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OF

INTEREST



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



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ENVIRONMENTAL PROTECTION

ARNOLD SCHWARZENEGGER
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Unified Program Newsletter September 2009

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California Environmental Protection Agency

Opinion of Edmund G. Brown

The Honorable Marshall Rudolph, County Counsel, County of Mono, has requested an opinion on the following question:

Is the California Department of Transportation obligated to pay the fees adopted by a Certified Unified Program Agency under the Unified Hazardous Waste and Hazardous Materials Management Regulatory Program?

Conclusion

The California Department of Transportation is obligated to pay fees adopted by a Certified Unified Program Agency under the Unified Hazardous Waste and Hazardous Materials Management Regulatory Program.

For the full opinion, please go to: <http://aq.ca.gov/opinions.php>

Annual Summary Reports Due to the Secretary by September 30, 2009

The Unified Program Section would like to remind the Certified Unified Program Agencies (CUPAs) that Summary Reports 2 through 4 are due to the Secretary by September 30, 2009, in accordance with the California Code of Regulations, Title 27, section 15290(a)(1-3). Please note that Cal/EPA will be accepting reports ONLY in the new forms (Reports 3 and 4) which may be found on Cal/EPA's website at www.calepa.ca.gov/CUPA/Publications. Data from these reports are used by the State and Federal agencies for a variety of purposes, including CUPA evaluations.

For questions or comment, please contact Farida Islam at fishlam@calepa.ca.gov.

Business Plan and California Fire Code Program Dispute Resolution

On March 30, 2009, the Department of Defense (DoD) Regional Environmental Center (REC) for U.S. EPA Region 9 submitted a formal position to Cal/EPA covering Cal/EPA's regulatory authority regarding oversight and the subsequent assessment of fees at DoD facilities for the state's Business Plan and California Fire Code programs. DoD restated its ongoing position that Executive agencies are not legally authorized to expand the scope of sovereign immunity waivers beyond that which Congress has directed, which includes payment of fees. They further stated that DoD is not able to enter into any cooperative administrative agreements that would resolve the differences between federal and state regulatory authorities to provide for hazardous materials inventory reporting and emergency response planning to address the federal and State programs.

Cal/EPA has determined the following course of action for Cal/EPA and CUPAs that currently regulate DoD facilities in which a federally owned and operated DoD facility challenges the state's and local government authority to regulate them under the Business Plan and California Fire Code programs:

1. Cal/EPA will require federal DoD facilities that contest the state's authority regarding compliance with the Business Plan and California Fire Code programs to provide the CUPA a written declaration to that fact. Cal/EPA accepts DoD's March 30, 2009, letter, subject: California Business Plan Program, as meeting this requirement.
2. Upon receiving written declaration from a federal DoD facility, the CUPA will notify the facility that they shall be removed from the program oversight for business plan activities and their UPCF permit will be modified accordingly. A written declaration may be a notice of refusal to pay fees based on the lack of a waiver of sovereign immunity.
3. The CUPA shall submit a notification in writing to Cal/EPA Unified Program Section that the CUPA is revising the scope of its local program to remove the DoD facility from the Business Plan and California Fire Code program oversight.
4. Cal/EPA will notify U.S. EPA Region IX of DoD facilities that are not covered as part of the State's hazardous material reporting and management programs and request that U.S. EPA assume responsibility for the oversight of those facilities for compliance with federal law.
5. Cal/EPA will post on the Unified Program website a list of those DoD facilities that are not covered by the Business Plan and California Fire Code programs as public information.

While this bulletin is in effect Cal/EPA will not find a CUPA deficient in program implementation for failure to collect the associated program and general oversight surcharge fees from DoD facilities that dispute the state's authority to regulate the Business Plan and California Fire Code programs and that are in accordance with the provisions above. CUPAs must continue to enforce HWM, UST, CalARP and AST programs under the Unified Program at DoD facilities and to take appropriate action to collect environmental program and surcharge fees.

To view the full bulletin, go to http://www.calepa.ca.gov/CUPA/Bulletins/2009/0809_01.pdf

Electronic Reporting Update

The conversion of Unidocs Hazardous Material Online Input Project (Unidocs HMOIP) to the California Environmental Reporting System (CERS) is almost complete. Two dozen government and business testers statewide have been testing the online application for over a week. The CERS application is expected to go live toward the end of September and all current Unidocs HMOIP Users will have their data moved into CERS at that time. Cal/EPA is working with all Unified Program Agencies (UPAs) on the three year implementation plan that will move businesses and UPAs to electronic reporting by 2013. The Electronic Reporting web page of the Unified Program site, www1.calepa.ca.gov/CUPA/EReporting/, is updated often. Be looking for Bulletin #4 in about a week and check in to see the "Support and Help Guide for UPA Implementation of CERS" in the next week also. Additionally, check back to the site in about two weeks for the results of the recent UPA Survey update.

