food scraps currently in the three-state waste streams would yield almost \$1.6 billion in additional salaries and wages, \$818 million in additional goods and services produced, and \$309 million in additional sales across the West Coast.

At a time when limited resources are available for meeting multiple urgent policy goals, programs that focus on recycling and composting these priority material types can deliver emissions reductions and contribute to climate action goals, while producing other more widely accepted benefits such as resource conservation, cost savings, job creation and economic development. *In the future, the Materials Management*

*committee will be looking at alternative methods to increase the diversion of these target materials. The committee will be looking at product stewardship systems and deposits or other incentives, systems in wide use in other countries, to encourage greater diversion and return of these valuable resources.*

We hope you find this report interesting. Please share it with your colleagues and tweet about your favorite facts. For more information, or to learn about how to become involved in the Forum, contact Ashley Zanolli at EPA Region 10, [zanolli.ashley@epa.gov](mailto:zanolli.ashley@epa.gov) or (206) 553-4425.

Thank you for your support and for your positive contribution to climate change mitigation and the green economy through advancement of product stewardship.

Sincerely,

Bill Smith, City of Tacoma Solid Waste Management Division and John Davis, Mojave Desert and Mountain Recycling Authority

On behalf of the West Coast Climate and Materials Management Forum and U.S. EPA Regions 9 and 10