



CHAIR – MICHAEL KOBSEFF, SISKIYOU COUNTY
VICE CHAIR – MARY RAWSON, ALPINE COUNTY
EXECUTIVE DIRECTOR – GREG NORTON

TECHNICAL ADVISORY GROUP (TAG)
TAG CHAIR – JIM MCHARGUE, AMADOR COUNTY
TAG VICE CHAIR – RACHEL ROSS, TEHAMA COUNTY
PROGRAM MANAGER – MARY PITTO

Rural Counties' Environmental Services Joint Powers Authority Board of Directors' & Technical Advisory Meeting Agenda

1215 K Street, Suite 1650 Conference Room
Sacramento, CA

Thursday, October 20, 2016 9:00 a.m. – 3:00 p.m.

Only those items that indicate a specific time will be heard at the assigned time. All other items may be taken out of sequence to accommodate the Board, the staff, and the general public. Indicated time allocations are for planning purposes only and actual times will vary from those indicated.

I. Call to Order, Self-Introductions, and Determination of Quorum

II. Business Matters

Page 1

Discussion and possible action related to the following:

- A. Approval of Minutes from the Meeting of August 18, 2016 – Supervisor Kobseff, ESJPA Chair (*pp 3-7*)
- B. Review and approval of the 2017 Meeting Schedule – Mary Pitto (*pp 9-10; 5 minutes*)

III. Public Comment

Any person may address the Board on any matter relevant to the Authority's business, but not otherwise on the agenda.

IV. Presentations

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- A. Used Oil Filter Compliance – Rick Jones, DTSC (*20 minutes*)
- B. Upgrades and Expansions of the Landfill Gas System at the Fairmead Landfill -Gary Glasser, VP of Field Services, Methane Gas Group and Lee Daigle, PE, Project Manager, Methane Gas Group, Tetra Tech BAS (*20 minutes*)
- C. Paying for Improvements – the Madera County Experience - John G. Carlton, P.E., BCEE, Senior Vice President, Gershman, Brickner & Bratton, Inc. (*pp 13-18; 20 minutes*)
- D. Report from CalRecycle – Joe Rasmussen, Supervisor, Materials Management and Local Assistance Program, CalRecycle (*10 minutes*)
- E. Industrial Storm Water Level 1 Compliance, Now What – Matthew P. Zucca, P.E., QISP/ToR, Principal Engineer, Erler & Kalinowski, Inc (*20 minutes*)

V. Member County Concerns/Comments

VI. Legislative Update

Supplemental Packet

(This item may be heard at any time during the meeting depending upon the availability of staff) Discussion of Legislation – Paul Smith, RCRC Senior Legislative Advocate (10 minutes)

A. Complete Text of Selected Bills

B. Summary Listing of All Solid Waste Related Bills

VII. Solid Waste/Regulatory Update

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Discussion and possible action related to the following:

A. Air Resources Board

- Cap and Trade Auction Proceeds – Staci Heaton, RCRC Regulatory Affairs Advocate (pp 21-22; 5 minutes)
- Draft Short-Lived Climate Pollutant Reduction Strategy – Mary Pitto, ESJPA Program Manager (5 minutes)

B. CalRecycle

- Beverage Container Recycling Reform – Paul Smith/Mary Pitto; (5 minutes)
- AB 901 Reporting Update – Larry Sweetser, ESJPA Consultant (pp 23-31; 5 minutes)
- Emergency Regulations for Glass Processors – Larry Sweetser (pp 33-36; 5 minutes)
- E-Waste Update – Larry Sweetser (pp 37-38; 5 minutes)

C. Department of Toxic Substance Control

- Used Oil Filter Issues – Larry Sweetser – (pp 39-48; 5 minutes)
- Proposed Regulations for Photovoltaic Modules – Larry Sweetser (5 minutes)
- Emergency Regulations for CRT Glass – Larry Sweetser (5 minutes)

D. State Water Resources Control Board (SWRCB)

- Waste Discharge Fees – Larry Sweetser (5 minutes)

E. Extended Producer Responsibility

- CA Product Stewardship Council Update – Heidi Sanborn/Christine Flowers, Product Stewardship Council (pp 49-56; 10 minutes)
- Carpet America Recovery Effort (CARE) Update – Lisa Mekis, CA Senior Associate, CARE (pp 57-74; 5 minutes)
- PaintCare Update – Daria Kent, Northern California Regional Coordinator (pp 75-77; 5 minutes)
- Mattress Recycling Council Update – Liz Wagner, Mattress Recycling Council (pp 79-92; 5 minutes)

F. Grant Program Update – Larry Sweetser (5 minutes)

G. Highlights of September/October CalRecycle Meetings – Larry Sweetser (pp 93-104; 5 minutes)

H. Other Regulatory Announcements/Issues of Interest

- CalRecycle Fraud Prevention Efforts (page 105)
- DTSC Discarded Battery Management (pp 107-109)

- Environmental Health Study of Synthetic Turf – August 2016 Update (pp 111-113)
- CalRecycle E-Waste Updates (pp 115-122)
- Cal EPA CUPA Newsletters (pp 123-141)

VIII. Agenda Suggestions, Member County Presentation Volunteer, Workshop Topics for Next ESJPA Board Meeting Scheduled Thursday, December 8, 2016.

IX. Articles of Interest (pp 145-174)

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X. Adjournment

12:00 PM Lunch

1:00 PM

Technical Advisory Group Breakout Session

This afternoon session will be conducted as an informal workshop. The following topics are intended for robust discussion about new technologies for landfills. You are invited to stay and encouraged to participate in this session.

- A. Federal and California Landfill Emission Regulatory Update – Patrick S. Sullivan, REPA, CPP, BCES, Senior Vice President, SCS Engineers
- B. Drone Mapping at Solid Waste Facilities - Brad M. Altman, E.I.T., Engineering Consultant I, Blue Ridge Services Inc.

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The final agenda for this meeting of the Board of Directors of the Rural Counties' Environmental Services Joint Powers Authority will be duly posted at its offices: 1215 K Street, 16th Floor, Sacramento, California at least 72 hours prior to the meeting.

Agenda Item II

BUSINESS MATTERS

ALPINE, AMADOR, BUTTE, CALAVERAS, COLUSA
DEL NORTE, EL DORADO, GLENN, IMPERIAL, INYO, LASSEN



MADERA, MARIPOSA, MODOC, MONO, NEVADA, PLUMAS,
SHASTA, SIERRA, SISKIYOU, TEHAMA, TRINITY, TUOLUMNE

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PROGRAM MANAGER – MARY PITTO

**Minutes of the Rural Counties'
Environmental Services Joint Powers Authority
Board of Directors Meeting
1215 K Street, Suite 1650, Sacramento, CA**

Thursday August 18, 2016

MEMBERS REPRESENTED

Mary Rawson, Supervisor
Jim McHargue, Director Solid Waste
Bill Mannel, Deputy Director, Waste Management
Eric Miller, Solid Waste Manager
Greg Stanton, Division Director
Paula Wesch, Program Coordinator
Ahmad Alkhayyat, Public Works Director
Tony Dublino, Solid Waste Superintendent
David Garcia, Program Manager
Jessica Diridoni, Comm. Education Specialist
John Heath, Supervising Engineer
Michael Kobseff, Supervisor
Arthur Boyd, Grant Recycling Coordinator
Rachel Ross, Recycling Coordinator
Paul Freund, Recycling Coordinator
Karl Fisher, Supervisor
Diane Rader, Deputy Director Solid Waste
Belinda Barlow, Solid Waste Specialist

Alpine County
Amador County
Butte County
Butte County
El Dorado County
Lassen County
Madera County
Mono County
Nevada County
Shasta County
Shasta County
Siskiyou County
Siskiyou County
Tehama County
Tehama County
Trinity County
Trinity County
Tuolumne County

STAFF IN ATTENDANCE:

Mary Pitto, ESJPA Program Manager
Larry Sweetser, ESJPA Consultant
Paul Smith, Senior Legislative Advocate
Staci Heaton, Regulatory Advocate
Julie Lunn, RCRC Office Assistant

RCRC Governmental Affairs
Sweetser and Associates, Inc.
RCRC Governmental Affairs
RCRC Governmental Affairs
RCRC Staff

GUEST SPEAKERS:

Marcie Whitlow, CalRecycle
Dave Hartwell, USDA
Nichole Dorr, PaintCare

Emily Wang, CalRecycle
Karen Irwin, US EPA
John Duke, CalRecycle

OTHERS IN ATTENDANCE:

Gretchen Olsen, City of Stockton
Curt Fujii, Fujii Civil Engineering
Keir Furey, CalRecycle
Jordan Wells

Jeff Watson, CalRecycle
Alex Souza, CalRecycle
Cindi Rumenapp, CalRecycle
Christopher Lee, CPSC

MEMBERS NOT REPRESENTED

Calaveras County, Colusa County, Del Norte County, Glenn County, Imperial County, Inyo County, Modoc County, Plumas County, Sierra County

I. Call to Order, Determination of Quorum and Self Introductions

Chair Supervisor Kobseff Siskiyou County called the meeting to order at 9:05 a.m. Self-introductions were made. A quorum was determined at that time.

II. Business Matters

A. Approval of Minutes June 23 2016. Chair Supervisor Kobseff, Siskiyou County called for the approval of the minutes from the June 23, 2016 Board of Directors Meeting. The motion to approve minutes was made by Jim McHargue Amador County and seconded by Karl Fisher Trinity County. The motion passed unanimously.

III. Public Comment None

IV. Presentations

- A. Contaminated Oil Claims – Emily Wang, Environmental Scientist, Marcie Whitlow, Supervisor, Used Oil Certified Collection Center Unit, CalRecycle. Emily Wang reviewed the process for requesting reimbursement for costs associated with managing contaminated used oil. There have been recent cases of contamination of public used oil centers. CalRecycle allows up to three years to file claim with documentation.
- B. US Department of Agriculture Rural Development California Water and Environmental Programs – Dave Hartwell, State Office Specialist, USDA reported subject to annual federal funding appropriations, USDA is expected to continue to offer low interest loans and grants for various types of solid waste projects. There is only one program open for businesses. In response to a question, local government agencies, that own a facility but that is managed by their private contractor, can receive funding provided there is an agreement with the private agency. Nationally there is expected to be \$30 million loans available, with \$9 million grants to California. Potential applicants are encouraged to meet with USDA, before applying for funding to review the project. Approved projects have five years to complete the project. The USDA uses American Community survey to determine eligible population. Jurisdictions can use the tipping fee funding to guarantee the funding. Funding can be used for composting and food waste facilities.
- C. Managing and Transforming Waste Streams – A Tool for Communities – Karen Irwin, Sustainable Local Government Lead, US EPA Region IX gave a presentation on an online tool US EPA has developed to assist jurisdictions and communities to manage waste.
- D. Report from CalRecycle – Joe Rasmussen, Supervisor, Materials Management and Local Assistance Program, CalRecycle, provided a handout on recent CalRecycle activities, which is available on the ESJPA website.
- E. Tehama County’s Landfill, Diversion and Outreach Programs – Rachel Ross, Agency Manager, Tehama County Solid Waste Management Agency, presented on the structure and programs of the Tehama County Solid Waste Management Agency including franchised collection and landfill. Rachel also presented their mattress and carpet recycling programs. Recently, the County started textile recycling and shipped one load already. The County also started bicycle reuse program almost a ton of bicycles. There is also a program for residents to place household batteries in orange bags for inclusion in their curbside recycling carts for sorting at the MRF. Residents also have options for fluorescent lamps and sharps drop-off

locations. The County has two household hazardous waste collection facilities – Red Bluff and Corning. The County currently is implementing a Tire Amnesty grant and HHW grants including a new one for extending the Re-Fuel Your Fun campaign for reusable propane cylinders. There is an active parks beverage container collection program. The contractor for the landfill receives a portion of the tip fee and income from sale of recyclables. The contractor is responsible for operation and maintenance of the landfill and pays a portion of the closure costs.

V. **Member County Concerns/Comments**

The Northstate anaerobic digester company that provide a presentation at a recent ESJPA meeting has sold off the rendering and dead animal processing part of their facility but is retaining their anaerobic digester facility. Siskiyou also has had issues with the lack of collection for dead animals and parts. Jessica Diridoni announced job openings in Shasta County including her position. Her family is relocating to Portland.

VI. **Legislative Update**

Paul Smith provided an update on various bills of interest to the ESJPA.

VII. **Solid Waste/Regulatory Update**

Discussion and possible action related to the following:

A. Air Resources Board

- Cap and Trade Auction Proceeds-Staci Heaton reported that there is talk that no Cap-and-Trade money will be allocated in this legislative session. While the governor and the Assembly proposed appropriations that would benefit our members, the Senate's version was woefully lacking.
- Draft Short Lived Climate Pollutant Reduction Strategy-Mary Pitto reported that RCRC is still working with a small coalition to change the ARB proposal to have 75% organics reduction from our landfills by 2020 and 90% by 2025. While there may be some traction, there is also a lot of resistance to changing the progressive goals.

B. CalRecycle

- Beverage Container Recycling Reform – Paul Smith reported that he and Mary Pitto attended a stakeholder meeting where it was announced the Administration intends to have Bottle Bill Reform as part of the upcoming budget process. CalRecycle will spend the month of August researching programs throughout the state and other countries and discussions should begin in the fall.

C. Department of Toxic Substance Control

- Used Oil Filter Management Issues – Larry Sweetser announced the recent CUPA newsletter reminded customers to ensure used oil filters are completely “drained” prior to sending to the recyclers. This requirement has been in place for many years but recent enforcement actions are resulting in the reminders. This may also impact the acceptance of used oil filters at retail auto centers. Sweetser will be requesting formal clarification from DTSC on the acceptance of undrained filters at used oil centers and HHW programs. Used oil haulers are notifying customers that paper oil filters are not allowed with the metal oil filters. They need to be handled separately.
- Retail Waste Workgroup Aquatic Toxicity Testing – Larry Sweetser indicated that DTSC has been concentrating their enforcement efforts on retail businesses for illegal disposal of hazardous wastes. Several District Attorneys arranged for testing of over 700 typical consumer products. Sweetser provided a list of these products that failed the

aquatic toxicity. The impact to household hazardous waste facilities and load checking programs is yet to be determined,

- Proposed Regulations for Photovoltaic Modules – Larry Sweetser reported there was a DTSC informal workshop on 7/19/16. The focus has been on managing the larger panels. The ESJPA provided comments to expand these requirements to small modules and broken items.

D. State Water Resources Control Board (SWRCB)

- Development of Performance Measures for Implementation of the Compost General Order – Larry Sweetser reported a workshop was held on August 15th to request input on the new waste discharge requirements. For compost operations. The SWRCB will review the information and report back to stakeholders and the Board.
- Waste Discharge Fees – Larry Sweetser reported that SWRCB staff proposed no change in landfill WDR fees this year, maybe next. The Board is expected to approve the recommendation in September.
- Storm Water – Sweetser asked members to provide feedback on the implementation of the storm water industrial general especially regarding the 10/1/16 deadline to submit a Level 1 ERA Evaluation if there are exceedances. In addition, a QISP will need to be involved in the reporting and future monitoring. Identify any additional BMPs and SWPPP revisions to prevent any future exceedances. A Level 1 ERA Report will be required by 1/1/167 including additional Best Management Practices. The SMARTS will need to be updated.

E. Extended Producer Responsibility

- CA Product Stewardship Council Update – Jordan Wells CPSC Product Stewardship Council returned from Canada on their EPR programs and looking to apply their success to California. CPSC presented Arrow awards at CRRA including U-Haul for establishing refueling centers throughout California, PaintCare, and Orchard Supply Hardware for accepting many universal wastes. Continuing partnerships with many rural counties. Bill Mannel asked about a comment from the CEAC meeting that proposition 26 was a roadblock to new EPR programs.
- Carpet America Recovery Effort (CARE) Update – Lisa Mekis was not in attendance.
- PaintCare Update – Nichole Dorr indicated she is working on reaching out to improve the PaintCare program.
- Mattress Recycling Council Update – Liz Wagner, Mattress Recycling Council indicated she is meeting with counties and making progress with solid waste facilities and retail partners.

F. Grant Program Update – Larry Sweetser reported that he will be attending the Mariposa Used Oil Booth over Labor Day Weekend and continues to work with the counties participating in the Tire Grant.

G. Highlights of July/August CalRecycle Meetings – Larry Sweetser reported:

- CalRecycle is expected to increase E-waste Recycling Fee by the following amounts.,
 - \$5 >4”, <15
 - \$6 ≥15 <35
 - \$7 ≥35
- As mentioned earlier by John Duke of CalRecycle there are several upcoming workshops including:
 - 8/31/16 E-waste Designated Collector

- 9/14/16 Future of E-waste Collection and Management in California
- AB 901 Workshops:

August 22nd	1-5pm	(2 topics)
August 23rd	9am-5pm	(4 topics)
August 24th	1-5pm	(2 topics)

H. Other Regulatory Announcements/Issues of Interest

- CalRecycle AB 901 Workshop Notice
- CalRecycle E-Waste Updates
- Cal EPA CUPA Newsletters

VIII. Agenda Suggestions, Member County Presentation Volunteer, Workshop Topics for Next ESJPA Board Meeting Scheduled Thursday October 20, 2016.

Madera County will present at the November 20, 2016 Board Meeting

IX. Articles of Interest - Mary Pitto directed Members to the Board packet.

X. Adjournment- was called at 12:30PM

Respectfully submitted,
Julie Lunn, Office Assistant/Receptionist

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ALPINE, AMADOR, BUTTE, CALAVERAS, COLUSA
DEL NORTE, EL DORADO, GLENN, IMPERIAL, INYO, LASSEN



MADERA, MARIPOSA, MODOC, MONO, NEVADA, PLUMAS,
SHASTA, SIERRA, SISKIYOU, TEHAMA, TRINITY, TUOLUMNE

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TAG VICE CHAIR – RACHEL ROSS, TEHAMA COUNTY
PROGRAM MANAGER – MARY PITTO

MEMORANDUM

To: ESJPA Board of Directors

From: Mary Pitto, Program Manager

Date: October 12, 2016

Re: ESJPA Proposed Meeting Calendar – CY 2017

The proposed ESJPA meeting schedule for the 2017 calendar year is shown on the following page and is presented for your consideration and adoption. Consistent with past years, the proposed meeting schedule includes five meeting dates commencing in March 2017.

We attempt to coordinate the ESJPA meeting being held the day after the RCRC Board meetings to the greatest extent possible to minimize the number of vehicle miles travelled by the ESJPA Chair and any other Supervisors that would like to attend our meetings. In doing so, this year, the meeting schedule coincides with four of RCRC Board meeting dates, in March, June, August, and December. We are proposing one ESJPA meeting in a month without an RCRC Board meeting, which is in October. Typically, the ESJPA meetings have been held the third Thursday of the month, with the exception of June being the fourth Thursday and December being the first Thursday.

ESJPA will begin its meetings at 9:00 a.m. and end by 3:00 p.m. Should a change to the meeting time occur, notifications will be sent out prior to the meeting date.

Recommendation:

Consistent with the requirements of Section 8 of the Joint Exercise of Powers Agreement, amended and restated December 16, 2004, it is recommended that the ESJPA Board adopt the 2017 Board meeting schedule as shown on the attached.