Department of Toxic Substances Control – None

State Water Resources Control Board

Proposed Regulation for Interim Variance for UST's Storing Certain Biodiesel Blends

The State Water Board proposes to add section 2631.2 to Article 3 (commencing with sec. 2630), chapter 16, division 3, title 23 of the California Code of Regulations, which would provide a variance from specific independent testing and approval requirements for underground storage tank (UST) systems storing certain biodiesel blends. All rulemaking documents are located on the State Water Board's website at http://www.waterboards.ca.gov/water_issues/programs/ust/biodiesel_regs.shtml

The State Water Board requests comments from interested persons to present any statements, arguments, or contentions relating to the proposed regulation. The comments must be submitted in writing and received by the State Water Board before the close of the written comment period in order to be considered by the State Water Board before it adopts the proposed regulation. The written comment period begins August 14, 2009, and closes at 5:00 p.m., Pacific Daylight Time, on Monday, September 28, 2009.

Comments may be hand delivered, or submitted by U.S. mail, facsimile transmission, or electronic e-mail. Comments delivered by hand should be taken to 1001 I Street, Sacramento, California, and addressed to the attention of Ms. Laura Fisher, Division of Water Quality, 15th Floor, State Water Resources Control Board, (916) 341-5870.

Comments submitted by U.S. mail should be addressed as follows:

Ms. Laura Fisher
Division of Water Quality
State Water Resources Control Board
P.O. Box 2231
Sacramento, California 95812

Comments sent by fax should be sent to: (916) 341-5808. Comments submitted by e-mail should be sent to: lfisher@waterboards.ca.gov

California Emergency Management Agency – None

Office of the State Fire Marshal

California Code of Regulations Title 24 Rulemaking Continues

The BFO (building, fire, and other) Code Advisory Committee met on August 10 and 11, 2009, regarding proposed code changes to title 24 of the California Code of Regulations. The adoption of and amendments to the 2009 edition of International Fire Code were approved. No public comments regarding hazardous materials were received at the committee meeting.

Contact: Jennifer Lorenzo at (916) 324-0232 or Jennifer.Lorenzo@fire.ca.gov

WASTE & RECYCLING NEWS

Recyclers, labor unions applaud Kerry-Boxer climate bill

Oct. 2 -- Recyclers and one of the nation's largest labor unions are applauding a provision in the Kerry-Boxer climate bill that would encourage recycling.

The Clean Energy, Jobs and American Power Act contains a section that would require the EPA to establish a program to provide states with funds for encouraging recycling. The provision would require that a portion of the funds the government collects from a greenhouse gas cap and trade program would be distributed to the states to encourage county and municipal recycling programs and assist eligible recycling facilities and eligible manufacturing facilities engaged in recycling.

"We are pleased that the U.S. Senate is recognizing the important contributions of recycling toward reducing greenhouse gases, which is central to the goals of climate change legislation," said Robin Wiener, president of the Institute of Scrap Recycling Industries. "Recycling reduces greenhouse gas emissions by significantly lowering the amount of energy needed to manufacture the products that we buy, build and use."

In addition, recycling helps create green jobs, she said. More than 85,000 people across the nation work in the scrap recycling field, she said.

Contact Waste & Recycling News senior reporter Bruce Geiselman at 330-865-6172 or bgeiselman@crain.com

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WASTE & RECYCLING NEWS

Republic to open gas-to-energy project in California

Oct. 2 -- Republic Services Inc. is opening another landfill gas-to-energy project, this time at the company's Keller Canyon landfill in Pittsburg, Calif.

The project generates approximately 3.8 megawatts of electricity, enough to power about 2,200 homes, the company said. Power from the project will be used by the cities of Alameda and Palo Alto.

"This is California's newest clean, renewable energy source and it will help the state meet its recent commitment to increase its renewable energy portfolio standard," said Jeff Andrews, senior vice president of Republic Services' west region.

The solid waste company worked with Ameresco, which designed and built the plant. Ameresco calls itself the nation's largest independent energy services company.

Contact Waste & Recycling News senior reporter Jim Johnson at 937-964-1289 or jjjohnson@crain.com

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WASTE & RECYCLING NEWS

North Carolina bans plastic bottles from state landfills

Sept. 30 -- A North Carolina law goes into effect Oct. 1 banning plastic bottles from state landfills.

The law also dictates oil filters and wooden pallets must be kept out of landfills.

The state already bans materials such as scrap rubber and aluminum cans from the solid waste stream.

The law aims to encourage recycling and provide for the growing state recycling industry, North Carolina officials have said. Fines, while authorized, are unlikely, officials said.

According to the state Division of Pollution Prevention and Environmental Assistance, more than 14,000 people are employed in the recycling industry in North Carolina.

Contact Waste & Recycling News reporter Amanda Smith-Teutsch at 330-865-6166 or asmith-teutsch@crain.com

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Mary Pitto

From: Association of Postconsumer Plastic Recyclers [postconsumerplastic@gmail.com]

Sent: Friday, September 25, 2009 11:53 AM

To: Mary Pitto

Subject: Recycling Bio-based & Degradable Plastics

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The Scoop on Degradable Plastics

A recycling coordinator's guide to managing new plastics

Chances are your program is seeing an influx in bio-based plastics and plastics with degradable additives. Like most recycling coordinators, you probably have questions.

Are all degradable plastics the same?

There are two sets of materials involved in the degradable question. One set of degradable plastics are materials such as PLA (Polylactic Acid) that are unique plastics. The second set is materials of the standard #1 PET and #2 HDPE with special degradable additives included.

Are degradable plastics recyclable with standard PET or HDPE?

No. They're contaminants in the recycling stream. Degradable plastics should be collected so as to not interfere with current PET and HDPE container recycling.

Will degradable bottles break down in a landfill?

Probably not. Some need a high-heat commercial composting operation to break down into polymer level material. Some degradable additives are specifically stated to not work in landfills. Others are claimed to work only after years in the landfill.

But some companies producing degradable additive plastics claim that they are recyclable in today's collection methods.

According to Steve Alexander, Executive Director of the Association of Postconsumer Plastic Recyclers, "These claims of recyclability are unfounded, untested and possibly misleading as outlined by the Federal Trade Commission's Green Guide. No third party testing data has confirmed these statements of recyclability. We urge companies claiming recyclability to share such supporting data with the recycling community."

**Consider the Source:
Association of Postconsumer Plastic Recyclers**

Who are we?
We're the plastics recycling guys.

Want the long story?
The Association of Postconsumer Plastic Recyclers represents companies who acquire, reprocess and sell the byproduct of more than 90% of the post-consumer plastic processing capacity in the United States, Canada and Mexico.

Want the whole

Why can't bottles with degradable additive be recycled with standard plastic?

The additives change the expectations for a plastic. Bottles with degradable additives can be ground and melted like another bottle but with reduced quality and service life expectations.

"The facts are very clear," reports David Cornell, the Technical Director from the Association of Postconsumer Plastic Recyclers (APR). "The degradable additive concept effectively renders the product using the additive non-recyclable. Many recycled plastics are used to make durable goods. Failure of these next-use products, such as carpets or piping, could range from distressing to tragic."

APR has seen no data which demonstrate no harm done during or after the recycling process. With the variety of durable end uses recycled plastics are used for, the idea of degrading material runs counter to value creation and good stewardship.

What do you mean by reduced quality?

Consider this scenario: A bottle with degradable additives makes it through the recycling collection stream and ends up in a bale of crushed PET bottles. The bale sits outside for a few weeks and then goes through the normal grinding, washing and pelletizing process of recycling. That batch of PET plastic is then made into strapping that then holds a pallet of bricks on the back of a truck heading down the highway. That's a lot of time, weather and heat that could potentially trigger the degradable qualities of the plastic and cause that strapping to fail.

Are bio-based plastics, PLA, and degradable plastics all the same thing?

No. PLA and other bio-based plastics are made from plant materials, often corn. Not all bio-based plastics are degradable. Some petroleum-based plastics can biodegrade. Degradable additives are claimed to work in many resins. A degraded material is an opportunity lost to reuse a valuable resource.

But isn't it a good idea to look for a non-petroleum plastic product?

On September 11, 2009 Resource Recycling Magazine reported: *New research from Germany is adding fuel to the conventional versus biodegradable plastic resin battle. The Institute for Energy and Environmental Research (IFEU) has released the results of a new study, comparing the environmental impact of traditional polyethylene bags and their biodegradable counterparts available in France and Germany.*

After taking into account the raw material production process, transportation factors and recyclability, the study concluded that PE bags are less damaging to the environment than biodegradable bags. Furthermore, IFEU researchers concluded that bags made from recycled material have the smallest environmental impact.

This is all confusing. What is APR doing to help make the issue easier for recycling coordinators?