ESJPA BOARD OF DIRECTORS 2017 MEETING CALENDAR

Thursday, March 16 th	RCRC Conference Room
Thursday, June 22 nd	RCRC Conference Room
Thursday, August 17 th	RCRC Conference Room
Thursday, October 19 th	RCRC Conference Room
Thursday, December 7 th	RCRC Conference Room

** Note: Meeting times are anticipated to be held from 9:00 a.m. to 3:00 p.m. Lunch is provided.

Agenda Item IV

PRESENTATIONS



Paying for Improvements - the Madera County Experience

Presentation to the Rural Counties' Environmental
Services Joint Powers Authority

October 20, 2016

John G. Carlton, P.E., BCEE



Quality - Value - Ethics - Results

Established in 1980

Solid Waste Management and Technology
Consultants

Helping Clients Turn Problems into
Opportunities



Presentation Outline

- I - Background
- II - Evaluation
- III - Recommendations
- IV - Residential Rate Impacts
- V - Other Considerations

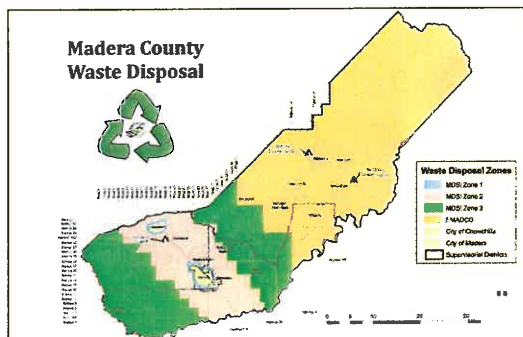


Background





Franchise Areas



Issues

Liner Fund Balance
\$181k
(est. as of May 24, 2016)

\$400k of Cash Flow
Loan Actually Borrowed
(Needs to be Repaid by
June 30, 2017)

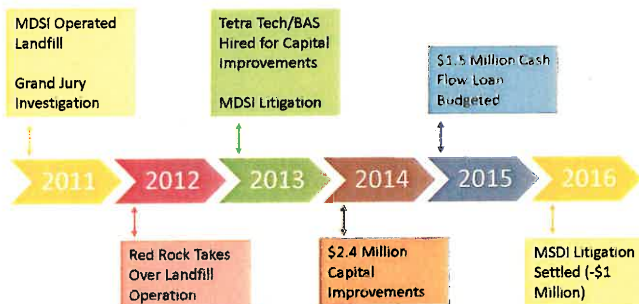
\$900k of Cash Flow
Loan will need to be
Borrowed by June 30,
2016

Current Revenues Do
Not Fully Cover Needed
Capital Expenses

Additional Funds
Needed for Future
Capital Improvements



History



Evaluation





Options

Improve County's System Financial Performance

Lease Landfill

Sell Landfill



Actions

Met with stakeholders

Estimated Fund Balance as of June 30 is \$202,873 (however liabilities identified as \$203,048)

Progressed approval of revised landfill closure design

Worked with Tetra Tech on a reduced capital expense plan

Developed landfill profit and loss model



County of Madera, California 5 Year Solid Waste Profit & Loss Model Existing P&L Projections

	FY16/17	FY17/18	FY18/19	FY19/20	FY20/21
Revenue					
Total Revenue	\$ 4,680,028	\$ 4,773,383	\$ 4,916,100	\$ 5,063,093	\$ 5,214,492
Expenses					
Total Operating Expenses	\$ 4,614,587	\$ 4,706,879	\$ 4,801,016	\$ 4,897,037	\$ 4,994,977
Capital Expenses	\$ 1,103,000	\$ 750,000	\$ 1,418,000	\$ 955,000	\$ 2,455,000
Total Expenses	\$ 5,717,587	\$ 5,456,879	\$ 6,219,016	\$ 5,852,037	\$ 7,449,977
Annual Net Profit (Loss)	\$ (1,103,000)	\$ (750,000)	\$ (1,418,000)	\$ (955,000)	\$ (2,455,000)
Repayment of County Loan	\$ (1,300,000)	\$ -	\$ -	\$ -	\$ -
Annual Operating Fund Contribution	\$ (2,403,000)	\$ (750,000)	\$ (1,418,000)	\$ (955,000)	\$ (2,455,000)
Cumulative Operating Balance	\$ (2,403,000)	\$ (3,153,000)	\$ (4,571,000)	\$ (5,526,000)	\$ (7,981,000)



Recommendations





Proposed Goals

- Develop and maintain Solid Waste Fund Operating Reserve • \$1.5M target within 5 years
- Pre-fund landfill liner construction • \$6.7M during next 5 years
- Adequately fund landfill capital and operating costs • \$6.0M/year
- Fully fund landfill closure and post-closure reserves • \$9.7M by year 2047
- Conduct landfill gas to CNG feasibility study • \$50K in FY 16/17



Proposed Actions

Increase Franchise Hauler Fairmead Landfill Tipping Fee

- From \$22.28/ton to \$40.00/ton
- Results in \$1.1M per year additional revenues
- Will increase the average per-household monthly cost \$2.76 (12%)
- Additional 12% franchise fee collected for general fund

Increase North Fork Transfer Station Tipping Fee

- From \$45.58/ton to \$67.12/ton
- No subsidy – break even
- Results in \$123k per year additional revenue



Proposed Actions

Negotiate with Red Rock to Increase the Minimum Delivery Commitment from CARTS

- From 200 tpd to 250 tpd
- Results in \$90k per year additional revenue

Negotiate with City of Madera/Mid Valley Disposal to Increase Deliveries

- To 150 tpd
- Results in \$54k per year additional revenue



County of Madera, California 5 Year Solid Waste Profit & Loss Model Proposed P&L Projections

	FY16/17	FY17/18	FY18/19	FY19/20	FY20/21
Revenue					
Total Revenue	\$ 8,286,857	\$ 6,218,656	\$ 6,404,791	\$ 6,596,384	\$ 6,793,780
Expenses					
Total Operating Expenses	\$ 4,634,551	\$ 4,706,879	\$ 4,801,016	\$ 4,897,051	\$ 4,994,977
Capital Expenses	\$ 1,109,000	\$ 750,000	\$ 1,418,000	\$ 955,000	\$ 2,455,000
Total Expense	\$ 5,743,551	\$ 5,456,879	\$ 6,219,016	\$ 5,852,051	\$ 7,449,977
Annual Net Profit (Loss)	\$ 2,579,370	\$ 761,778	\$ 185,715	\$ 744,347	\$ (906,197)
Repayment of County Loans	\$ (1,300,000)	\$ -	\$ -	\$ -	\$ -
Closure Fund Contribution	\$ 250,000	\$ 250,000	\$ 250,000	\$ 25,000	\$ 750,000
Capital Fund Development	\$ -	\$ -	\$ -	\$ 600,000	\$ -
Annual Operating Fund Contribution	\$ 1,029,370	\$ 511,778	\$ (642,291)	\$ 119,347	\$ (906,197)
Cumulative Operating Balance	\$ 1,029,370	\$ 1,541,148	\$ 1,476,863	\$ 1,596,210	\$ (906,013)





Residential Rate Impacts



Proposed Rates

Comparison Rates

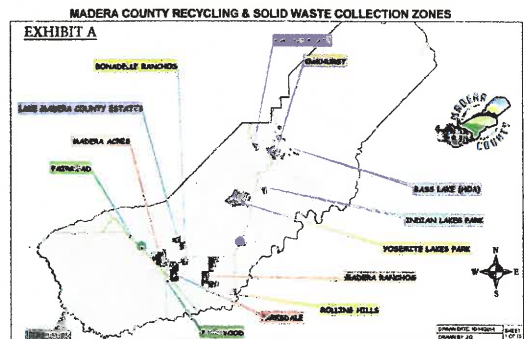
	Current Household Rate (\$/Month)	Proposed Household Rate (\$/Month)	Change (\$/Month)		Current Household Rate (\$/Month)
Redrock				County of Fresno	\$45.04
Zone 1	\$18.91	\$21.17	\$2.26	City of Fresno	\$25.37
Zone 2	\$21.41	\$23.96	\$2.55	City of Merced	\$33.44
Zone 3	\$25.16	\$28.16	\$3.00	City of Clovis	\$45.44
Emadco	\$27.16	\$30.40	\$3.24	City of Chowchilla	\$22.38
				City of Madera	\$23.22



Other Considerations



Partial Mandatory Collection in Densely Populated Areas





Lease or Sell Landfill



Lease

Pros

- County retains ownership
- Capital and O&M responsibility of leasee
- Payments to County (e.g. \$ per ton)

Cons

- Less Control
- Landfill may fill quickly – will require County to consider other disposal options
- Valuation study \$75k

Sell

Pros

- County Out of Landfill Business
- Capital and O&M responsibility of buyer
- Lump Sum Payment

Cons

- Limited to no control
- Landfill may fill quickly – will require County to consider other disposal options
- Valuation study \$75k



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Thank you!



John G. Carlton, P.E., BCEE

jcarlton@gbvinc.com

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Agenda Item VII

SOLID WASTE REGULATORY UPDATES

2016-17 Cap-and-Trade Expenditures—June Proposals vs. Final Plan

(In Millions)	June Proposals		Final Plan
	Governor/ Assembly	Senate	
Continuous Appropriations	1,200	1,200	1,200
High-speed rail	500	500	—
Affordable housing and sustainable communities	400	400	—
Transit and intercity rail capital	200	200	—
State transit assistance	100	100	—
Transportation	1,025	520	508
Low carbon vehicles	460	460	363
Transit and intercity rail capital	400	—	135
Low carbon road program	100	—	—
Biofuel production subsidies	40	40	—
Biofuel facilities capital support	25	20	—
Active transportation	—	—	10
Carbon Sequestration	280	235	127.5
Healthy forests	150	25	25
Wetland and watershed restoration	60	60	—
Urban forestry	30	30	15
Green infrastructure	20	100	—
Carbon sequestration in soils	20	20	7.5
Urban greening	—	—	80
Energy Efficiency and Renewable Energy	200	230	60.7
Low-income energy efficiency and solar	75	75	20
UC and CSU energy efficiency	60	60	—
Energy efficiency for state buildings	30	30	—
I-Bank energy financing program	20	50	—
Conservation Corps energy efficiency	15	15	40.7
Short-Lived Climate Pollutants	195	50	95
Waste diversion	100	50	40
Wood stove replacement	40	—	5
Dairy digesters	35	—	50
Refrigeration unit replacements	20	—	—
Transformative Climate Communities	100	400	140
Water Efficiency	90	50	7.5
Community Outreach to Disadvantaged Communities	—	3	2
Totals	\$3,090	\$2,688	\$2,140.7

Mary Pitto

From: Calrecycle Technology Listserv [BioEnergy@calrecycle.ca.gov]
Sent: Tuesday, September 20, 2016 11:11 AM
To: Mary Pitto
Subject: Notice for CalRecycle Greenhouse Gas Reduction Grant Programs FY 2016-17 Funding

The Governor signed SB 1383 (Lara, Chapter 395, Statutes of 2016) yesterday and AB 1613 (Committee on Budget, Chapter 370, Statutes of 2016) on September 13, 2016. AB 1613, in conjunction with SB 1383, allocates \$40 million from the Greenhouse Gas Reduction Fund to CalRecycle from the Governor's Fiscal Year 2016-17 Budget for "Waste Diversion and Greenhouse Gas Reduction Assistance as specified in Section 42999 of the Public Resources Code." CalRecycle is currently identifying how these funds will be allocated across our various Greenhouse Gas Reduction Fund grant programs and will notify stakeholders via the Greenhouse Gas Reduction Programs listserv once the proposed program fund allocation is finalized. To subscribe to the Greenhouse Gas Reduction Programs listserv, go to <http://www.calrecycle.ca.gov/Listservs/>.

For more information go to [Climate Change: Proposed Greenhouse Gas Reduction Grant and Loan Programs](#).

To unsubscribe from the Technology listserv, please go to <http://www.calrecycle.ca.gov/Listservs/Unsubscribe.aspx?ListID=2>.

ALPINE, AMADOR, BUTTE, CALAVERAS, COLUSA
DEL NORTE, EL DORADO, GLENN, IMPERIAL, INYO, LASSEN



MADERA, MARIPOSA, MODOC, MONO, NEVADA, PLUMAS,
SHASTA, SIERRA, SISKIYOU, TEHAMA, TRINITY, TUOLUMNE

CHAIR – MICHAEL KOBSEFF, SISKIYOU COUNTY
VICE CHAIR – MARY RAWSON, ALPINE COUNTY
EXECUTIVE DIRECTOR – GREG NORTON

TECHNICAL ADVISORY GROUP (TAG)
TAG CHAIR – JIM MCHARGUE, AMADOR COUNTY
TAG VICE CHAIR – RACHEL ROSS, TEHAMA COUNTY
PROGRAM MANAGER – MARY PITTO

September 12, 2016

Mr. Robert Carlson
Senior Environmental Scientist
CalRecycle
1001 I Street--P.O. Box 4025
Sacramento, CA 95812-4025

RE: Comments on AB 901 Regulations

Dear Mr. Carlson:

Thank you for the opportunity to provide comments on the informal AB 901 regulations on behalf of the 23 member county Rural Counties' Environmental Services Joint Powers Authority (ESJPA).

The primary issues of concern include:

- Definition revisions
- Remove hazardous waste from target products list
- Eliminate self-hauler reporting
- Avoid duplicative reporting
- Allow time to resolve inaccuracies without penalty
- A process that allows local jurisdictions to request resolution of discrepancies

Given the magnitude of this proposal and the significant concerns raised by stakeholders, the ESJPA joins others in requesting at least another version of these informal regulations and another public workshop after there is time to review the revised regulations. This extensive informal review process has served CalRecycle well with past major regulatory packages.

Thank you again for the opportunity to provide comments.

Sincerely,

Mary Pitto
Program Manager

ESJPA Comments

Section X.2 Definitions

Several definitions are listed but not used in the proposed regulations (e.g. Alternative daily cover, Alternative intermediate cover, Designated waste, Disaster debris). These definitions should not be included.

(a)(22) "Hauler" the proposed definition does not include state and federal agencies. Agencies such as CalTrans and federal parks commonly transport wastes to transfer and disposal facilities. Exempting state and federal agencies skew the reported tonnages and origin and may require significant effort to extrapolate those entities from existing reporting systems. These agencies would be considered self-haulers in the proposed regulations. The ESJPA has significant concerns with the proposed reporting requirement for self-haulers as discussed in comments in (a)(37) below and requests that the term self-hauler be removed from the definition of hauler. Including state and federal agencies in the definition of "hauler" would be more appropriate.

(a)(26) "Material recovery facility" or "MRF" – This definition can be further clarified by adding the term "mixed" to avoid capturing operations that convey recyclables. The suggested revision is:

"Material recovery facility" or "MRF" means a facility which sorts and processes "mixed" materials for the purpose of recovery of recyclable and/or compostable materials, by moving materials through a processing line

(a)(27) "Material category" - The proposed regulations use both the terms "material category" and "material type" but only material category and target products are defined. Please clarify the definitions.

In addition, it is not clear if wood waste is included in the definitions of Organics (27)(E) and/or Construction and demolition debris and inerts (27)(F).

(a)(27)((G) Target product - Hazardous waste such as electronics, household batteries, and architectural paint should not be included as target materials. Existing reporting requirements for other target products should be synchronized to prevent duplicative efforts.

Hazardous wastes are specifically excluded from the definition of solid wastes in Public Resources Code 40191 and thus should not be included in these regulations since AB 901 only specified reporting of solid waste and recyclables.

Facilities handling these hazardous wastes do not fit into any of the defined entities in the draft regulations. Although many of these hazardous wastes are sent for hazardous waste recycling, that recycling activity is not included in the statutory definition of "Recycle" or "Recycling" since they would never "otherwise become solid waste" as required by the definition in Public Resources Code section 40180. Disposal of hazardous waste in solid waste is illegal and the mixture would not be considered solid waste.

Facilities collecting these hazardous waste, such as solid waste facilities and household hazardous waste are considered “generators” of that waste which do not report under AB 901. These facilities are not disposal facilities, transfer stations, exporters, brokers, or transporters of recyclables or composters which are the only entities listed in AB 901.

Many solid waste facilities and some household hazardous waste facilities do not participate in the Architectural Stewardship Program but do send architectural paint with other paint offsite. Requiring these facilities to report the amount of architectural paint is an excessive burden by requiring additional documentation.

Jurisdictions already report Household Hazardous Waste under the Form 303 process. If additional information is needed, then a statutory or regulatory change in that program should be pursued. Expanding the reporting mandates for jurisdiction is an excessive burden and partially duplicative effort.

In addition, solid waste facilities participating in the Used Mattress Recovery and Recycling Program are already required to submit an annual report on the number of mattresses handled (Title 14, 18967). These regulations should consolidate the reporting requirements to avoid multiple reports under different requirements.

(a)(37) “Self-hauler” – Including reporting of self-haulers is a significant concern.

Residents who haul their own wastes, recyclables, and/or compostables are significant, and in some cases the primary, contributors to rural facilities and commonly deliver mixed loads. Most self-haulers do not contract for services and may haul their materials weekly to a facility. It is unreasonable to require Self-haulers to report the quantities of materials they deliver to the receiving facility. Even if they were to report, the estimated quantities would have an extremely large margin of error. The accumulated range of errors would be significant enough to not be of value.

Since “Self-hauler” is included in the definition of “Haulers”, Section X.4 (c) would require each self-hauler to report to CalRecycle under certain conditions – delivered to End Users or exported. Expecting residents to report this information to CalRecycle is an unreasonable request especially since failure to report can result in financial penalties.

In addition, AB 1103 has been enrolled and is awaiting the Governor’s signature. AB 1103 modifies the current disposal reporting regulations in the Public Resources Code 41821.5 to include a definition of Self-hauler:

to include, at a minimum, a person or entity that generates and transports, utilizing its own employees and equipment, more than one cubic yard per week of its own food waste to a location or facility that is not owned and operated by that person or entity

If that bill is signed, these regulations will need to reconcile the definition.

(a)(40) “Source sector” - Tracking and reporting by source sector is a significant burden on haulers and facility operators. Many collection routes collected from multiple sectors, e.g. multi-family and

commercial. Many small facilities are not equipped to track this level of information. Any reporting by these sectors would only be an estimate.

In addition, not all solid waste is collected by Franchised sectors. Some collection is done by contracts granted by jurisdictions. These other sectors are not included in the proposed regulations.

Section X.3 Registration, Reporting and Exemptions.(a)

Another exemption should be added for small, remote transfer stations where materials are transported to central facilities. Local residents and small businesses deliver wastes to these facilities. Minimal separation of some materials may occur such as metal and cardboard. Solid waste from these sites is transported to a central facility. Tracking is more appropriate and less burdensome at the central facility.

Section X.9 Procedure for Imposing Civil Liabilities

Problems with accurate reporting with the current system occur and many are inadvertent errors. Given the complexity of the proposed system, unintentional errors will occur. Many of the violations listed rightly appear to target intentional acts. There should be a provision that allows for correction of incorrect information within a reasonable time (such as 15 days) without being considered a violation or assessing penalties.

Section X.12 Complaints Regarding Non-Compliance. (b)

Since the proposed reporting system significantly impacts local jurisdictions AB 939 reporting, they should be considered an affected or involved parties. These concerns may need an informal or potentially more formal review process that submittal via an electronic process.

*Association of Compost Producers
California State Association of Counties
California Refuse Recycling Council
League of California Cities
Recology
Republic Services, Inc.
Rural County Representatives of California
Waste Connections
Waste Management*

Mr. Robert Carlson
CalRecycle
1001 I Street
Sacramento, CA 95814
AB901.Reporting@CalRecycle.ca.gov

Dear Robert Carlson,

The companies and organizations listed above are fundamental stakeholders in achieving our ambitious 75% waste diversion goal, as we mutually look for solutions to effectively manage California's solid waste stream. We participated in the original development of AB 901 and in the informal rulemaking process to-date. Thank you for the opportunity to provide comments during this informal cycle.

This letter is an effort to address primary concerns with current AB 901 draft regulations, while recognizing that secondary concerns cannot be properly addressed until we resolve the primary. For example, thresholds for reporting cannot be determined until we know in general what reporting entities will be expected to report. To that end, we request another round of informal conversations once this round is completed.

Of highest concern to our group is the proprietary business protection afforded to reporting entities as outlined and directed in AB 901. Section 41821.5 (b) (3) states:

*The information in the reports submitted pursuant to this subdivision may be provided to the department on an **aggregated facility-wide basis and may exclude financial data, such as contract terms and conditions (including information on pricing, credit terms, volume discounts and other proprietary business terms), the jurisdiction of the origin of the materials, or information on the entities from which the materials are received.** The department may provide this information to jurisdictions, aggregated by company, upon request. The aggregated information, other than that aggregated by company, is public information (emphasis added).*

It is essential that reporting entities protect their customer list and aggregate reporting data so that proprietary business information is not made available to the public. Additionally, we recommend that destination reporting be done by category, not specific customer, to safeguard proprietary trade secrets from public disclosure. This approach is explained in more detail below.

Furthermore, we believe that many reporting entities (e.g. scrap metal yards, automobile shredders, chip & grind facilities, landscape material yards) are not yet aware of these developing regulations or are not yet participating in the informal discussions. It is crucial that more outreach occur with potential reporting entities and that they be clearly outlined in a written document for distribution. This will facilitate all necessary stakeholders to participate in the development process. Otherwise, we risk a prolonged regulatory process as affected entities are made aware later on in the formal rulemaking.

Finally, of significant importance is the fact that AB 901 regulations should not impose increased costs or burdensome reporting on reporting entities. We have several suggestions outlined below to address these concerns.

Reporting System

The reporting system will remain crucial to the success of AB 901 regulations and the accuracy of data received. Several elements must be addressed to ensure that data reporting is simplified and streamlined.

- **Report destination of recyclable material at the level defined in AB 901.** Central to AB 901's structure and intent is the protection of sensitive customer and proprietary business information. To that end, reporting entities should report and aggregate the destination of their recyclable materials by category, not individual destination, as written in AB 901: recycling facility, composting facility, end user in state, end user out of state, exporter, broker or transporter. For reporting purposes, this would protect the identity of any customer and reduce the opportunity for a competitor to take advantage of proprietary data.
- **Simplify recycling reporting by material type.** As material types are not discrete, reporting recyclables by material type will present challenges if these types are not clearly defined in the reporting system. In general, we recognize reporting by basic paper, metal, plastic, glass and organics recycling categories, but remain concerned that more granular reporting will lead to confusion and bad data. This is particularly important when we discuss potential targeted materials such as carpet and mattresses, which already have their own EPR program reporting. Any duplicative reporting needs to be streamlined so that the reporting system handles all defined categories. In addition, some materials types are managed as commingled material types with other materials; quantifying separate amounts for each would be a difficult and expensive process. As CalRecycle staff indicated in the workshops, reporting of mixed material types would be possible. This topic deserves more conversation after primary issues are addressed.
- **Remove source-sector from disposal reporting.** Not only would reporting source-sector create excessive data inaccuracies, it adds an unreasonable burden on reporting

entities. As numerous stakeholders have described, material may move through several operations and may contain multiple source sectors before it is sent to the landfill for disposal, creating a chain of data points that would need to be managed by staff at each facility. It is unreasonable to assume material can be tracked appropriately in this manner. Moreover, only “jurisdiction or region of origin” is described in AB 901, with no mention of source-sector. In lieu of source-sector reporting, CalRecycle may use an annual survey to estimate what percentage of disposed material is from the sectors they choose to define.

- **Remove hazardous waste from ALL reporting requirements.** Hazardous waste (e.g. paint, batteries, used oil, e-waste, etc.) is managed and regulated separately from solid waste and was never intended to be part of AB 901 reporting. Hazardous wastes are also specifically excluded from the definition of solid waste in Public Resources Code 40191 and thus should not be included in these regulations.
- **Consider modifying reporting for remote facilities.** Imposing extensive reporting from small, remote facilities that deliver solid waste to a central facility is burdensome. These systems should be allowed to provide aggregated reporting to CalRecycle.
- **Resolve data discrepancies.** Given the potential inaccuracies with this comprehensive reporting system, the regulations should create a process for jurisdictions, facilities, and haulers to resolve discrepancies in reported data. If there is no process for reconciliation, jurisdictions and facilities could be assigned tonnages and materials estimates that should be attributed to other sources.
- **Beta test the new reporting system** before it goes live to identify and resolve any major issues.
- **Define how clerical errors can be easily resolved.** Ensure that reporting entities have a straightforward method by which to correct any reporting errors in a timely manner without assessment of penalties.

Procedures for Imposing Civil Liabilities

As these regulations will bring new reporting entities under the directive of CalRecycle, it is essential that ample time is given to understand the new reporting system. Furthermore, regulatory enforcement language must provide a means of resolving issues, especially minor clerical errors, prior to the initiation of enforcement. AB 901 regulations should specifically include language from Section 41821.5 (c) (1): *Procedures to ensure that an opportunity to comply is provided prior to initiation of enforcement authorized by Section 41821.7.*

Reporting entities should not be penalized for minor clerical errors fixed within an appropriate timeframe.

Open Issues

Several issues cannot fully be examined until the aforementioned issues are addressed including, reporting at a facility with multiple operations, thresholds, tracking of self-hauled material, etc. We recommend another informal round of draft regulations to sort out the high level issues so that we may better tackle the secondary issues.

Conclusion

Reporting should be designed to minimize burdens on reporting entities while accomplishing the goals of AB 901. In addition to synchronizing with other reporting, any necessary percentage calculations and breakdowns desired by CalRecycle should be imbedded in the reporting system. An in-depth IT discussion will be crucial to designing a useful system.

We also request more informal discussions and outreach to potential reporting entities. Affected sectors need to be clearly delineated in writing by CalRecycle before formal rulemaking to engage those sectors.

Not yet outlined in the draft regulations is the engagement of state organizations, such as state prisons, in the reporting process. In order to get the most accurate data, we want to ensure that state agencies are active participants if they too are considered a recycling or composting facility or operation.

Finally we ask for more clarification on what information will be made available to local governments through AB 901 reporting. How will discrepancies between reporting at the state or local level be resolved? This is a discussion that merits considerable attention and is not yet well-defined.

The comments in this letter provide a general consensus on issues we hope to resolve, though each stakeholder reserves the right to provide individual comments.

We look forward to another informal round of AB 901 regulations to go over the most pressing issues before we begin formal rulemaking.

Sincerely,

Dan Noble, Executive Director
Association of Compost Producers
DanWylderNoble@gmail.com

Cara Martinson, Legislative Representative
California State Association of Counties
cmartinson@counties.org

Kathy Lynch, Regulatory Affairs Director
California Refuse Recycling Council
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Veronica Pardo, Regulatory Affairs Director
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Mary Pitto, Regulatory Affairs Advocate
Rural County Representatives of California
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Eddie Westmoreland, Western Regional Vice-President of Government Affairs
Waste Connections
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Alex Oseguera, Vice President and General Manager
Waste Management
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Final Regulation Text

Changes are denoted by the following:

~~Strikethrough~~ = deletions of existing text
Underline = additions to existing text

California Code of Regulations
 Title 14. Natural Resources
 Division 7. Department of Resources Recycling and Recovery

Chapter 1. Minimum Standards for Solid Waste Handling and Disposal

Article 6.0. Transfer/Processing Operations and Facilities Regulatory Requirements

§ 17402. Definitions.

(a) For the purposes of these Articles:

...
 (6.5) "Glass Container Processing Operation" means a person or business entity whose primary purpose is to receive source separated or separated for reuse glass container materials, either whole or fragments, for processing that may also contain a residual amount of solid waste and that does not qualify as a recycling center as set forth in section 17402.5(d).
 ...

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 40053, 43020, and 43021, Public Resource Code.

§ 17403.0. Regulatory Tiers Requirements for Transfer/Processing Operations and Facilities.

Table 1

Transfer/Processing Operations and Facilities Placement into the Regulatory Tiers

Not Subject to Articles 6.0, 6.1, 6.2, 6.3 and 6.35	Excluded Tier	Enforcement Agency Notification Tier	Registration Permit Tier	Full Solid Waste Facility Permit
Auto Dismantler Section 17402.5(c)(1)	Locations where <15 cubic yards of combined container volume is provided to serve as multi-residence	Emergency Transfer/Processing Operations Section 17403.5	Medium Volume Transfer/Processing Facility Section 17403.6	Large Volume Transfer/Processing Facility Section 17403.7
Auto Shredder Operations Section 17402.5(c)(2)	receptacles for residential refuse at the place of generation. Section 17403.1(a)(1)	<u>Glass Container Processing Operations Section 17403.3.1</u>	Direct Transfer Facility Section 17403.4	
Buy Back Centers Section 17402.5(c)(3)	Locations where <15 cubic yards of combined container volume is handled for recycling. Section 17403.1(a)(2)	Sealed Container Transfer Operations Section 17403.2S		
Drop-off Centers Section 17402.5(c)(4)				
Manufacturers Section 17402.5(c)(5)	Storage receptacle at the place of generation for waste from multi-residential buildings or for commercial solid	Limited Volume Transfer Operations Section 17403.3		
Recycling Centers Section 17402.5(d)				

wastes. Section
17403.1(a)(3)

Rendering Plants
Section
17402.5(c)(6)
Reuse Salvage
Operations (includes
furniture and
mattress
dismantlers and
demanufacturers)
Section
17402.5(c)(7)

Containers used
to store
construction or
demolition wastes
at the place of
generation.
Section
17403(a)(4)

Scrap Metal
Recyclers and
Dealers Section
17402.5(c)(8)
Wire Choppers
Section
17402.5(c)(9)
Wood, Paper, or
Wood Product
Manufacturer
Section
17402.5(c)(10)

Containers used
to store salvaged
materials.
Section
17403.1(a)(5)
Waste Hauling
Yard Operations.
Section
17403.1(a)(6)
Storage of Other
Wastes. Section
17403(1)(a)(7)

Note: There are no operations or facilities placed within the Standardized tier.

§ 17403.3.1. Glass Container Processing Operations.

(a) All Glass Container Processing Operations subject to this Article shall comply with the Enforcement Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing with section 18100).

(1) These operations shall be inspected within 30 days of the effective date of this regulation. Thereafter, these operations shall be inspected by the EA at least once quarterly to verify compliance with minimum standards, unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment, but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of request for reducing the frequency of inspections.]

(2) In calculating the amount of residual material generated by the operation to determine the applicability of this Chapter, the following material shall not be included: any residual materials transferred back to the operation that originally provided the material.

(3) The operator shall specify the operation's boundary area in the operating record.

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 40053, 43020, and 43021, Public Resource Code.

§ 17405.0. Applicability of State Minimum Standards.

(a) Articles 6.0, 6.1, 6.2, and 6.3 of this Chapter set forth the minimum standards that apply to all transfer/processing operations and facilities, direct transfer facilities, sealed container operations, limited volume transfer operations, glass container processing operations, and emergency transfer/processing operations, except as noted in section 17400(a).

(b) Article 6.35 of this Chapter sets forth additional minimum standards that will apply only to transfer/processing facilities.

(c) Approvals, determinations and other requirements that the EA is authorized to make in Articles 6.0, 6.2, 6.3, and 6.35 shall be provided in writing by the EA to the operator. The operator shall place

1 a copy of these approvals in addition to those records identified in sections 17414 and 17414.1 in the
2 operating record.

3 (d) Some of the standards contained in Articles 6.0, 6.1, 6.2, 6.3, and 6.35 of this Chapter allow the
4 EA to approve an alternative method of compliance with the standard. These provisions are not
5 intended to allow the EA to change the particular standard, but are intended to allow the EA flexibility
6 to approve, in advance, an alternative method of meeting the existing standard. For facilities that
7 require a full solid waste facility permit, the EA may choose to include the approved method as a term
8 and condition of the solid waste facility permit, rather than in the manner authorized by subdivision
9 (c) of this section. If the method is included in the solid waste facility permit, a change to the method
10 may require a revision to the solid waste facility permit in accordance with the procedures set forth in
11 Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3, and 3.1 (commencing with
12 section 21570).

13
14 Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections
15 40053, 43020, and 43021, Public Resource Code.

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AGENDA
FUTURE OF ELECTRONIC WASTE MANGAGEMENT IN CALIFORNIA
STAKEHOLDER WORKSHOP

Wednesday, September 14, 2016 10:00 a.m. – 3:00 p.m.

Coastal Hearing Room Cal/EPA Headquarters
 Building 1001 I Street, Sacramento

The purpose of this workshop is to engage stakeholders in an initial discussion concerning the future of electronic waste collection and management in California.

CalRecycle is embarking on long-term initiative to examine current conditions and future options for electronic waste management in California. Drawing from over a dozen years of program operational experience since the signing of the Electronic Waste Recycling Act of 2003, as well as the knowledge gained by the many states that administer electronic waste management programs of their own, CalRecycle seeks to identify the strengths and weaknesses of current and alternative program approaches. The ultimate goal will be the formulation of policy recommendations aimed at bolstering the effective management of the electronic waste stream and the resources it contains.

The format for this initial workshop will feature a CalRecycle staff overview and initial analysis of the recent survey sent to more than 3,300 recipients of the electronic waste listserv. The workshop will also feature a panel of stakeholders representing a range of California perspectives who will present their views and engage in dialog with each other and attendees. A series of breakout sessions will be held for small group discussions to help identify those essential elements that are vital to any future program model success.

TIME	TOPIC	ACTION
10:00 – 10:15	Opening Remarks and Topic Introduction	<ul style="list-style-type: none"> • Welcome and Program Overview
10:15 – 10:30	Initial Survey Results	<ul style="list-style-type: none"> • Staff presentation of initial survey results • Open discussion of survey and survey responses
10:30 – 12:00	Panel Presentations	<ul style="list-style-type: none"> • Janice Oldemeyer, Onsite Electronics Recycling • Aaron Blum – Electronic Recyclers International • Dennis Kazarian – e-Recycling of CA • Caitlin Sanchez – VIZIO Consumer Electronics • Melissa Plamondon – Los Angeles Sanitation District • Teresa Bui – Californians Against Waste <p style="text-align: center;">Open question and answer</p>
12:00 – 12:30	Break	<ul style="list-style-type: none"> • 30 Minute Break

TIME	TOPIC	ACTION
12:30 – 12:45	Introduction of Breakout Sessions	<ul style="list-style-type: none"> • Process for breakout sessions • Description of each topic
12:45 – 2:15	Breakout Discussions	<ul style="list-style-type: none"> • Breakout discussion groups – attendees rotate between three topics to further explore potential models (top 3 identified in survey for further analysis): Fee and Payment Model, Extended Producer Responsibility Model, Take-Back/Hybrid Model
2:15 – 3:00	Open Discussion and Next Steps	<ul style="list-style-type: none"> • Actions – What is needed to move forward • Wrap-up and next steps
3:00	Wrap-Up and End	

General Information:

- Workshop website:
<http://www.calrecycle.ca.gov/Actions/PublicNoticeDetail.aspx?id=1831&aiid=1659>
- For those unable to attend in person, the forum is planned to be webcast at
<http://calrecycle.ca.gov/Broadcast/>
- Please forward questions and concerns you'd like to have addressed to ewaste@calrecycle.ca.gov
- Pre-/Post- Workshop Contact Information – Shirley Willd-Wagner 916-341-6629
shirley.willd-wagner@calrecycle.ca.gov

ADVISORY: DRAINING OF USED OIL FILTERS

Improperly drained used oil filters must be managed as hazardous waste under California's Hazardous Waste Control Law

In recent inspections, the Department of Toxic Substances Control (DTSC) has discovered a significant number of undrained or improperly drained used oil filters that were sent to metal recycling facilities by generators of those filters.

This advisory explains DTSC's regulations governing the management of used oil filters, and highlights the draining techniques that DTSC has found to be most effective at removing residual oil from the filters.

Generators who do not wish to manage used oil filters as hazardous waste must satisfy California Code of Regulations, title 22, section 66266.130.

Generators who drain oil filters at the facility where they were removed from vehicles and use the draining techniques described in the regulations are not required to obtain a hazardous waste facility permit or other form of authorization. Individual do-it-yourself (DIY) oil changers (does not include oil change or vehicle repair businesses) can take their used oil filters to a Certified Collection Center approved by the Department of Resources, Recycling and Recovery (CalRecycle).

Only Certified Collection Centers are allowed to accept DIY oil filters without a permit from DTSC. The center is responsible, like all other generators, for properly draining all filters before shipping them off-site for recycling. If oil filters are not properly drained, the generator is required to manage and ship them as hazardous waste using a hazardous waste manifest. Properly drained oil filters may be sent to **recycling facilities** using a bill of lading, and those facilities are allowed to process them without a permit or other



Department of
Toxic Substances Control

***For more information, contact the
DTSC Regulatory Assistance Office
(800) 72-TOXIC or (800-728-6942)***

***From outside California call
(916) 324-2439***

or visit www.dtsc.ca.gov

For more on CalRecycle-approved certified used oil collection centers, please see their website:

<http://www.calrecycle.ca.gov/UsedOil/Report/CenterSearch/Default.aspx?lang=en-US>

authorization from DTSC. Recycling facilities accepting undrained oil filters (or other filter media cartridges that have no metal) must possess a standardized permit or be authorized by DTSC to accept and process undrained oil filters.

Transporters do not need a hazardous waste transporter or hauler registration to accept properly drained oil filters from generators or Certified Collection Centers and transport them to recycling facilities under a bill of lading. The transporter must confirm that the shipment contains only properly drained oil filters.

ADVISORY: DRAINING OF USED OIL FILTERS

A transporter may not accept or ship oil filters unless the generator or Certified Collection Center has properly drained them, or the shipment is accompanied by a hazardous waste manifest and is shipped to an authorized hazardous waste facility that has a standardized permit or other written authorization from DTSC. If a shipment is discovered to contain undrained filters when it arrives at a recycler, it cannot be returned to the generator. The transporter must ship the undrained filters under a hazardous waste manifest to an authorized hazardous waste facility that has a standardized permit or other written authorization from DTSC. **The undrained filters may not be returned to the original generator for further draining.**

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Transporters may also consolidate properly drained filters they collect from various generators (in a “milk run”), and create a new bill of lading that identifies the transporter as the generator. Transporters that create a new bill of lading for a consolidated shipment are considered the generator of that shipment and are responsible for compliance with, and any violation of, section 66266.130. Transportation of undrained filters without a manifest by an unregistered hazardous waste hauler violates the Hazardous Waste Control Law.

Frequently Asked Questions:

I’ve had no issues with draining my oil filters before. What’s different?

In the past, most canister type oil filters were designed so that gravity draining alone was effective at removing the free flowing oil. To meet vehicle manufacturer and vehicle warranty specifications, oil filters in use today are equipped with an anti-drain-back valve device located just inside the filter inlet openings. This valve

keeps oil in the filters when the engine is turned off. Most auto manufacturers require anti-drain-back valves and most filter manufacturers now produce oil filters with anti-drain-back protection that will last for at least 12 hours. This valve ensures the filter is always full of oil when the vehicle is started.

How does this new filter design affect me?

Anti-drain-back valves have been found to prevent oil from fully draining from filters using traditional gravity draining techniques. This is believed to be the primary reason for the undrained or improperly drained oil filters that DTSC has found.

Tips for Draining Oil from Filters:

Gravity draining alone does not effectively or reliably drain spin-on canister filters, the most common type of oil filter.

Therefore, one of the other allowable methods of draining should be used to drain those filters. To ensure that filters are emptied of all free-flowing oil, DTSC recommends that the filters be punctured, crushed or opened before draining.

F

The regulations also allow generators to manually manipulate the anti-drain-back valve to allow the free-flowing oil to exit the filter. However, this valve manipulation can be difficult and time-consuming, because the valve must be held open long enough to allow the oil to drain. It can also be difficult to hold the filter at the proper angle as the valve is being held open. Crushing or puncturing filters prior to gravity-draining (with the hole at the lowest point to facilitate drainage) is the most effective method for properly and reliably draining oil from the filters.

ADVISORY: DRAINING OF WASTE USED OIL FILTERS

Special Note for Filters without Metal Housings:

G

Used oil filters and fuel filters without metal housings (also known as filter media cartridges or inserts) are not considered recyclable and cannot be managed in the same way as those with metal housings. These must be collected and managed as hazardous waste, transported by a registered hazardous

waste transporter with hazardous waste manifests, and sent to an authorized hazardous waste facility unless they can be demonstrated to not exhibit a hazardous waste characteristic. These oil and fuel filter cartridges **should not be mixed with used oil filters that have metal housings and are being recycled.** This commingling would be a violation of the Hazardous Waste Control Law.

The hazardous waste regulation referenced above is reproduced below, as it read on August 24, 2016, for the convenience of the reader. For all current hazardous waste regulations, please see <https://govt.westlaw.com/calregs/Index> under Title 22, Division 4.5.

California Code of Regulations, Title 22, section 66266.130 (highlighting added)

(a) Used oil filters are to be managed as hazardous waste unless the conditions of one of the following paragraphs are met:

(1) The filters are characterized as being non-hazardous using procedures identified in this division and applicable waste characterization procedures found in federal regulations or;

(2) The conditions of subsection (b) of this section are met and the filters are managed in compliance with the requirements of subsection (c) of this section or;

(3) The filters are generated by persons maintaining their own place of residence (i.e., household waste) and such filters are taken to a collection location (such as a service station, parts retailer, household waste collection location, etc.) or picked-up by a curbside collection system and transferred for purposes of recycling. The filters must be contained after their initial acceptance or collection so as to capture used oil that may separate from them. Upon reaching a location where proper drainage is practical, the filters shall be managed in accordance with subsection (c) of this section.