APR has devoted considerable time and energy to produce guidelines to determine if a material meets or exceeds standards for

story?

Visit our website:
plasticsrecycling.org

Want to learn more about how degradable plastics affect the recycling industry?

[Click here to read APR and NAPCOR's joint statement.](#)

Need to forward this to a colleague?

Use the "forward email" button at the bottom of the text box.

Would you like a PFD version of this information?

[Click here](#) for a downloadable version.

Join Us for a Workshop on All Things Plastic Recycling!

Join APR and the Southeast Recycling Development Council for

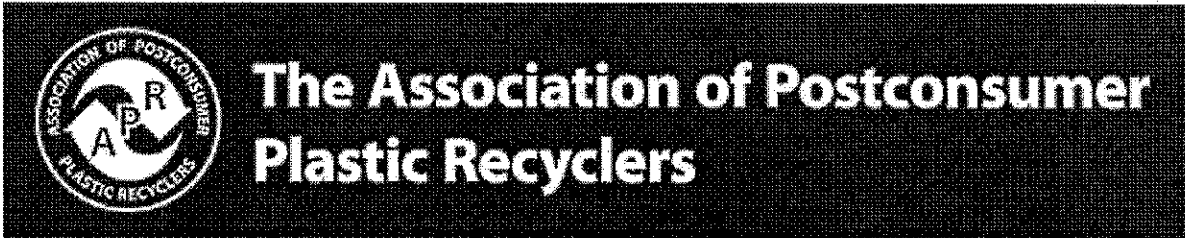
Green Prosperity: Recycling and a Sustainable Southeast workshop, November 3-4, Lexington, KY.
[Click here](#) for more info.

Join Our Mailing List!

recyclability. APR is working with producers of plastics to ensure recyclability because we are dedicated to keeping the stream of recyclables clean and valuable. This applies to all materials.

What should I do?

Ask producers of bio-based and oxy-degradable plastics to prove that their material does what is claimed and is safe to recycle. Ask for proof that carpets from recycled PET and highway culvert pipes from recycled HDPE will have their full expected service life if the degradable additives are included with the plastic.. If you are part of a university or industry setting where you can control purchases, work with recyclers to be sure that a material is recyclable before its introduced for sale in your facility.



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Association of Postconsumer Plastic Recyclers | 1001 G St | Suite 500 W | Washington | DC | 20001

Mary Pitto

From: Smart2BeGreen [greentips@smart2begreen.com]

Sent: Tuesday, September 29, 2009 3:35 AM

To: Mary Pitto

Subject: Inkjet Cartridge Recycling

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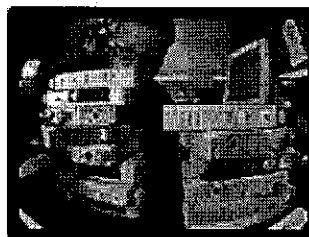
September 29, 2009

Inkjet Cartridge Recycling

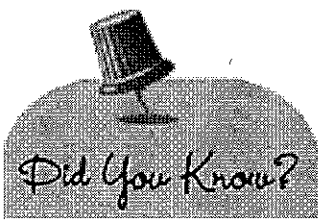
In a landfill, empty cartridges of ink
stay up to 450 years-that stinks!
So when your printer is out, don't throw the toner away,
Recycle instead and bring good things your way!

Recycle Inkjet Cartridges

Next time your printer spits out a faded
page, take out the ink cartridge and step
away from your garbage can! Recycling
your toner and ink cartridges is an easy
and beneficial green change that everyone
can make.



- **Inkjet cartridge recycling** is a fast way to earn credit at your local office supply store. The more cartridges you bring in, the more rewards you can earn!
- **Computer ink cartridges** can also be mailed to different organizations that will offer you cash for your earth-friendly efforts. Each cartridge may only return a quarter or two to your pocket, but these days, every quarter counts!



Inkjet printer cartridge refills are sold in DIY kits if you prefer reusing your cartridges over recycling them.

[Learn more...](#)

- **Free inkjet recycling** is offered through approximately 1,500 U.S. Post Offices. Pre-paid postage envelopes are available and your cartridges will be shipped back to Clover Technologies Group for reuse.

Check It Out

Office Max, Office Depot and **Staples** have programs in which you can earn credits and rewards for bringing empty ink cartridges back to the store.

Best Buy also has recycling kiosks for your old ink cartridges - and even other electronics!

Earn fundraising money by recycling ink jet cartridges for your school or non-profit organization.

Grenk makes an earth-friendly ink cartridge and keeps the manufacturing and shipping process as green as possible.



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