(b) For the purposes of subsection (c) of this section, "used oil filters" are defined as filters which contain a residue of used oil (as defined in Health and Safety Code Section 25250.1(a)) and which are exempt from regulation as a hazardous waste under the scrap metal provision found in federal law (40 CFR Section 261.6(a)(3)(iv)).

(c) In accordance with subsection (a) of this section, used oil filters that meet the conditions of subsection (b) of this section and are managed and recycled in compliance with the following requirements shall not be regulated as hazardous waste.

(1) The filters are drained of free-flowing used oil. For the purposes of this subsection, free-flowing is defined as a continuous stream of oil exiting the filter when the filter is inverted. Oil exiting drop by drop is not considered to be free-flowing. However, if the filter is equipped with a device (such as a rubber flap located just inside the filter opening) which impedes the drainage of used oil from the filter, that device shall be manipulated to allow the oil to exit the filter freely, or the filter punctured, crushed, opened, drained, or otherwise handled in a manner that will allow the used oil to exit the filter.

ADVISORY: DRAINING OF WASTE USED OIL FILTERS

(2) The drained used oil filters are transported for purposes of metal reclamation to any of the following:

(A) A smelter or other scrap metal processor where they are recycled or;

(B) A storage facility or consolidation facility that subsequently transfers the filters to a facility described in paragraph (A) or (C) of this subsection or;

(C) A municipal solid waste incinerator for energy recovery, if the residual casings are subsequently transferred to a facility described in paragraph (A) of this subsection, or to a storage or consolidation facility that subsequently transfers the residual casings to a facility described in paragraph (A) of this subsection.

(3) The drained used oil filters are accumulated, stored, and transferred in a closed, rainproof container that is capable of containing any used oil that may separate from the filters placed inside. Drums of used oil filters shall be sealed during transfer so that used oil will not spill out when they are laid upon their sides. Drums shall be secured as a load to prevent movement or tipping during transfer. Containers shall be labelled as "drained used oil filters" (not as hazardous waste) and show initial date of accumulation or receipt on each container of filters.

(4) Storage of less than one ton of used oil filters shall be limited to one year. Storage of one ton or more of used oil filters is limited to 180 days.

(5) Persons generating, transporting, or receiving used oil filters shall use a bill of lading to record the transfer of used oil filters. Bills of lading must indicate generator, transporter, and receiving company names, addresses, telephone numbers, the quantity and size of used oil filter containers transferred, and the date of transfer. A copy of each bill of lading must be kept on the premises of the generator, transporter, and receiving facility where the used oil filters were handled. Copies of bills of lading shall be kept for a period of three years.

(6) Used oil which incidentally accumulates in a container used to store and/or transfer used oil filters shall not be subject to the requirements of Article 13, Chapter 6.5, Division 20, Health and Safety Code (HSC) until after the filters have been removed from the container so long as applicable requirements of this section are met. Used oil that is separated from the used oil filters during draining procedures, as required in paragraph (1) of subsection (c) of this section, shall be managed in accordance with Article 13 (HSC).

(d) A person who treats a used oil filter which has been drained of free-flowing oil in accordance with paragraph (1) of subsection (c) of this section is authorized, for the purposes of Health and Safety Code section 25201, to perform such activities if any used oil or other residue generated in the course of conducting those activities is managed in accordance with the requirements of this division.

Comments on “Advisory: Draining of used oil filters”

Provided by Larry Sweetser, sweetser@aol.com , 510-703-0898

- A. As indicated on the Thursday phone call, there are a number of places used oil filters can be accepted. Certified Used Oil Centers are one option. Title 22, Section 666266.130 (a)(3) acknowledges some other locations, “(such as a service station, parts retailer, household waste collection location, etc.) or picked-up by a curbside collection system”. Many of these “collection locations” do not receive a permit from DTSC. Other options include the following with varying levels of approval:
- a. Used oil centers – PRC 48622 & HSC 25250.111, No approvals
 - b. Permanent Household Hazardous Waste facilities – PBR Form 1094B filed with CUPA, letter of authorization issued
 - c. Temporary Household Hazardous Waste facilities – PBR Form 8464 filed with CUPA, no acknowledgment required.
 - d. Recycle-only Household Hazardous Waste facilities – Notification form 1171 filed with CUPA, no approval required
 - e. Door-to-Door/Residential Collections (HSC 25218.1 (c)) may need CUPA notification
 - f. Curbside recycling (HSC 25218.1 (b))
 - g. Solid waste refuse removal or curbside collection vehicle (HSC 25250.15)

Suggested revisions

Individual do-it-yourself (DIY) oil changers (does not include oil change or vehicle repair businesses) can take their used oil filters to a-collection locations including: Certified Collection Center approved by the Department of Resources, Recycling and Recovery (CalRecycle), Household Hazardous Waste Facility, or used oil collection center.

~~Only Certified Collection Centers are allowed to accept DIY oil filters without a permit from DTSC.~~ The collection location center or HHW facility is responsible, like all other generators, for properly draining all filters before shipping them off-site for recycling.

- B. There needs to be clarity that a collection location, even though it is not the original generator, can accept filters that may not be “drained” as long as the initial collection location or a subsequent collection location conducts the “draining” (HSC 66266.130 (a)(3)). We also have the eternal discussion regarding whether a collection center (HHW or used oil) is a generator or TSDF. Maybe we can avoid that debate with the following suggested changes:

The ~~center collection location~~ is responsible, ~~like all other generators,~~ for properly draining all filters at the initial acceptance location, or upon reaching a location where proper drainage is practical, before shipping them off-site for recycling. If oil filters are not properly drained, the ~~filters generator is are~~ required to be managed and ~~shipped them~~ as hazardous waste using a hazardous waste manifest.

- C. It is not clear how used oil filters that may not be fully “drained” can be moved from the initial collection location to another “reaching a location where proper drainage is practical”. The advisory indicates that Transporters can only accept “properly drained filters”.
- D. Transporters do not need a hazardous waste transporter or hauler registration to accept properly drained oil filters from generators or ~~Certified Collection Centers~~ collection locations and transport them to recycling facilities under a bill of lading. The transporter must confirm that the shipment contains only properly drained oil filters.
- E. Since used oil collection locations are not typically allowed to accept manifested wastes, this sentence is essential. It would be appropriate to indicate that this as follows:

The undrained filters may not be returned to the original generator for further draining since these sites are not allowed to accept manifested hazardous wastes.

- F. Since manipulating the flap is still allowed in regulations and acknowledged in the second paragraph of the “Tips for Draining Oil from Filters”, that paragraph should be listed first and then move the paragraph on “Gravity draining” to the second paragraph.

In addition, there is a concern that a “opened” filter could not be added back into the same drum or container as “drained oil filters” since the “opened” filter exposes the paper filter which must be handled as hazardous waste.

- G. Some fuel filters are not completely encased in metal housings but still contain metal can qualify under the scrap metal exemption. In addition, oil filters without metal housings can be shipped as “Solids contaminated with used oil” HSC 525160.2 (c)(2)(a)(i) under a consolidated manifest. This allowance will make management of paper filters more palatable. This would not apply to paper fuel filters. A suggestion for this language is as follows:

Used oil filters and fuel filters without metal ~~housings~~ (also known as filter media cartridges or inserts) are not considered recyclable and cannot be managed in the same way as those with metal housings. These must be collected and managed as hazardous waste, transported by a registered hazardous waste transporter with hazardous waste manifests, or on a consolidated manifest as “solids contaminated with used oil” ... A consolidated manifest cannot be used for paper fuel filters. ... These oil and fuel filter cartridges should not be mixed with used oil filters that have metal ~~housings~~ and are being recycled.



REQUEST FOR APPROVAL

To: Scott Smithline
Director

From: Howard Levenson
Deputy Director, Materials Management and Local Assistance Division

Request Date: September 20, 2016

Decision Subject: Approval of the California Used Oil Recycling Fund Three-Year Spending Plan (FY 2016-17—FY 2018-19)

Action By: September 20, 2016

Summary of Request

Staff requests approval of the California Used Oil Recycling Fund Three-Year Spending Plan for FYs 2016-17, 2017-18 and 2018-19. The California Oil Recycling Enhancement Act (Act) mandates expenditure of revenues generated from a fee of six cents per quart on lubricating oil sold in California. CalRecycle staff propose a three-year spending plan that outlines continued support for local jurisdictions' used oil and filter recycling efforts. However, the fund will not be able to support the current level of expenditures by FY 2018-19. Accordingly and as directed in statute, a reduction in payments to local governments is possible in upcoming years as the fund balance is drawn down.

Recommendation

Staff recommends approval of the proposed California Used Oil Recycling Fund Three-Year Spending Plan (FY 2016-17—FY 2018-19). Staff also seeks direction to conduct public workshops to solicit stakeholder input on the future of the program, including input on potential statutory changes to address the projected funding shortfall.

Director Action

On the basis of the information and analysis in this Request for Approval and the findings set out herein, I hereby approve the proposed California Used Oil Recycling Fund Three-Year Spending Plan (FY 2016-17—FY 2018-19) and direct staff to conduct public workshops to solicit stakeholder input on the future of the program.

Dated: _____

Scott Smithline
Director

Background

Assembly Bill 2076 (Sher, Chapter 817, Statutes of 1991) established a comprehensive used oil recycling program to reduce the effects of improper disposal by encouraging the recycling of used oil that must be managed as a hazardous waste in California. The Act established a manufacturer fee and recycling incentive system to fund various activities that encourage generators, including do-it-yourselfers, to recycle their used oil. Since the enactment of the Act, CalRecycle has implemented a successful used oil recycling program (Program) resulting in a robust infrastructure for collecting and handling used oil.

Statute and the annual State Budget set forth specific mandated funding priorities for the Program, including payments to certified collection centers, local conservation corps, local jurisdictions via the Oil Payment Program (OPP), and specified state agencies (see Table below). These are structured to ensure that core program responsibilities are met (e.g., payments to collection centers, minimum OPP payments, program administration). CalRecycle also has discretion to use revenue remaining after the mandatory expenses are made to fund projects to further the intent of the Act (e.g., competitive grants, contaminated oil claims, rerefined oil claims, contracts).

A major focus of the Program is support for local jurisdictions' used oil and filter recycling programs through the Oil Payment Program (OPP). This is a per capita payment program to provide resources to establish and operate programs at the local and/or regional level. Funds are typically used for collection infrastructure such as the establishment of new certified collection centers, used oil recycling costs, used oil filter collection programs, and innovative public education and outreach programs. Statute directs up to \$11 million annually for the OPP unless the Fund cannot support it. If the Fund cannot support the full \$11 million, then statute requires that at least half of the balance in the Fund after mandatory expenditures be dedicated to OPP.

Fund Status

The six cent per gallon fee on all lubricating oil sold in California generates approximately \$23.7 million annually. This is projected to stay relatively constant for the next three years to five years, although it is possible that longer intervals between oil changes may impact future lubricating oil sales. Statutorily mandated expenses are projected to be \$17.2 million annually for the same time frame, although personnel costs are likely to rise slightly. The amount available for discretionary expenses will drop as the reserve is used to keep the OPP funds at the maximum award level of \$11 million. When the reserve is depleted, and the \$11 million for OPP cannot be fully funded, then a minimum of 50 percent of funds; remaining after mandatory expenditures are accounted for; must go to the OPP program, as directed by statute.

Staff project that in FY 2018-19, OPP funding will need to be reduced. This projection is based on conservative estimates of revenues and liberal expenditure estimates. Thus, the need for reduction and the amount of any reduction will be determined as staff prepare budgets for upcoming fiscal years. Staff will monitor and provide updates as budget information becomes available. It is anticipated that fund projections, including any possible reductions, will be released annually in January in conjunction with the Governor's Budget.

In the interim, staff are not pursuing any new contracts or other expenditures that will place a draw on the fund. Support and resources for local government programs, certified collection centers, and the local conservation corps are paramount and continue to be the focus of CalRecycle's efforts. If a reduction in OPP is necessary, then only the discretionary spending proposed is continuing the claims for contaminated and rerefined oil and to support the biennial used oil training/conference. Statute directs CalRecycle to provide funds to program participants to cover expenses related to the management of a contaminated load of used motor oil. Also, CalRecycle will make payments to processors for re-refined base lubricant produced from used oil generated and collected in California.

Future Efforts

As mentioned above, given the status of the fund, CalRecycle will not pursue contracts, competitive grants, or most other discretionary expenditures at this time. With existing resources, staff will continue to work towards identifying and making available, information and data to assist local jurisdictions and other program participants to further used oil collection in California. This will include examining trends in lubricating oil use and emerging automotive technologies that may have effects on the sale of new lubricating oil and the recycling of used oil. Staff also will work with jurisdictions to identify new and innovative programs that can be replicated to provide cost savings and improve overall Program efficiencies.

While these monitoring and programmatic improvements are on-going efforts within the Program, staff also propose to enhance those efforts with a focus on the future of the Program, including soliciting input from Program participants and stakeholders via public workshops, surveys, and/or small workgroups. Initial discussions could include review of existing programmatic efforts and funding, follow-up on recommendations included in CalRecycle's report to the Legislature pursuant to SB 546 (Lowenthal, Chapter 235, Statutes of 2009), and potential options for statutory change.

Projected Spending Plan

	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22
Beginning Balance	\$ 19,345,000	\$ 6,897,273	\$ 424,633	\$ 0.00	\$ 0.00	\$ 0.00
Revenue (oil fee)	\$ 23,763,000	\$ 23,763,000	\$ 23,763,000	\$ 23,763,000	\$ 23,763,000	\$ 23,763,000
Revenue (interest)	\$ 138,000	\$ 48,000	\$ 8,000			
TOTAL REVENUE	\$ 43,246,000	\$ 30,708,273	\$ 24,195,633	\$ 23,763,000	\$ 23,763,000	\$ 23,763,000
EXPENDITURES						
Mandatory Expenditures						
Personnel & Operating Expenses	\$ 7,336,000	\$ 6,596,000	\$ 6,596,000	\$ 6,596,000	\$ 6,596,000	\$ 6,596,000
Used Oil Collection Payments (PRC 48651)	\$ 5,768,000	\$ 5,768,000	\$ 5,768,000	\$ 5,768,000	\$ 5,768,000	\$ 5,768,000
Farm and Ranch Grants Transfer (PRC 48653)	\$ 266,000	\$ 266,000	\$ 266,000	\$ 266,000	\$ 266,000	\$ 266,000
DTSC Contract (PRC 48653)	\$ 350,000	\$ 350,000	\$ 350,000	\$ 350,000	\$ 350,000	\$ 350,000
Local Conservation Corps Grants (PRC 17001)	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000
DTSC (PRC 48653 b) & OEHA Agreements	\$ 1,029,000	\$ 1,029,000	\$ 1,029,000	\$ 1,029,000	\$ 1,029,000	\$ 1,029,000
Dept of Finance Support	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000
State Conservation Corp Contract		\$ 59,750		\$ 59,750		\$ 59,750
Audit Settlement	\$ 6,084,837					
Statutory Reserve (PRC 48653)	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000
3% Contingency Reserve	\$ 712,890	\$ 712,890	\$ 712,890	\$ 712,890	\$ 712,890	\$ 712,890
MANDATORY EXPENDITURES TOTAL	\$ 24,548,727	\$ 17,783,640	\$ 17,723,890	\$ 17,783,640	\$ 17,723,890	\$ 17,783,640
Balance: Revenue minus Mandatory Expenses	\$ 18,697,273	\$ 12,924,633	\$ 6,471,743	\$ 5,979,360	\$ 6,039,110	\$ 5,979,360
Discretionary Expenditures						
Re-refined Oil Payments	\$ 600,000	\$ 600,000	\$ 600,000	\$ 600,000	\$ 600,000	\$ 600,000
Contaminated Used Oil Payments	\$ 200,000	\$ 200,000	\$ 200,000	\$ 200,000	\$ 200,000	\$ 200,000
UO/HHW Conference		\$ 700,000		\$ 700,000		\$ 700,000
Competitive Grants	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<i>Minimum OPP Amount (i.e. half of remaining funds, per statute)</i>			\$ 3,235,872	\$ 2,989,680	\$ 3,019,555	\$ 2,989,680
Amount Proposed for OPP	\$ 11,000,000	\$ 11,000,000	\$ 5,671,743	\$ 4,479,360	\$ 5,239,110	\$ 4,479,360
DISCRETIONARY EXPENDITURES TOTAL	\$ 11,800,000	\$ 12,500,000	\$ 6,471,743	\$ 5,979,360	\$ 6,039,110	\$ 5,979,360
TOTAL EXPENDITURES	\$ 36,348,727	\$ 30,283,640	\$ 24,195,633	\$ 23,763,000	\$ 23,763,000	\$ 23,763,000
FUND BALANCE	\$ 6,897,273	\$ 424,633	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

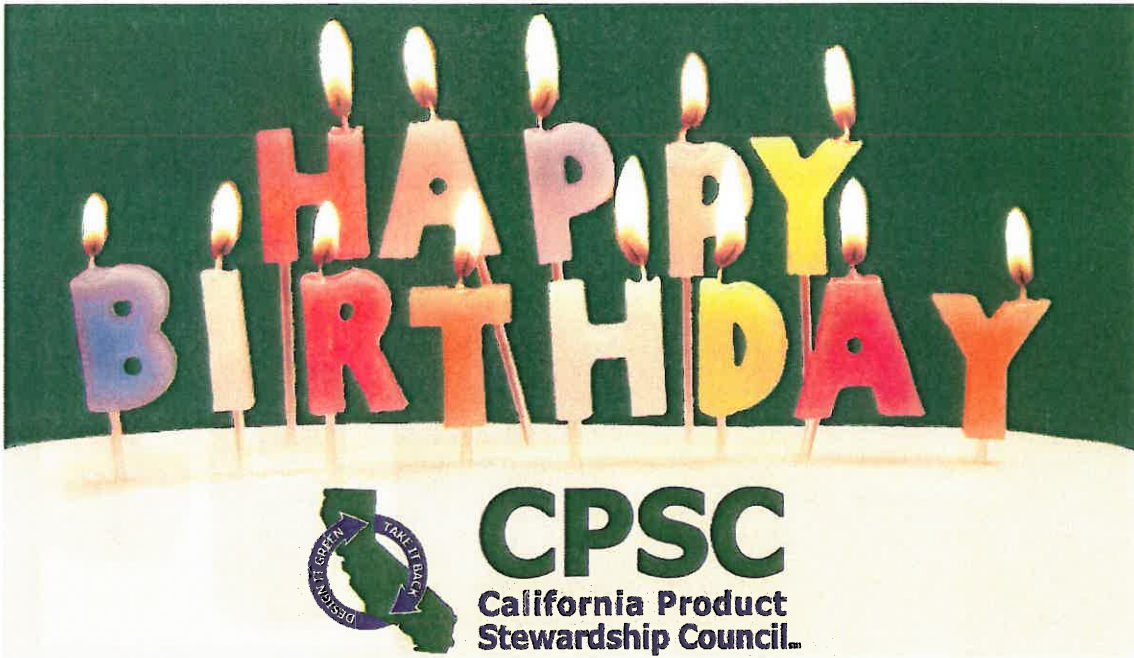
NOTE: A reserve was built with increases to fees pursuant Act pursuant to SB 546 (Lowenthal, Chapter 235, Statutes of 2009) and is reflected in the beginning balances. Also, FY 2016-17 mandatory expenditures include a one-time \$6.084 million increase due to a reimbursement of overpayment of fees to a program participant.

Mary Pitto

From: cpsc-battery-stewardship-listserv@googlegroups.com on behalf of Jordan [Jordan@calpsc.org]
Sent: Wednesday, September 21, 2016 10:49 AM
To: Jordan
Subject: Happy Birthday CPSC!

September 21, 2016

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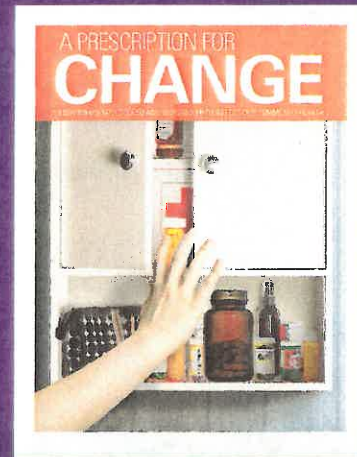
Today the California Product Stewardship Council (CPSC) turns nine years old! Since local governments organized to form CPSC in 2007, we have worked with supporters including many California businesses to educate Californians about producers sharing in responsibility for the life cycle of their products and advocated for policy changes benefitting all Californians who want to reduce waste and recycle.

Some of our accomplishments include:

Education Through Partnerships:

- Supported Alameda County as they passed the first pharmaceutical EPR ordinance in the Country to hold producers responsible for their product waste leading to 9 more ordinances in CA and WA.

-
- Developed five educational newspaper inserts focused on hazardous waste management in coordination with local governments and their community partners.



Campaign Victory for Refilling Over Landfilling:

- Created the award winning ReFuel Your Fun (RFYF) Campaign to promote refillable 1 lb. propane cylinders, funded in part by grants awarded from CalRecycle. There are now 150+ participating retail locations in California, including all Kamps Propane locations and 126 CA U-Haul locations with propane. For locations near your visit: refuelyourfun.org/find-retailers-near-you/
- Facebook: www.facebook.com/RefuelYourFun



Campaign Victory for Safe Med Disposal:

- Started the Don't Rush to Flush (DRTF) Campaign as part of a small grant project to establish 5 new medicine collection bins in Sacramento County. DRTF now has 26 locations in California proving take-back works! dontrushtoflush.org/dontrush2flush/map/
- DRTF Facebook: facebook.com/DontRushToFlush
- DRTF Twitter: twitter.com/DontRushToFlush



Legislative Victories:

- AB 1343 (Huffman 2010): Established the first permanent paint stewardship program in the nation. California's Paint Stewardship Program, PaintCare, now has over 700 collection sites throughout California.



-
- SB 1229 (Jackson and Stone 2016): Pharmacy liability protection for hosting drug take-back bins, sponsored by CPSC.

Awards:

- Hosted the 7th Annual Arrow Awards to California businesses for green design & take-back & Legislative Leadership Awards.
-
- Received Awards from: Industrial Environmental Association, North American Hazardous Materials Management Association, Solid Waste Association of North America, CalRecycle, Business Environmental Resource Center & more!



There is a vacancy on the CPSC Board -If you want to be apart of this amazing team, please complete this [application](#) and submit to Heidi at heidi@calpsc.org

Thank you for nine wonderful years - We cannot continue this work without the resources necessary so please consider making a personal and organizational tax-deductible donation and invite your friends to give too. [Donate here](#) or simply mail a check to 1822 21st Street, Suite 100, Sacramento, CA 95811.

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In partnership,
Heidi Sanborn, Executive Director

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EXPERT BLOG › DAVID LENNETT

CALIFORNIA ORDERS CHANGES TO THERMOSTAT COLLECTION PROGRAM

October 07, 2016

David Lennett

Mercury is a powerful neurotoxin which, like lead, interferes with normal childhood development. The health concern it poses is well-known and severe. And yet a 2009 industry study estimated the number of mercury thermostats in California to be between 5.1 million and 10.5 million. At four grams of mercury per thermostat, these thermostats contain between 22.5 and 46.2 tons of mercury. The mercury in those thermostats — if improperly disposed — enters our waterways, then our seafood, and ultimately our bodies.

Today, the California Department of Toxic Substances Control finally demanded huge improvements to the way that manufacturers collect mercury thermostats in the state, including providing financial incentives for homeowners. Over the next year, manufacturers will partner with retailers in at least three California cities. When

homeowners return old mercury thermostats to these retailers' collection bins, they will receive a gift card worth \$5.00 or \$10.00. Homeowners returning mercury thermostats to Household Hazardous Waste (HHW) facilities in the state will receive a \$10.00 incentive payment, in the form of a mail-in rebate or gift card.

Large HVAC, general, and demolition contractors will also receive incentive payments under the program revisions approved today. They will receive \$2.50 per thermostat. HVAC wholesalers will receive between \$1.00-\$2.50 for each thermostat collected, depending upon how many are returned in a collection container at one time.

The Department of Toxic Substances Control is reacting to the thermostat manufacturers' lackluster collection program. Under legislation passed in 2008, the Department issued precedent-setting collection goals in 2013 for the recycling program. Unfortunately, the manufacturers have not come close to meeting these 2013 goals, and recent data indicates the program has gotten worse.

In 2014, the manufacturers collected the equivalent of 22,178 mercury thermostats in California. The regulatory collection goal was 95,400. The following year, they collected almost 10 percent fewer thermostats — and only 16 percent of the 2015 collection goal of 113,850.

In states where the law requires a financial incentive, the programs have been much more successful. For example, Maine and Vermont require a \$5 incentive to contractors and homeowners. In 2015, the per capita collection rates (per 10,000 people) in Maine and Vermont were 34.3 and 31.9 respectively, compared to just 4.7 in California.

The manufacturers also lack an on-the-ground presence in California, effectively trying to run the program from Virginia. Consequently, to date, they have conducted very little personal outreach to HVAC contractors or other key stakeholders. More detailed

and comprehensive outreach activities are now required, with additional activities to be proposed in February and June 2017.

Many of the improvements ordered by the Department were previously recommended by NRDC and our partners. The Department's action today is the beginning, not the end. Vigilance by the Department, NRDC and our partners, and other stakeholders will be required to ensure the thermostat manufacturers finally commit the time, resources, and effort to get the job done.

ABOUT THE AUTHORS



DAVID LENNETT

Senior Attorney, Health program

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Mary Pitto

From: CARE [info@carpetrecovery.ccsend.com] on behalf of CARE [acline@carpetrecovery.org]
Sent: Tuesday, August 30, 2016 8:51 AM
To: Mary Pitto
Subject: Voluntary Product Stewardship Program Extension Announced

Some readers see this part of your email after the subject line in the inbox. Write something brief and catchy, compelling them to open the email.



CARPET AMERICA RECOVERY EFFORTSM
**Developing market-based solutions for the recycling & reuse
of post-consumer carpet**

CONTACT

Bob Peoples
Executive Director, CARE
bpeoples@carpetrecovery.org
Phone: 706-428-2127

**Voluntary Product Stewardship Program Extension Announced for
Post-Consumer Carpet**

Program to financially assist sorters for carpet diversion from U.S. landfills

Dalton, Ga. - August 30, 2016 - The Carpet and Rug Institute (CRI) and the Carpet America Recovery Effort (CARE) announce an extension of the voluntary product stewardship (VPS) Program is to assist sorters of post-consumer carpet diverted from the nation's landfills. After having supported the program for two years, 2015 and 2016, this extension will provide funding for one additional year through 2017.

The VPS Program is market-based and designed to accept and manage all applicable post-consumer carpet, regardless of polymer type or primary materials or construction. The Program will provide financial assistance to qualified U.S. Sorters who divert post-consumer carpet.

"CRI is pleased to continue to offer financial support for the VPS Program," said Dan Frierson, Chairman of the Board of CRI. "Our members are participating voluntarily as part of our government relations activities, and have committed \$4.0 million for the program's third year. The VPS Program will serve as a bridge for sorters as new technologies and applications are developed to increase market driven demand for all post-consumer carpet."

CARE will act as the stewardship organization for the VPS Program. Since 2002, CARE members have diverted more than 4.2 billion pounds of carpet from U.S. landfills.

"The VPS Program has been a key step in our mission to divert more carpet from U.S. landfills," said Brendan McSheehy, CARE's Chairman of the Board. "Sorters may use funds from the program to partner with their customers to divert carpet and recycle carpet back into useful consumer products, such as recycled carpet fiber, carpet cushion, broadloom, carpet tiles, and a wide range of plastic products".

The VPS Program launched in January, 2015 and will complete the initial two-year term at the end of 2016. This extension of the Program will end December 31, 2017. Sorters who qualify for financial assistance can expect to continue receiving funds without interruption, and the Q4 2017 fund payments will be completed in the first Quarter of 2018.

Sorters may qualify for funds by completing all required documents and submitting quarterly reports on their business results to CARE.

For more information, visit www.carpetrecovery.org and click on the VPS tab.

About the Carpet and Rug Institute

CRI is the leading industry source for science-based information and insight on how carpet and rugs create a better environment for living, working, learning and healing. The Institute's mission is to serve the carpet industry and public by providing facts that help people make informed choices. Its best practices promote a balance between social, economic and environmental responsibility for the long term. CRI does this for its industry, yet it strives to be a model corporate citizen for all industries. Website: www.carpet-rug.org.

About Carpet America Recovery Effort (CARE)

Carpet America Recovery Effort (CARE) is a voluntary, non-profit organization dedicated to increasing the landfill diversion, reuse and recycling of post-consumer carpet, through market based solutions that benefit the economy as well as the environment.

Since 2002, CARE has diverted more than 4.2 billion pounds of carpet from landfills in the United States and promoted the use and development of products containing materials derived from post-consumer carpet. CARE members include independent carpet recyclers, carpet manufacturers, dealers, retailers, equipment manufacturers, and suppliers and non-governmental organizations. For more information about CARE, visit www.carpetrecovery.org.

100 S. Hamilton St.
Dalton, GA 30720

Carpet America recovery Effort, 730 College Drive, Dalton, GA 30720

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Sent by acline@carpetrecovery.org

Mary Pitto

From: California Carpet Stewardship Program [info@carpetrecovery.ccsend.com] on behalf of California Carpet Stewardship Program [bjensen@carpetrecovery.org]
Sent: Thursday, September 15, 2016 11:32 AM
To: Mary Pitto
Subject: September News: CalRecycle Public Meeting and Grant Deadline

Having trouble viewing this email? [Click here](#)



California Carpet Stewardship Program
September 2016 Update



California Carpet Stewardship Program
An initiative of CARE: Carpet America Recovery Effort

CalRecycle to Discuss CA Program's Annual Report at 9/20 Public Meeting

After submission of the 2015 California Carpet Stewardship Program [Annual Report](#), CalRecycle staff has recommended that the Program be found in non-compliance for not demonstrating continuous improvement in the recycling and diversion of carpet from the waste stream during calendar year 2015.

The Report and CalRecycle staff recommendations will be discussed at the agency's next public meeting on Tuesday, September 20, 10 a.m. to 1 p.m. at the CalEPA Building in Sacramento. Interested parties are encouraged to attend in person or via webcast; details can be found [here](#).

Final Reminder: September 30 Deadline to Apply for 1C Procurement Grants

California public entities and their contractors are encouraged to apply for grants of up to \$50,000 per project to support the procurement of post-consumer recycled carpet products. The deadline to apply is September 30; full details and application form can be found [here](#).

A list of pre-qualified eligible products containing California post-consumer carpet material is available [here](#).

Four In-State Companies Producing Products Containing CA Post-Consumer Carpet



With CARE's assistance, four California companies are now listed on key CalRecycle databases that encourage the use of products made with recycled post-consumer materials. Products using recycled California post-consumer carpet as feedstock are now available from these companies: [EcoStrate](#) (signage), [Reliance Carpet Cushion](#) (commercial and residential carpet underlayment), [SafePath Products](#) (ramps, walkway systems) and [Sierra Mat & Rubber](#) (wheel stops, pavers, mats). Learn more on [our blog](#).

Carpet Recycling Webinar Announced

Construction & Demolition Recycling's [Increasing Diversion webinar series](#) will include carpet in an upcoming webinar on October 5 from 1-2 p.m. ET. [Going the Extra Mile - Recycling Additional Material Types](#) will share how recycling more difficult materials from carpet to ceiling tiles and drywall is possible. These additional materials can help facilities and projects increase diversion, and earn further points toward LEED certification. CARE's national Operations Director, Anthony Cline, will be one of the featured speakers.

The cost is \$99; to register, visit the [Construction and Demolition Recycling site](#).

Carpet America Recovery Effort
| 100 S. Hamilton St. | Dalton | GA | 30720

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Sent by [bjensen@carpetrecovery.org](#)

Consideration of the
**CARPET AMERICA RECOVERY
PROGRAM (CARE)
2015 ANNUAL REPORT**

Clark Williams
*Manager, Product Stewardship and
Innovative Technologies*



CalRecycle



California Carpet Stewardship Program Background

- **AB 2398:** First mandatory carpet stewardship program in U.S.
 - Requires “continuous meaningful improvement” in recycling & landfill diversion
- **CARE designs, implements Program**
 - CARE’s approved Plan requires **16% recycled output rate by 2016**
 - Funded by assessment on new carpet sold in CA
- CalRecycle reviews Plan, provides oversight & enforcement



2015 Annual Report

- CARE’s 4th Annual Report, submitted June 30, 2016
 - Covers program performance in calendar year 2015
 - Includes independent financial audit



2015 Independent Audit

- CalRecycle auditors reviewed independent financial audit
 - New & previous findings, & CARE’s responses in 2015
- **Several findings unresolved from prior years**
 - CalRecycle may review further for compliance

2015 Annual Report - CalRecycle Findings

Finding 1: Recycled output and other goals are not showing continuous meaningful improvement

- Recycled output fell to 10% of discards
- No change in source reduction (4.2 lbs/sq yd)
- Recyclability declined: Processors sending more residuals to landfill
- Diversion decreased to 23% of discards
 - Reuse & PET carpet recycling increased, but offset by declines in nylon output



2015 Annual Report - CalRecycle Findings

Finding 2: Consumers purchasing carpet do not have reasonable access to recycling services in all counties.

- 22 of 58 counties served by CARE-funded collection sites
- Many large population centers lack convenient access



2015 Annual Report - CalRecycle Findings

Finding 3: CARE's Marketing, Education and Outreach (ME&O) has not resulted in increased carpet recycling or diversion.

- CARE expanded retailer visits, held workshops, established grants, hired new staff member, among other efforts
- Key target audiences remain unaware of Program
- Unclear metrics for evaluating effectiveness of ME&O



2015 Annual Report - CalRecycle Findings

Finding 4: CARE is not responding to market changes in a timely manner

- In 2015, CARE shifted to monthly payouts, raised assessment to 10¢/yd, increased PET incentives, started advisory council, funded economic study
- But efforts occurred late in year – did not increase 2015 recycling or diversion rates



2015 Annual Report - CalRecycle Findings

Key Performance Metrics

Metric	2014	2015	Change
Gross Collection (tons)	61,500	51,500	-16%
Recycled Output (tons)	21,500	17,500	-19%
Recycling Rate	12%	10%	-17%
Net Diversion (tons)	51,500	40,500	-21%
Reuse (tons)	87	301	246%
Disposal to LF (tons)	127,500	132,500	4%

2015 Annual Report - CalRecycle Findings

Options for Director:

1. Direct Waste Evaluation and Enforcement Branch (WEEB) to verify noncompliance findings and other potential violations [and] consider action(s) including but not limited to imposition of civil penalties, a compliance schedule, or other options to achieve compliance.
2. As above, but suspend referral to WEEB pending evaluation of data through the end of 2016.

Staff Recommendation: Option 1



CalRecycle

Promoting A More Sustainable California

www.calrecycle.ca.gov/carpet

The banner features a central green square with a white question mark, flanked by images of carpet rolls, hands holding a small plant, and a recycling facility. The background is a blue sky with green trees.

2015 CARE ANNUAL REPORT
REQUEST FOR APPROVAL

To: Scott Smithline
Director

From: Howard Levenson
Deputy Director, Materials Management and Local Assistance Division

Request Date: September 20, 2016

Decision Subject: Consideration of the Carpet America Recovery Effort 2015 Annual Report

Action By: September 21, 2016

Summary of Request:

Carpet America Recovery Effort (CARE) submitted the *CARE California Carpet Stewardship Program Annual Report, January 2015 – December 2015* (hereafter referred to as the “2015 Annual Report,” see Attachment 1) on June 30, 2016. This item requests the Director’s compliance determination regarding the *2015 Annual Report*.

Options:

1. Based on the Statewide Technical and Analytical Resources (STAR) staff findings that several key components of the *2015 Annual Report*, as well as previous *Annual Reports*, are noncompliant, direct the Waste Evaluation and Enforcement Branch (WEEB) to verify these findings and other potential violations of the statute and regulations and, if warranted, consider action(s) including but not limited to imposition of civil penalties, a compliance schedule, or other options to achieve compliance.
2. Based on STAR staff findings that several key components of the *2015 Annual Report*, as well as previous *Annual Reports*, are noncompliant, and the fact that CARE has made recent efforts which may ultimately achieve the goals of the current Plan, suspend referring this issue to WEEB for enforcement evaluation until data through the end of 2016 are available to evaluate compliance with Program goals. Pending outcome of 2016 data, then this case may or may not be referred to the WEEB for further verification of the findings and other potential violations of the statute and regulations, and, including but not limited to consideration of imposition of civil penalties, a compliance schedule, or other options to achieve compliance. .

Staff Recommendation:

CalRecycle staff recommend Option 1. Efforts to date have not resulted in a demonstration of continuous meaningful improvement; in fact, the recycled output rate dropped from 12 percent in 2014 to 10 percent in 2015. Therefore, staff recommend WEEB further investigate STAR’s finding and proceed with enforcement actions as appropriate as described in Option 1.

Action:

On the basis of the information, analysis, and findings in this Request for Approval, I hereby direct the Waste Evaluation and Enforcement Branch to commence enforcement evaluation as described in Option 1 above.

Dated: _____

Scott Smithline, Director

Attachments:

1. *Annual Report to CalRecycle, January 2015 – December 2015:*
<http://www.calrecycle.ca.gov/files/Carpet/CARE2015.pdf>
 2. *California Carpet Stewardship Plan Revised, January 2014, version 3.2.2.:*
<http://www.calrecycle.ca.gov/Carpet/Plans/PlanJun2014.pdf>
 3. *California Carpet Stewardship Plan, Addenda #1, #2 and #3* – links to the individual documents may be found at: <http://www.calrecycle.ca.gov/Carpet/Plans/default.htm>
 4. CalRecycle Response to Independent Audit section of *2015 Annual Report*, August 29, 2016:
<http://www.calrecycle.ca.gov/Actions/PublicNoticeDetail.aspx?id=1885&aiid=1722>
 5. Stakeholder Comment Letters on the *2015 Annual Report:*
<http://www.calrecycle.ca.gov/Carpet/AnnualRpts/Comments/default.htm>
-

BACKGROUND

Assembly Bill 2398 (Chapter 681, Statutes of 2010) established the first mandatory carpet stewardship program in the country, with the purpose (Public Resources Code [PRC] §42970) of increasing the amount of postconsumer carpet that is diverted from landfills and recycled into secondary products or otherwise managed in a manner that is consistent with the state's hierarchy for waste management practices pursuant to PRC §40051. AB 2398 mandated an extended producer responsibility (EPR) or product stewardship approach. EPR is a strategy to place a shared responsibility for end-of-life product management on the producers, and all entities involved in the product chain, instead of on the general public and local governments, with oversight and enforcement provided by a governmental agency. EPR encourages product design changes, allows the costs of recycling to be incorporated into the total cost of a product, and places primary responsibility on the producers who make design and marketing decisions to collectively determine the most cost-effective way to implement the recycling program.

Due to the EPR nature of the carpet legislation, it is CARE's responsibility to design and implement the California Carpet Stewardship Program so as to achieve continuous meaningful improvement in landfill diversion and recycling of postconsumer carpet, and CARE has considerable flexibility in achieving this broad goal.

While CalRecycle does not dictate specific design of the Program, it is responsible for evaluating the Program to determine if the requirements mandated by statute, regulation, or the approved Plan are fulfilled. Specifically, CalRecycle has responsibility to approve or disapprove carpet stewardship plans submitted by manufacturers or their designated product stewardship organization (PRC §42973); review annual reports to verify the objectives of the plan are being met (PRC §42975); and provide oversight and enforcement to ensure a level playing field among carpet manufacturers (PRC §42974 and §42978). For manufacturers to be in compliance, they must have an approved plan (PRC §42973(b)), or be part of a stewardship organization with an approved plan, and demonstrate achievement of continuous meaningful improvement in the rates of recycling and other goals included in an approved stewardship plan (PRC §42975(a)). The statute provides for CalRecycle to impose civil penalties on any person who violates any provision of the Product Stewardship for Carpet law (PRC §42970 et seq, and specifically §42978). The Office of Administrative Law approved regulations on January 26, 2012, to add clarity to statute.

CARE is implementing its California Carpet Stewardship Plan, titled *California Carpet Stewardship Plan Revised, version 3.2.2* (Attachment 2). CARE also submitted three Addenda to the Plan (Attachment 3),

most recently Addendum #3, approved by the Director in January, 2016. These documents are collectively referred to as the Plan.

In 2014, CalRecycle found the California Carpet Stewardship Program out of compliance because the *2013 Annual Report* demonstrated the Program was not making continuous meaningful improvement. CalRecycle found the Program noncompliant once again in September 2015, based on review of the *2014 Annual Report*. At that time CalRecycle provided specific suggestions and delayed any potential enforcement action until receipt and review of the *2015 Annual Report* to allow CARE time to make improvements, including improving its Plan to attempt to improve recycling. These updates were included in various Addenda to the Plan.

On June 30, 2016, CARE submitted the Carpet Stewardship Program's third Annual Report, titled *CARE California Carpet Stewardship Program Annual Report, January 2015 – December 2015*, as required by PRC §42976 (Attachment 1). The *2015 Annual Report* also includes (in section 11) a *Report Addendum: Additional Progress – 2016 Updates*.

Additionally, the *2015 Annual Report* includes independent financial audit information. Appendix 10.10, *Audited Financial Statements*, prepared by the independent auditor, Winter & Scoggins, covers the *CARE 2015 Audited Financial Statement* (section 10.10.a), *CA Carpet Stewardship Plan 2015 Audited Financial Statement* (section 10.10.b), and *Performance Audit 2015* (section 10.10.c). As required by regulation, CalRecycle staff separately reviewed these audit reports and shared the findings in a letter sent to CARE on August 29, 2016 (Attachment 4). The letter noted several findings have remained unresolved from previous years. CARE's lack of improvement relative to the regulatory and statutory requirements may be reviewed further by the department.

FINDINGS AND ANALYSIS OF CARE'S 2015 ANNUAL REPORT

The *2015 Annual Report* describes CARE's performance data for 2015 as well as the actions CARE took in response to CalRecycle's noncompliance determination in September 2015 (regarding the *2014 Annual Report*). CalRecycle acknowledges CARE made several changes to the Program with respect to the finding that it was noncompliant based upon the *2014 Annual Report*. However, the *2015 Annual Report* does not demonstrate that CARE is meeting critical performance goals outlined in its approved plan and in statute, in particular relative to recycled output and "continuous meaningful improvement."

Although there may be other violations of statute and regulations, the following key findings on the *2015 Annual Report* support that CARE is noncompliant:

FINDING 1: *The recycled output and other Program goals are not showing continuous meaningful improvement.*

- **Requirements:** PRC §42975(a) states an Annual Report must demonstrate "continuous meaningful improvement in the rates of recycling and diversion of postconsumer carpet" and in meeting other goals presented in the statute, regulations, and approved Plan.
- **Analysis:** The *2015 Annual Report* shows that the key measure of recycled output, along with diversion, are lower than the goals outlined in the approved Plan and that other key goals also did not improve in 2015.
 - Goals with trend information (compared to 2014) are presented below:
 - **Recycling rate:** The recycled output fell from 12 percent of discards in 2014 to 10 percent in 2015, whereas the required Plan goal is 16 percent by 2016. The last twelve quarters – three years – have shown some fluctuation but declined overall from a high of 14 percent in Q1 2013.
 - **Source Reduction:** There is no change in source reduction (the average weight of carpet remains 4.2 pounds per square yard).

- **Recyclability:** Overall recyclability of carpet has not improved. As indicated by yield figures, 34 percent of gross collections were converted into recycled output in 2015, a 1 percent decrease from 2014.
- **Reuse:** Reuse did increase in 2015 (602,000 pounds compared to 174,000 pounds in 2014), but represents a small fraction of the carpet discarded during the year. Moreover, the 428,000-pound gain in reuse was more than offset by an 8 million-pound drop in recycled output compared to 2014.
- **Diversion:** Net diversion decreased, from 29 percent of discards (103 million pounds) in 2014 to 23 percent (81 million pounds) in 2015, with a significant portion of diverted materials being sent to cement kiln and waste-to-energy (about 30 million pounds in 2015).
- **Market growth:** 2015 did show an increase in pounds of non-nylon postconsumer carpet materials shipped and sold to end-use manufacturers. In 2015, 11.7 million pounds of non-nylon carpet materials were sold to end-use manufacturers, an increase of 18% over 2014 (9.9 million pounds). Nevertheless, non-nylon carpet sales to end-use manufacturers represents only 11 percent of gross collections for the year and this market growth was offset by a decline in shipments of postconsumer nylon materials.

FINDING 2: Consumers purchasing carpet do not have reasonable access to recycling services in all counties.

- **Requirements:** Title 14 of the California Code of Regulations (CCR) §18943(a)(5)(E) requires carpet consumers to have reasonably convenient opportunity(ies) in each county to manage their post-consumer carpet.
- **Analysis:** Many counties still lack carpet recycling services.
 - The *2015 Annual Report* indicates 25 official CARE drop-off sites and 9 independent sites in the state (compared to 14 official sites in 2014). CARE now serves 22 counties, with a goal of at least one official site in all 58 counties by July, 2017. (Note: CARE drop-off sites are locations where CARE has set up and provided direct funding for carpet collection containers and transportation of those containers to a recycling facility; independent sites are those that are operated by collector-sorter entrepreneurs operating within the CARE program.)
 - Many large population centers lack convenient access to carpet recycling. Los Angeles and San Diego Counties, for instance, have only four sites between them, all of which are “independent” locations.
 - CARE estimates there about 200 additional private carpet collection containers statewide that feed into the CARE program via independent collector-sorter entrepreneurs but are not set up directly by CARE nor do they receive assistance from CARE. However, it is not clear what level of convenience these sites offer consumers. The *Report* states, “These sites are generally only available to installation contractors for carpet disposal following tear-out.”

FINDING 3: CARE’s current Marketing, Education and Outreach (ME&O) efforts have not resulted in increased carpet recycling or diversion reported in the 2015 Annual Report. As CalRecycle previously concluded in its September, 2015 review of the 2014 Annual report, key target audiences such as installers, retailers, and consumers remain unaware of CARE’s Carpet Stewardship Program, what recycling services are available, what assessment funds are used for, and what their respective roles are in making the Program successful. It is unclear whether individual ME&O metrics identified by CARE actually lead to continuous meaningful improvement.

- **Requirements:** Among other things, CCR §18944(a)(8) requires the carpet stewardship organization to “List educational outreach activities in the stewardship plan. Provide a description

of educational materials that were provided to retailers, consumers, carpet removers/installers, contractors, during the reporting period. Identify the method used to determine the effectiveness of educational and outreach surveys.”

- *Analysis:* CARE did expand its ME&O efforts and funding in 2015, taking a number of actions to increase education and outreach, especially to retailers. Additionally, CARE established grants and other market development efforts to expand use of postconsumer carpet materials in new products. Actions included:
 - Expanded face-to-face retailer visits (CARE visited 10 percent of retailers in 2015, or 250 out of 2500 estimated at the time);
 - Developed an interactive map of collection opportunities;
 - Conducted two stakeholder workshops;
 - Made presentations to various agencies and industry groups;
 - Hired an additional full-time staff member;
 - Retained the services of a market development consultant; and
 - Established new grant programs.

Nonetheless, these activities were demonstratively insufficient, as recycled output fell in 2015 to just 10 percent of discards. Moreover, CARE has not established clear metrics for evaluating the effectiveness of individual ME&O activities or criteria for determining the points in the supply chain (e.g., retailers vs. installers) most likely to contribute to continuous meaningful improvement for the Program.

FINDING 4: CARE is not responding to market changes in a timely manner with assessment and incentive adjustments, and the assessment may not be high enough to fund infrastructure development and drive markets for increased recycled output.

- *Requirements:* Due to its EPR approach, California’s Carpet Stewardship law does not specify the details of how CARE develops programs to address market challenges. However, the statute, specifically, PRC 42972(a)4 and (c), requires the stewardship organization to “Include a funding mechanism...that provides sufficient funding to carry out the plan, including the administrative, operational, and capital costs of the plan, payment of fees...and incentive payments that will advance the purposes of this chapter” and, “The funding mechanism ...shall establish and provide for...a carpet stewardship assessment...in an amount that cumulatively will adequately fund the plan and be consistent with the purposes of the chapter” and “... The amount of the assessment shall be sufficient to meet, but not exceed, the anticipated cost of carrying out the plan.”
- *Analysis:* CARE responded to CalRecycle’s Recommended Actions regarding the *2014 Annual Report* with a number of new or expanded initiatives, as detailed in its Addenda 2 and 3. In 2015 CARE made the following changes in an effort to increase markets:
 - Shifted from quarterly to monthly subsidy reporting and payments;
 - Raised the assessment from \$0.05 to \$0.10 per square yard;
 - Increased non-nylon incentives;
 - Established the California Council on Carpet Recycling (CCCR); and
 - Began an economic study to produce a software tool to help CARE adjust its assessment and incentive values more effectively.

Due to the timing of Annual Report submittal and review, CARE’s above response did not happen until late in the 2015 calendar year. However, CalRecycle made a similar finding regarding the *2014 Annual Report* and provided assistance on methods to increase the marketability of recycled carpet. This lack of timely response has resulted in CARE’s Annual Report demonstrating a decline in key program performance measures.

PROGRAM PERFORMANCE IN 2016

An Addendum to the *2015 Annual Report* notes further Program expansion in 2016, including additional collection sites, new grant awards, further increases to the assessment and incentives, expanded outreach and education, and activation of the CCCR.

CalRecycle acknowledges these efforts, many of which respond to deficiencies in the Program and may lead to improved carpet recycling in California. However, CalRecycle's current Annual Report evaluation by definition is limited to results achieved in 2015. As discussed above, nearly all performance measures declined in 2015 as compared to 2014, notably the drop in recycled output from 12 percent to just 10 percent of discards. This is now the third year in a row that CARE has been noncompliant, but promised additional programs to be implemented in the future. Regardless of potential improved results in 2016, CalRecycle concludes the data do not support a finding that CARE is meeting or is on track to meet the goals outlined in its approved Plan.

Moreover, while not part of the 2015 compliance determination, data from CARE's first quarterly report in 2016 does not demonstrate continuous meaningful improvement going forward. In Q1 2016, recycled output dropped even further to 9 percent of discards, from 11 percent in Q4 2015. It appears unlikely CARE can achieve its goal of 16 percent recycled output by December 31, 2016, as required in its Plan.

STAKEHOLDER COMMENTS

CalRecycle received five comment letters from stakeholders regarding the *2015 Annual Report*.

Attachment 5 is a webpage link that provides the full text of these letters:

<http://www.calrecycle.ca.gov/Carpet/AnnualRpts/Comments/default.htm>.

The comments are summarized in the table below. Two letters (one representing multiple stakeholders) cited lack of continuous meaningful improvement and lack of adequate collection infrastructure, and recommended finding CARE non-compliant and taking enforcement action. Two letters concluded that the program is not adequate for various reasons and made recommendations focused mostly on the anticipated new Plan. One letter indicated that CARE's recently-implemented grants and increased subsidies have allowed carpet recyclers to experience a higher and steadier flow of material.

Stakeholder	Comments
<p><i>California Product Stewardship Council Californians Against Waste National Stewardship Action Council San Francisco Department of the Environment Administrator, Mojave Desert and Mountain Recycling Authority Los Angeles County Solid Waste Committee / IWMTF Rethink Green</i></p>	<p>Under the requirements of California’s AB 2398, Carpet America Recovery Effort (CARE) is tasked with demonstrating to CalRecycle “that it has achieved continuous meaningful improvement in the rates of recycling and diversion and other specified goals in order to be in compliance.” However, CARE’s 2015 Annual Report instead shows that carpet recycled output has remained virtually unchanged for the five years of reporting since program inception and in fact, went slightly down from a recycling rate of 12% in 2013 and 2014 to just 10% in 2015. Due to this weak performance for five years running, CalRecycle is urged to deem CARE non-compliant and enforce the law accordingly.</p> <hr/> <p>Lack of Collection Infrastructure is Unacceptable</p>
<p><i>Greenwaste Carpet Recycling</i></p>	<p>Although the recycling industry as a whole experienced a very tumultuous 2015 due to the market conditions expressed in the 2015 Annual Report by CARE, the inclusion of the new Grant Programs and the increased incentives and subsidies to California CSE’s and processors outlined in Amendment 3 have allowed the carpet recyclers to once again experience a steady flow of incoming and outgoing postconsumer carpet materials.</p>
<p><i>Fiber Commercial Technologies, LLC</i></p>	<p><u>Funding Deficiency:</u> Suggest increasing the Carpet Stewardship Assessment to \$0.50 /SY in 2017 to create the initial liquidity reserve and 2017 subsidy payment.</p> <hr/> <p><u>Subsidy Design and Longevity:</u> The subsidy program should be designed and guaranteed for seven years without reduction. Investment by recyclers and manufacturers in equipment requires typically seven-year depreciation.</p> <hr/> <p><u>CARE Oversight and Philosophy:</u> CARE’s California Stewardship program is managed by carpet manufacturers who have significant concern regarding the impact of consumer fees, subsidy program cost requirements on their retail carpet demand. These concerns have restricted CARE’s activities from generating consistent and increasing California carpet waste redirection to recycling. The CARE stated position promoting "Market Based Solution", which demand unsubsidized recycling solutions, is unrealistic and unsuccessful and it should be eliminated if CARE is to remain in charge of California’s carpet stewardship program oversight. FCT urges CalRecycle to require that CARE adopt and submit a Stewardship Plan amendment resolving the FCT concerns. If CARE does so, FCT believes CalRecycle should award an additional one-year term for stewardship responsibility to CARE and review the results of the Plan in 2017.</p>

<p><i>XT-Green</i></p>	<ul style="list-style-type: none"> • The California Carpet Stewardship Program continues to be out of compliance with the AB 2398 statute and regulations. • Changes have been instituted by CARE over the past year through Addendum 2 and 3 to help resolve the non-compliance issues but significant results have not yet been seen. • Comparisons of carpet recycling rates outside of California demonstrates that subsidy programs do work. • The revised subsidy/incentives in the California Carpet Stewardship Program has attracted additional carpet recycling/processing facilities to California planned for startup in 2017 including XT Green’s new facility. • Significantly more PCC will need to be collected to support these facilities. • The requirement for a new 5-year California Carpet Stewardship Plan beginning in 2017 provides an opportunity to create a more aggressive Plan to increase the rates of carpet recycling, collections and expand the carpet recycling infrastructure in California. • Besides the California Carpet Stewardship Program created by AB 2398, California’s commitment to recycling is demonstrated by mandatory commercial recycling requirements in AB 341, the States 75% recycling goal by 2020 and the inclusion of carpet recycling as a strategy in California’s greenhouse emission reduction program. <p>Based on the above, XT Green respectfully requests CalRecycle to:</p> <ol style="list-style-type: none"> 1. Utilize all appropriate measures to ensure that CARE (and the carpet industry it represents) understands that the State of California has a long-term commitment to carpet recycling. 2. The 2017 California Carpet Stewardship Plan must be designed to meet aggressive goals, resolve the current and upcoming issues identified by XT-Green and other stakeholders including supporting a carpet recycling infrastructure in California. 3. California stakeholders continue to be represented both through the California Council on Carpet Recycling and by additional representation on the CARE SPC and SPOC.
<p><i>ReFiber</i></p>	<p>At ReFiber, we strongly urge CalRecycle to stay with CARE for one more year. The increased incentives that CARE has implemented are very close to bearing fruit. We believe a change in leadership at this time will be more likely to diminish recycling than to augment it.</p>

REQUEST FOR APPROVAL

To: Scott Smithline
Director

From: Howard Levenson
Deputy Director, Materials Management and Local Assistance Division

Request Date: September 20, 2016

Decision Subject: Approval of Annual CalRecycle Architectural Paint Stewardship
Administrative Fees, July 1, 2015 – June 30, 2016

Action By: September 30, 2016

Summary of Request:

Staff requests approval of the Annual CalRecycle Architectural Paint Stewardship Administrative Fees for the period of July 1, 2015 – June 30, 2016, as directed by the architectural paint stewardship law (Chapter 5, Statutes of 2010 [Huffman, AB 1343], Public Resources Code §§ 48700 - 48706) and § 18958 of Title 14 of the California Code of Regulations.

Recommendation:

Staff recommends approval of the Annual CalRecycle Architectural Paint Stewardship Administrative Fees as meeting statutory and regulatory requirements.

Action:

On the basis of the information, analysis, and findings in this Request for Approval, I hereby approve the Annual CalRecycle Architectural Paint Stewardship Administrative Fees of \$403,490.06 for the period of July 1, 2015 – June 30, 2016.

Dated:

Scott Smithline, Director

Background Information:

Assembly Bill 1343 (Chapter 5, Statutes of 2010) established the second mandatory, industry-led architectural paint stewardship program in the country. Pursuant to AB 1343, it is the responsibility of the Department to approve or disapprove architectural paint stewardship plans submitted by architectural paint manufacturers or their designated stewardship organization, review annual reports and adopt a finding of compliance or non-compliance, and provide oversight and enforcement to ensure a level playing field among architectural paint manufacturers. Architectural paint manufacturers and/or stewardship organizations must pay CalRecycle an administrative fee to cover the Department's costs related to these responsibilities.

AB 1343 specified that administrative fees were to be paid annually. Senate Bill 96 (Chapter 356, Statutes of 2013) subsequently modified this payment structure to require a stewardship organization to pay these fees to CalRecycle quarterly. However, Public Resources Code § 18958 (a) states that the Department director, or his/her delegated authority, shall approve the annual administrative fee described in AB 1343 for the full administration and enforcement costs at a public meeting that will occur no later than September 30 of each year. In order to comply with the regulations requiring annual approval of administrative fees at a public meeting, the Department has totaled the fees that were billed to PaintCare for quarters one through four of CalRecycle's fiscal year 2015-16. Accordingly, the total fee reflects the Department's actual costs to administer and enforce the Architectural Paint Recovery Program for the period from July 1, 2015 through June 30, 2016. The Department's administrative fee includes the cost of staff, overhead expenses applicable to staff, contract services, and other expenses incurred in administering or enforcing the program.

Analysis:

Administrative Fee Total

The total administrative fee for the period of July 1, 2015 – June 30, 2016 is \$403,490.06

Summary of CalRecycle Activities

CalRecycle tracked the hours each staff person spent on activities related to the implementation of the Department's responsibilities under the law. These activities include:

- Monitoring PaintCare program implementation;
- Coordination with PaintCare to effectively implement the Architectural Paint Recovery Program, including regularly-scheduled coordination meetings and phone and e-mail communications;
- Development of compliance and enforcement procedures to effectively enforce the Architectural Paint Recovery Program law;
- Site visits and inspections to paint retailers and other program participants; development of inspection reports;
- Maintenance of paint stewardship program-related webpage content, including regular posting of registered paint manufacturer and brand lists;
- Communication with stakeholders via meetings, phone calls and e-mail inquiries, etc.;

- Administration (e.g., tracking and documentation of staff hours).

CalRecycle costs are comprised of percentages of various staff time from the Department's Materials Management and Local Assistance, Information Technology, Administration, Waste Evaluation and Enforcement, Audits, and Legal programs. CalRecycle staff have reviewed the administrative fees per the requirements of the statute and regulations, and found that they conform to those requirements. Staff therefore recommends approval of the annual administrative fees summarized above.


From: Mattress Recycling Council [ispa@sleepproducts.ccsend.com] on behalf of Mattress Recycling Council [info@mattressrecyclingcouncil.org]
Sent: Wednesday, September 21, 2016 10:02 AM
To: Mary Pitto
Subject: September Program Update

Having trouble viewing this email? [Click here](#)

You are receiving this email because you signed up to receive MRC Program Updates, are a registered participant on MRCreporting.org or serve as or expressed interest in becoming a collection site.

You may [unsubscribe](#) if you no longer wish to receive our emails.





MRC Program Update



Mattress Recycling Council

Sept. 21, 2016

[HOME] [ABOUT] [CONTACT]



In This Issue

MRC In the Community:

- * [Collection Events](#)
- * [Meet Us at Industry Events](#)
- * [New Collection Sites](#)

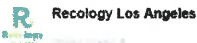
For Retailers:

- * [Be Prepared for CalRecycle](#)
- * [CT Fee Remains \\$9](#)
- * [Deadline Extended for CA Retailer Admin Reimbursement](#)
- * [Customer Materials Survey](#)
- * [Free CA retail drop-off sites](#)


For Collection Sites:

- * [Verify Your Locator Listing](#)
- * [CA Illegal Dumping Program](#)

IN THE COMMUNITY: Collection Events Add Up!



[@MattRecyCouncil](#) and the [#SantaPaulaTimes](#) helped us [#recycle 123 #mattresses @ Saturday's #SantaPaula Drop Off Event](#)



[View conversation](#)

In California, MRC helped Recology Los Angeles with a collection event in the Santa Paula area. Recycling 123 mattresses was as easy as 1-2-3.

- 1 - Recology contacted MRC
- 2 - MRC arranged the collection container and transportation
- 3 - Collected mattresses were recycled

In addition to waste companies, a collection event host can be any kind of organization or government entity. We've recently worked with Citizens Caring for Clearlake, Spring Hills Community Church, Del Norte, the City of Weed, and the Yurok Tribe Environmental Program to host events for their communities.

Collection event hosts can also request help with advertising and publicizing their event. See the [Event Host Toolkit](#) for details.

In Every Issue

Customer Education
Reporting & Payment
Deadlines
Publicity Toolkits
Recyclers in Your Area

FOR RETAILERS

Customer Education Materials

[Online Order Form](#)

Samples:
[Information Card](#)
[Customer Q & A](#)
[Customer Q & A](#)
[Spanish](#)

[Request artwork or
logos](#)

Reporting & Payment Deadlines

<u>Collection Period</u>	<u>Due</u>
Aug. 1-31	Sept. 30
Sept. 1-30	Oct. 30
Oct. 1-31	Nov. 30
Nov. 1-30	Dec. 30

Submit Reports &
Payments via
MRCreporting.org

PUBLICITY TOOLKITS

Collection Site Hosts:
Find press releases,
flyers, site signage and
more!
[Site Host Toolkit](#)

RETAILERS: CalRecycle Site Visits

Attention all California retailers and renovators: Be prepared for possible visits from CalRecycle, the state agency that MRC reports to in California.

We would like to explain the nature of these visits and the type of information that may be requested.

Why are Site Visits Happening?

CalRecycle is mandated to enforce the provisions of the stewardship law. Its staff are conducting site visits to ensure a level playing field and to verify that all parties are in compliance with the act.

A Visit's Focus Areas

Visits are at random throughout California. When they are conducted, you may be asked to show Proof of Registration, Proof of Fee Collection, Awareness of Manufacturer/Brand Compliance & Website Monitoring and The Used Mattress Unit Pick-Up Requirement.

After The Visit

After the visit, CalRecycle will send a report to the inspected location. If any violations are found, they can impose penalties up to \$5,000 per day.

Questions?

Contact CalRecycle with questions regarding your visit.

mattressenforcement@calrecycle.ca.gov

916-341-6192

RETAILERS: Connecticut Fee to Remain at \$9

Connecticut's mattress recycling law requires the industry to propose a per unit mattress recycling fee every two years. The Mattress Recycling Council recently proposed that the state's fee remain at its current level of \$9.00 per unit. Following an independent audit to verify the fee and notification provided to the state, the fee has been approved and will remain at \$9.00.

COLLECTION LOCATIONS:

Is Your Listing Accurate in Our New Locator?

Event Hosts:
Media alerts, flyers,
posters, signage and
more!
[Event Host Toolkit](#)

Recyclers in Your Area

CALIFORNIA:
Businesses need to make arrangements directly with recyclers.

[Blue Marble-Commerce](#)
[Blue Marble - Fresno](#)
[Blue Marble-San Diego](#)
[Blue Marble-San Leandro](#)
[Cleaner Earth Company](#)
[Continental Environmental](#)
[Cristal Materials](#)
[DR3 Oakland](#)
[DR3 Woodland](#)
[Goodwill of Silicon Valley](#)

CONNECTICUT & RHODE ISLAND
Businesses should contact our Northeast Program Coordinator [Justine Fallon](#) for arrangements.

[Park City Green-CT](#)
[Recyc Mattresses-CT](#)

[Ace Mattress Recycling-RI](#)
[Express Mattress Recyclers-RI](#)



Our new locator has added additional fields of information to listings such as unit limits and gate fees. To ensure we have the latest details about your location, please [complete this form](#).

RETAILERS: Customer Education Materials Survey

Are the information cards helpful? Are the cards and posters making the fee easy to explain? Are the materials understood by your customers and staff? We want to hear from you!

A Customer Education Materials Survey is currently available at the link below. MRC is looking forward to hearing from retailers in an effort to better improve our education materials. Your feedback is very important to us!



[Tell Us What You Think](#)

Get SleepSavvy Today!

Sleep Savvy is the go-to, hands-on resource for mattress retailers who want to sell more and better bedding. With features,

RETAILERS: Extended Deadline For California Retailer Implementation Reimbursement Program

We have extended the deadline for the California Used Mattress Recovery & Recycling Act Retailer Implementation Reimbursement Program to **October 31, 2016**. The California Law required a one-time reimbursement program be developed to enable retailers to recover any administrative costs associated with implementing and collecting the recycling fee. The maximum

tips and ideas,
it's designed to make
your business grow.

Check out the
September issue at
sleepsavvymagazine.com

Subscriptions are FREE!

reimbursement for any claim is \$1,500.

To be eligible, an MRC registered retailer must:

- Have reported and remitted payments for three consecutive months
- Complete the registration form
- Provide proof of expenses (receipts, invoice, etc.)
- Submit these items no later than August 1, 2016

[Click Here for Reimbursement Form](#)

If you would like any additional information about the program email, reimbursements@mattressrecyclingcouncil.org or call, 1-855-229-1691.

COLLECTION LOCATIONS: Join the California Illegal Dumping Program



More than 70 California sites have joined MRC's Illegal Mattress Dumping Payment Program. This program allows agencies responsible for the collection of illegally dumped mattresses from the public right-of-way (including California local

governments, certain permitted solid waste facilities, and authorized solid waste operations) to receive payment from MRC for the collection of illegally dumped mattresses. MRC has allotted \$750,000 to fund this effort for 2016. Eligible entities that wish to receive reimbursement must register and begin tracking the number of illegally dumped mattresses collected.

If interested in participating in the program or looking for more information and eligibility requirements, check out <https://connect.re-trac.com/registration/mrc-idp>, or contact [Mark Patti](#).

Upcoming Events

Southern California Waste Management Forum
November 9
Pomona, Calif.
[Event website](#)

This year's conference is exploring Recycling, Reuse & Regulations. Visit MRC's booth to learn more about California's

Program.

Connecticut Conference of Municipalities

November 14-15

Foxwoods Resort Casino

[Event Website](#)

Learn about Connecticut's Program progress and visit us in booth 527.

America Recycles Day

November 15

Nationwide

[Event Website](#)

We look forward to Keep America Beautiful's event each year. If you'd like MRC to assist with a mattress collection event or want Bye Bye Mattress to have a presence at your America Recycles Day activities, please [contact us](#).

RETAILERS: Free Retail Collection Points in CA

While we have worked hard to contract with various recyclers throughout the state to be free drop-off sites for retailers, there are portions of the state that lack access to a recycling facility. To fill this need, we've been scouting other organizations and businesses as possible free collection sites.

Only California retailers that are complying with the law and registered with MRC can use these free collection points. We've established free retail collection sites in the following areas:

- Sonora
- Yreka

Because these sites are not accepting from the general public and require making an appointment for drop-off, their details are not disclosed on the locator. Please contact [MRC's Customer Service](#) for the site's contact information.

INTERESTED IN BECOMING A RETAIL-ONLY COLLECTION SITE?

If you have space to host a container or know of a non-profit or other community organization to approach, contact [MRC's Customer Service](#) and we will connect you with a member of the California Program team.

Welcome: New Collection Sites

We are always adding new sites to the program. Visit the

recycling locator at ByeByeMattress.com for the latest details. If you would like to become a collection site, please contact [MRC](#) today.

Here are some recent additions to our locator directory:

California

Affordable Furniture
Diamond Springs, CA 95619
**free collection for businesses & residents*

Avenal Regional Landfill
Avenal, CA 93204

Evans Furniture Warehouse
Yuba City, CA 95991
**free collection for businesses & residents*

Grass Valley Scrap Iron & Metal
Grass Valley, CA 95945

Recology Mountain View
Mountain View, CA 94043

South San Francisco Scavenger
South San Francisco, CA 94080

Connecticut

Bethany Recycling
Bethany, CT 06524

**Hampton/Scotland
Transfer Station**
Hampton, CT 06247

Oxford Recycling
Oxford, CT 06478

Town of Hebron
Amston, CT 06231

Mattress Recycling Council (MRC) is a non-profit organization formed by the industry to operate recycling programs in states which have enacted mattress recycling laws. Connecticut's program launched on May 1, 2015, California launched December 30, 2015 and Rhode Island began May 1, 2016. Each state's program is funded by a recycling fee that is collected when a mattress or box spring is sold. The fees pay for the transportation and recycling of the mattresses.

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Mattress Recycling Council, 501 Wythe Street, Alexandria, VA 22314

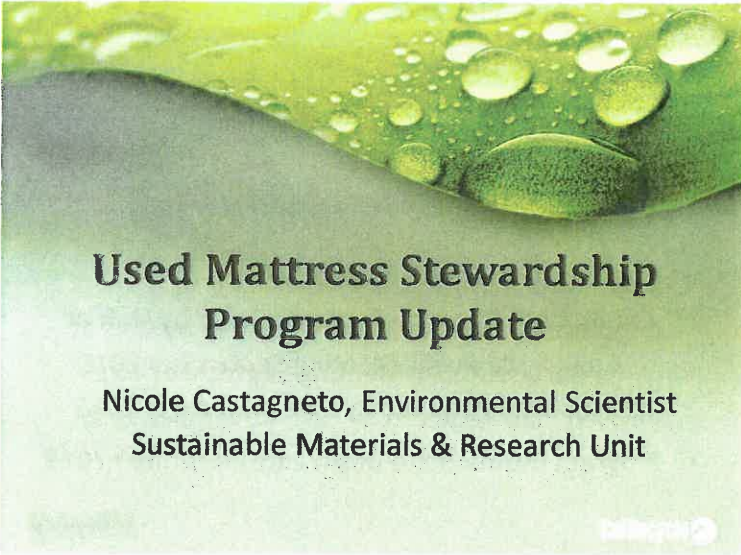
SafeUnsubscribe™ mpitto@rcrcnet.org

[Forward this email](#) | [Update Profile](#) | [About our service provider](#)

Sent by info@mattressrecyclingcouncil.org in collaboration with

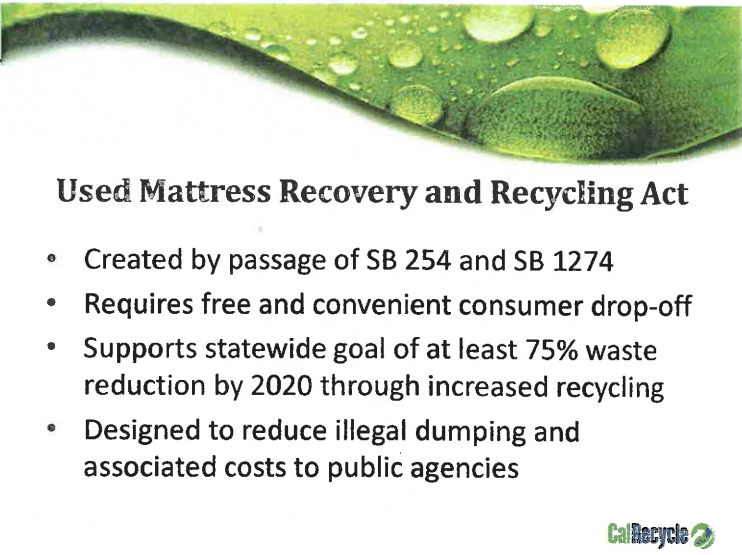



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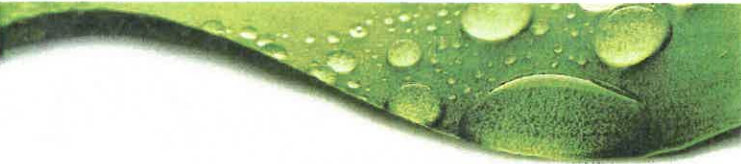

Used Mattress Stewardship Program Update

Nicole Castagneto, Environmental Scientist
Sustainable Materials & Research Unit



Used Mattress Recovery and Recycling Act

- Created by passage of SB 254 and SB 1274
- Requires free and convenient consumer drop-off
- Supports statewide goal of at least 75% waste reduction by 2020 through increased recycling
- Designed to reduce illegal dumping and associated costs to public agencies



Mattresses Included in Program?

- **Covered products:** mattresses and box springs made from renovated or new materials
- **Products not covered:** pads, toppers, sleeping bags, pillows, juvenile products, water or air beds



CalRecycle's Responsibilities

- Appoint MRC Advisory Committee
- Approve plans, annual reports, budgets
- Approve the mattress recycling charge
- Post compliant manufacturers and renovators
- Enforce provisions in statute and regulations
- Set baseline and recycling goals in 2018





MRC's Responsibilities

- Develop plan, budgets, annual reports
- Propose mattress recycling charge
- Provide education and outreach
- Maintain records on compliant manufacturers
- Reimburse CalRecycle for oversight and enforcement costs



Mattress Stewardship Plan

- Submitted by MRC on July 1, 2015
- Conditional Approval Recommended by staff at CalRecycle Public Meeting September 2015
- Revised Plan Required by Late November 2015
- Program Estimated to Begin Late December 2015



Conditions for Plan Approval

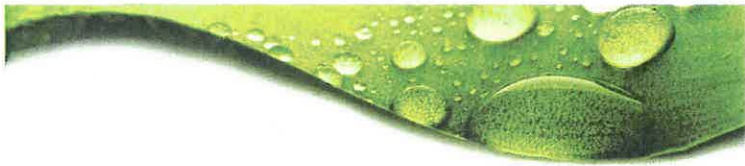
- Waste Hierarchy
- Brick-and-Mortar Stores
- Mattress Recycling Charge
- Convenience
- Illegal Dumping



Illegal Dumping Fund for Local Governments

- Three prong strategy
- Allocated \$750,000 for calendar year 2016
- Pay registered collectors up to \$10 per unit





Mattress Program Budget

- Budget submitted by MRC in July 2015
- Includes funding for research
- Mattress recycling charge \$11.00 per unit
- Charge collected 60 days after approval



Questions?



CalRecycle Contacts

Ashley Harley (916) 341-6075

Nicole Castagneto (916) 341-6491

Mattresses@calrecycle.ca.gov

Subscribe to our Mattress Listserv

<http://www.calrecycle.ca.gov/Listservs/Subscribe.aspx?ListID=133>



REQUEST FOR APPROVAL

To: Scott Smithline
Director

From: Howard Levenson
Deputy Director, Materials Management and Local Assistance Division

Request Date: September 20, 2016

Decision Subject: Consideration of the California Used Mattress Recovery and Recycling
2017 Program Budget

Action By: September 30, 2016

Summary of Request:

The Mattress Recycling Council (MRC) submitted the 2017 Used Mattress Recovery and Recycling Plan Budget (2017 Budget) to CalRecycle on June 21, 2016. As directed by the Used Mattress Recovery and Recycling Act [Chapter 388, Statutes of 2013 (Hancock, Senate Bill 254)], Public Resources Code (PRC) sections 42985-42994, CalRecycle must approve or disapprove the Budget on or by October 1, 2016. This item requests the Director's approval of the Budget.

Recommendation:

Staff recommends approval of the 2017 Budget as meeting the statutory requirements of the Act, as well as the regulatory requirements of California Code of Regulations (CCR) sections 18963. Staff further recommends direction that the MRC provide additional detail next year in the proposed budget for calendar year 2018 with line item breakdown of anticipated expenditures for each activity within each of the cost categories.

Action:

On the basis of the information and analysis in this Request for Approval, and the findings set out above, I hereby approve the 2017 Used Mattress Recovery and Recycling Plan Budget submitted by the MRC on June 21, 2016, and direct the MRC to provide additional detail next year in the proposed budget for calendar year 2018 with line item breakdown of anticipated expenditures for each activity within each of the cost categories, as described further below. In addition, I request that the MRC consult with the Advisory Committee and examine the potential impact of the recycling charge on the purchase of mattresses by low income residents and, if warranted, give consideration to two different charges to accommodate mattress size differentials in the development and preparation of the proposed budget for calendar year 2018.

Dated: _____

Scott Smithline, Director

Attachments:

1. Used Mattress Recovery and Recycling Budget Cover Letter; available at:
<http://www.calrecycle.ca.gov/Mattresses/Plans/BudgetCovLtr.pdf>
2. 2017 Used Mattress Recovery and Recycling Plan Budget, dated July 1, 2016; available at:
<http://www.calrecycle.ca.gov/Mattresses/Plans/2017Budget.pdf>

BACKGROUND

Senate Bill (SB) 254 (Chapter 388, Statutes of 2013) established the Used Mattress Recovery and Recycling Act (Act). Subsequently, the Governor signed clean-up legislation – SB 1274 (Chapter 371, Statutes of 2014) – which provided additional clarity regarding definitions, report submittals, and record keeping requirements under the Act.

The Act requires implementation of the Used Mattress Recovery and Recycling Program (Program) in order to reduce illegal dumping, increase recycling, and substantially reduce public agency costs for the end-of-life management of used mattresses. Mattress manufacturers, via a mattress recycling organization, are required to develop, finance, and implement a convenient and cost-effective Program, which is consistent with the state’s solid waste management hierarchy, to recover and recycle used mattresses generated in California. CalRecycle certified the MRC, a non-profit organization created by the International Sleep Products Association, as a mattress recycling organization on November 5, 2014.

CalRecycle is tasked with specific oversight and enforcement responsibilities that include appointing the members of the MRC Advisory Committee; reviewing and approving mattress stewardship plans submitted by the MRC; reviewing and approving annual reports required from the MRC, mattress recyclers and mattress renovators, and from solid waste facilities; reviewing and approving the MRC’s annual budget and the mattress recycling charge; posting a list of compliant manufacturers and renovators on CalRecycle’s website. The Act also requires the MRC reimburse CalRecycle for CalRecycle’s direct costs to implement and enforce the Act. Additionally, based on information required in the plan and first annual report, CalRecycle must establish the state mattress recycling baseline and the state mattress recycling goals on or before January 1, 2018. CalRecycle’s enforcement responsibilities include a combination of activities such as evaluating the MRC’s progress in implementing its plan, conducting site visits and inspections, performing audits, and, if necessary, imposing civil penalties for non-compliance. In evaluating the MRC’s progress, CalRecycle will solicit stakeholder input via transparent, public discussions.

The Used Mattress Recovery and Recycling Plan was submitted on July 1, 2015, and subsequently approved by CalRecycle. The Used Mattress Recovery and Recycling Budget, covering the Program's first three years of operation from 2016-2018, was also submitted on July 1, 2015, and approved by CalRecycle on October 1, 2015.

Budget Submittal and Review Timeline:

As required annually by Public Resources Code (PRC) section 42988, the MRC submitted a proposed Used Mattress Recovery and Recycling 2017 Program Budget to CalRecycle on June 21, 2016, for the following calendar year. PRC section 42988.1 requires the Department to make a determination of approval or disapproval on the 2017 calendar year budget submitted by the MRC on or before October 1, 2016.

ANALYSIS

Staff recommends approval of the MRC's proposed budget for calendar year 2017. During the first 6 months of Program operations in 2016, the MRC did not observe any significant changes in operational costs that required a change to the initial 3-year spending plan that was proposed by the MRC; thus, the proposed Budget for calendar year 2017 is identical to what was included in the initial Budget approved by CalRecycle in October 2015. As the MRC becomes more familiar with the actual costs of implementing the Plan, CalRecycle staff expect the future annual budgets to include additional detail with line item breakdown of anticipated expenditures for each activity within each of the cost categories.

The MRC estimated both the costs and revenues that it expected to realize over the 2016-2018 time period in order to develop a statewide mattress recycling system several times larger than what previously existed in California. In accordance with the Act, the MRC calculated a "funding level sufficient to cover the plan's budgeted costs and to operate the mattress recycling program over a multiyear period in a prudent and responsible manner." An \$11.00 recycling charge (the only source of revenue for the Program) was set for all new and renovated mattresses and foundations sold in the State, beginning on December 30, 2015. The MRC's proposed budget for calendar year 2017 maintains a recycling charge of \$11.00/unit. Previously stakeholders expressed a concern regarding the potential impact of the recycling charge on the purchase of mattresses by low income residents and recommended a lower charge for smaller sized mattresses, such as a twin. CalRecycle requests that the MRC look into this issue, including consulting with the Advisory Committee, and if warranted give consideration to two different charges to accommodate mattress size differentials in the development and preparation of the proposed budget for calendar year 2018.

In the September 2015 Request for Approval regarding the MRC's proposed budget for 2016, CalRecycle requested that the MRC provide more detail in future proposed budgets. Specifically, CalRecycle requested that future proposed budgets include itemization of anticipated costs for each activity in a budget category in order to provide greater program transparency. For example, in the proposed 2017 Budget the anticipated costs for the cost category "Collection Costs" are projected to be \$4,121,612. Greater program transparency would be provided if the anticipated costs in the "Collection Costs" category were further delineated into anticipated costs for

“Collection/storage rental,” “Solid waste facility handling,” “Consumer incentive payments,” “Collection site signage and materials,” and “Fund to collect illegally dumped mattresses.”

Of particular interest is the cost category titled “Transportation & Processing Costs,” which comprises 72.8% of the costs in the proposed budget for calendar year 2017. However, the “Transportation & Processing Costs” are not broken out into proposed costs for individual activities such as “Transportation,” “Processing,” and “Contingency funds.” CalRecycle requests that in the proposed budget for calendar year 2018 the MRC include proposed expenditures for each activity within each of the cost categories. Thus, the 2018 Budget (and subsequent budgets) will need to include separate proposed line item expenditures for the activities that fall under each respective cost category.

In addition, staff identified several activities discussed in the Plan that are not included as an activity in the budget narrative. For example, the “Administration, Research & Advisory Expenses” cost category does not identify “Research” as an activity. However, the MRC’s Plan indicates it will expend funds to address research needs, such as investigating alternatives for removing steel from pocketed coil innersprings, or developing end use markets for specific recycled mattress components. Staff requests that “Research” be identified as an activity within the “Administration, Research & Advisory Expenses” cost category and that anticipated expenditures be included in future proposed budgets.

Staff look forward to working with the MRC to ensure its anticipated expenditures are documented with greater transparency for review by CalRecycle and stakeholders.

Stakeholder Comments:

No comments have been submitted to CalRecycle regarding the 2017 Budget since it was posted on the Department’s website for public review in June 2016.

Update on 2016 Program Implementation:

To date, the MRC has established over 110 collection locations (both at solid waste facilities and retailers) and its contracted recyclers have collected and processed over 500,000 units – already surpassing the estimated number mattresses recycled in CA (370,000 units) prior to the Program. The stewardship organization has established an incentive program for consumers, created a website locator tool, and designated funding in the amount of \$750,000 to alleviate costs to local jurisdictions for collecting illegally dumped mattresses across the State.

The MRC is continuing its efforts to register and educate retailers and manufacturers through the distribution of educational surveys and publicity toolkits. It is also working on pilot solutions for rural areas in the State to address the challenges of consolidating collection and transportation of mattress units over long distances in a cost effective manner. While every new program experiences challenges, CalRecycle appreciates the MRC’s collaborative approach to implementing the Program, its willingness to respond to concerns in a timely manner, and its diligence in working to find acceptable solutions.



Monthly Public Meeting

CalRecycle

10:00 A.M., September 20, 2016

Cal/EPA Building – Byron Sher Auditorium

A. DIRECTOR'S REPORT

Presentations or discussions by the Director and/or Executive Offices regarding department matters, legislative updates, public affairs or 75% initiative/legislative report.

B. PUBLIC COMMENT*

People may speak on any matter concerning CalRecycle with the exception of items appearing elsewhere on this agenda or items related to pending adjudicative (certification or enforcement) proceedings.

*Please note that while CalRecycle affords members of the public the opportunity to participate by Webcast, CalRecycle strongly encourages public comments to be made in person.

C. BEVERAGE CONTAINER RECYCLING PROGRAM

Possible decisions or announcements regarding BCRP matters including fund condition, rates, approval of new/renewed certifications, or enforcement actions.

Action Items

No actions at this time

Information Items

1. Update on the Quality Incentive Payments for 2016.

The Quality Incentive Payment (QIP) program is designed to improve the quality and marketability of empty glass beverage containers collected throughout the state for recycling. Pursuant to Public Resources Code (PRC) Section 14549.1 as amended by the passage of Assembly Bill 3056, the Recycling Division makes payments to eligible participants who sort and/or clean empty glass beverage containers. Recycling Division may expend up to \$10 million annually for QIP payments.

Department Staff Contact: Hieu.Le@CalRecycle.ca.gov

2. Announcement of BCRP Statewide Rate Determination Study Workshop

CalRecycle will hold a workshop on October 26, 2016 at 9a.m in the Riverside Office to discuss the methodology used to conduct the statewide segregated and commingled rate studies. As required by law, CalRecycle will, through the workshop, consult with private and public operators of curbside, drop-off or collection, community service, recycling center, and reverse vending machine programs regarding the size of the statewide sample, appropriate sampling methodologies and alternatives to exclusive reliance on a statewide commingled rate. The study methodology used by CalRecycle will be presented in detail, and participants' comments and questions will be addressed.

Department Staff Contact: Cameron.Swinko@CalRecycle.ca.gov

3. Announcement of BCRP Statewide Public Hearing Regarding 2016 Rate Adjustment
As required by law, CalRecycle will hold a public hearing to review rate adjustments on October 26, 2016 at 10:30a.m in CalRecycle's Riverside Office. The hearing will detail the mid-year adjustment to the statewide segregated and commingled rates, which will become effective on January 1, 2017. Summarized documentation of study data supporting our review of the new statewide commingled rates will be available. There will also be an opportunity for interested parties to ask any questions regarding the recalculation of the statewide commingled rates.
Department Staff Contact: Cameron.Swinko@CalRecycle.ca.gov

D. ELECTRONIC WASTE RECYCLING PROGRAM

Possible decisions or overview regarding the reuse, recycling, and handling of covered electronic devices; including matters related to fees, recyclers, enforcement, claim reviews and adjustments.

Action Items

No actions at this time

Information Items

Nothing to report at this time

E. LOCAL ASSISTANCE

Possible approval or discussion of locally adopted planning documents, bi-annual reviews, compliance and enforcement actions, or other program-related proceedings.

Action Items

No actions at this time

Information Items

Nothing to report at this time

F. GRANT AND LOAN PROGRAMS

Possible decisions or overview regarding matters related to the used oil and household hazardous waste programs.

Action Items

1. California Used Oil Recycling Fund Three-Year Spending Plan
(FY 2016/17 – FY 2018/19)

Department Staff Contact: Caroll.Mortensen@CalRecycle.ca.gov

[Public Notice](#)

Information Items

1. Awards and Distribution of Payments for the Beverage Container Recycling City/County Payment Program (California Beverage Container Recycling Fund, FY 2015–16)

Department Staff Contact: Shamila.Tooker@CalRecycle.ca.gov

[Public Notice](#)

G. SOLID WASTE AND TIRE FACILITIES

Possible decisions or reconsiderations to petitions for a facility or landfill permit or modification; and, possible determinations of enforcement actions, clean-up requirements; or LEA training.

Action Items

1. Ramona Materials Recovery Facility and Transfer Station – San Diego County, Modified Solid Waste Facilities Permit, Action Needed September 25, 2016
Department Staff Contact: Patrick.Snider@CalRecycle.ca.gov
[Public Notice](#)
2. Universal Waste Systems, Inc. Material Recovery Facility & Transfer Station – Los Angeles County, New Solid Waste Facilities Permit, Action Needed September 26, 2016
Department Staff Contact: Shannon.Hill@CalRecycle.ca.gov
[Public Notice](#)
3. Pumice Valley Landfill – Mono County, Revised Solid Waste Facilities Permit, Action Needed October 8, 2016
Department Staff Contact: Christine.Karl@CalRecycle.ca.gov
[Public Notice](#)
4. Allan Company Fresno – Fresno County, New Solid Waste Facilities Permit, Action Needed October 22, 2016
Department Staff Contact: Nicholas.Oliver@CalRecycle.ca.gov
[Public Notice](#)
5. JTR – City of Los Angeles, Major Waste Tire Facility Permit, Action Needed December 7, 2016
Department Staff Contact: Megan.Emsander@CalRecycle.ca.gov
[Public Notice](#)
6. Rubber Recovery, Inc. – San Bernardino County, Major Waste Tire Facility Permit, Action Needed January 16, 2017
Department Staff Contact: Dianne.Ohiosumua@CalRecycle.ca.gov
[Public Notice](#)

Information Items

Nothing to report at this time

H. POLICY MANDATES/WORKSHOPS/RULEMAKING PROCEEDINGS

Possible decisions or discussions by department staff regarding any order instituting a rulemaking proceeding to develop and adopt regulations and/or policy guidelines specifying the procedures to implement or revise program guidelines or requirements such as Product Stewardship, Commercial Recycling, Organics Roadmap or the 75% initiative.

Action Items

1. Summary of Manufacturers Challenge and Potential Next Steps
Department Staff Contact: Cynthia.Dunn@CalRecycle.ca.gov
[Public Notice](#)
2. Consideration of 2017 Budget for the Used Mattress Recovery and Recycling Program
Department Staff Contact: Ashley.Harley@CalRecycle.ca.gov
[Public Notice](#)

3. Approval of Annual CalRecycle Architectural Paint Stewardship Administrative Fees, July 1, 2015 – June 30, 2016

Department Staff Contact: Allyson.Williams@CalRecycle.ca.gov
[Public Notice](#)

4. Consideration of the Carpet America Recovery Effort 2015 Annual Report

Department Staff Contact: Faridoon.Ferhut@CalRecycle.ca.gov
[Public Notice](#)

Information Items

1. Emergency Rulemaking for Glass Container Processing Operations

Department Staff Contact: Martin.Perez@Calrecycle.ca.gov

I. OTHER

Possible decisions or discussions regarding the development or implementation of a new or an amendment to policies and procedures for grants, loans and contracts. Please note that grants, loans, or scopes of work will be agendized specific to program area unless otherwise noted here.

Action Items

No actions at this time

Information Items

Nothing to report at this time

J. COMPLIANCE AND ENFORCEMENT HEARINGS

Hearings for Compliance and Enforcement matters and Administrative Appeals which are required to have a public hearing prior to the Department taking action

Action Items

No actions at this time

Information Items

Nothing to report at this time

We want to assure all of our stakeholders that transparency and stakeholder involvement remains a high priority for CalRecycle. In keeping with a history of providing stakeholders with information about programs, activities, and departmental decisions, CalRecycle has a public noticing site. To review Final CalRecycle Decisions and other department activities, please go to: <http://www.calrecycle.ca.gov/Actions/> or <http://www.calrecycle.ca.gov/BevContainer/Notices>. For meeting participation, listserv, and feedback information, please go to: <http://www.calrecycle.ca.gov/PublicMeeting/>.

2015 California Exports of Recyclable Materials

CalRecycle Public Meeting
September 20, 2016
Sher Auditorium
10:00-1:00

1

Presentation Summary

- 2015 overview
- Data sources and limitations
- Individual materials
- Greenhouse gas effect emissions due to vessel shipments of exports in 2015.
- Conclusions
- Questions

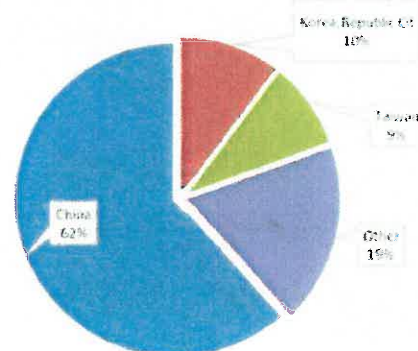
2

Data Sources and Limitations

- Information based on Seaborne exports of recyclable materials from California ports.
- Amounts, values, destinations, and trends
- Data from Wiser LLC. and their WISER Trade database
- Limited information on recyclables shipped by truck and rail.

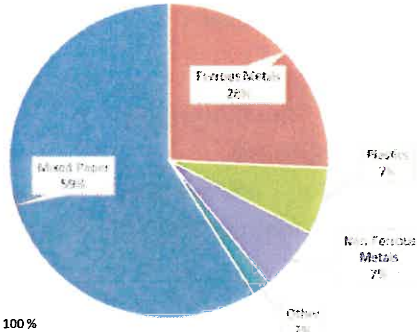
3

CA Recyclable Seaborne Exports by Destination ~16.4



4

CA Recyclable Seaborne Exports ~16.4 Million Tons



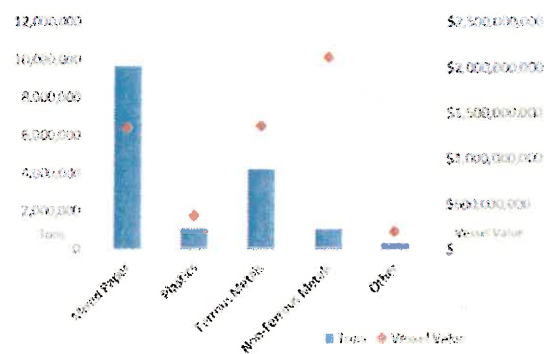
CA Recyclable Exports by Tons and Destination

Material Type	2015 Tonnages	Top Destination	2 nd Destination
Mixed Paper/Cardboard and Paperboard	9.7 million	China	Korea
Plastics	1.2 million	China	Hong Kong
Ferrous Metal	4.2 million	Taiwan	Korea
Non-Ferrous Metal (excluding copper wire)	1.1 million	China	Korea

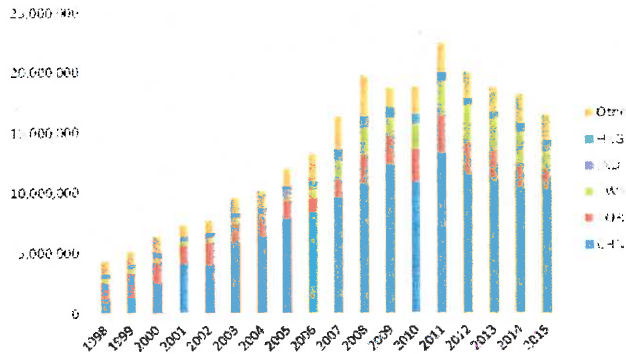
CA Recyclable Exports Tons Compared to Vessel Value

Material Type	2015 Tonnages	2015 Vessel Value
Mixed Paper/Cardboard and Paperboard	9.7 million	\$1.3 billion
Plastics	1.2 million	\$3.7 million
Ferrous Metal	4.2 million	\$1.4 billion
Non-Ferrous Metal (excluding copper wire)	1.1 million	\$2.1 billion

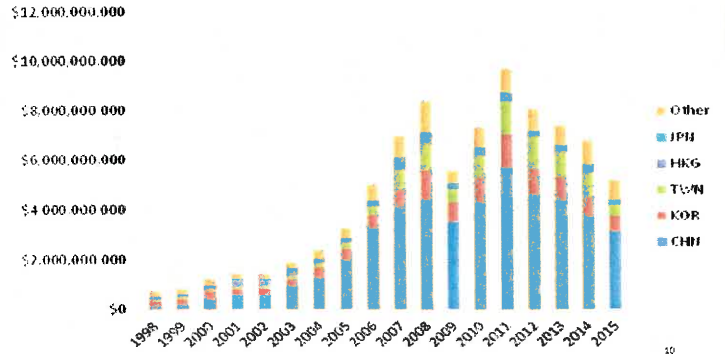
CA Recyclable Exports by Tons and Vessel Value



2015 CA Seaborne Recyclable Exports by Destination in Tons



2015 CA Seaborne Recyclable Exports by Destination in Vessel Value



Individual Recyclable Commodities from California Ports



Information about individual material categories can be found in the 2015 California Exports of Recyclable Materials report which will be available soon on the Calrecycle website.

Conclusions and Questions

- 16.4 million tons to export markets
- Export markets of recyclables have been declining overall since 2011.
- Tonnage of recyclable exports declined nearly 9 million percent in 2015. Possibly due to:
 - Strong U.S. dollar compared to other currencies.
 - Weak global economy.

Conclusions and Questions cont.

- Questions
 - Are we stockpiling more recyclable materials in CA?
 - Is more recyclable material being disposed in our landfills?
 - Are we using more recyclable materials in State?
 - What if more recyclable exports stayed in California?
 - Job Creation
 - CO2 Reduction
 - Recycling Infrastructure Stability

13

Data Limitations, Questions, and Future Research

- We don't have as good a handle on truck and rail information due to lack of tonnage data.
- AB901 may provide more information on exported materials.
- Future Questions to answer.
 - What would be needed to develop more in-state processing?
 - How would a continued decline in the export of recyclables affect our ability to reach the 75 percent recycling goal?

14

Questions?

Larry Stephens
 Policy Office-Knowledge Integration section
 (916) 341-6241

15

Country Codes

Acronym	Country	Acronym	Country
CHN	China	PER	Peru
TWN	Taiwan	SLV	El Salvador
KOR	Korea, Republic of	MEX	Mexico
MYS	Malaysia	SGP	Singapore
VNM	Vietnam	PHL	Philippines
HKG	Hong Kong	GBR	United Kingdom
IDN	Indonesia	TUR	Turkey
THA	Thailand	EGY	Egypt
JPN	Japan	ITA	Italy
IND	India	DEU	Germany
PAK	Pakistan		

16

Monthly Public Meeting

CalRecycle

10:00 A.M., October 18, 2016

Cal/EPA Building – Byron Sher Auditorium

A. DIRECTOR'S REPORT

Presentations or discussions by the Director and/or Executive Offices regarding department matters, legislative updates, public affairs or 75% initiative/legislative report.

B. PUBLIC COMMENT*

People may speak on any matter concerning CalRecycle with the exception of items appearing elsewhere on this agenda or items related to pending adjudicative (certification or enforcement) proceedings.

*Please note that while CalRecycle affords members of the public the opportunity to participate by Webcast, CalRecycle strongly encourages public comments to be made in person.

C. BEVERAGE CONTAINER RECYCLING PROGRAM

Possible decisions or announcements regarding BCRP matters including fund condition, rates, approval of new/renewed certifications, or enforcement actions.

Action Items

No actions at this time

Information Items

1. Recycling Program Certification & Registration Report
Quarterly Report on Branch workload metrics and key data.
Department Staff Contact: George.Donkor@CalRecycle.ca.gov
2. Recycling Program Enforcement Report
Quarterly Report on the Branch activities, including Probationary Reviews, Inspections, Investigations completed, and accusations filed. Updates will also be provided on Department of Justice/Office of the Attorney General interagency activities.
Department Staff Contact: John.Halligan@CalRecycle.ca.gov
3. Recycling Program Operations Report
Quarterly Report on the Branch activities will include a summary of Rate Determination Studies statistics, Market Information and Statistics.
Department Staff Contact: Mike.Miller@CalRecycle.ca.gov
4. Review of Biannual Report of Beverage Container Sales, Returns, Redemption, and Recycling Rates
Department Staff Contact: Mike.Miller@CalRecycle.ca.gov

D. ELECTRONIC WASTE RECYCLING PROGRAM

Possible decisions or overview regarding the reuse, recycling, and handling of covered electronic devices; including matters related to fees, recyclers, enforcement, claim reviews and adjustments.

Action Items

No actions at this time

Information Items

Nothing to report at this time

E. LOCAL ASSISTANCE

Possible approval or discussion of locally adopted planning documents, bi-annual reviews, compliance and enforcement actions, or other program-related proceedings.

Action Items

No actions at this time

Information Items

1. Five-Year Review Report For The Countywide Integrated Waste Management Plan For The County Of Stanislaus

Department Staff Contact: Paul.Brainin@Calrecycle.ca.gov

[Public Notice](#)

F. GRANT AND LOAN PROGRAMS

Possible decisions or overview regarding matters related to the used oil and household hazardous waste programs.

Action Items

No actions at this time

Information Items

1. Awards for the Tire Incentive Program (Tire Recycling Management Fund, FY 2015-16)

Department Staff Contact: Melissa.Sanford@Calrecycle.ca.gov

[Public Notice](#)

2. Awards and Distribution of Payments for the Used Oil Payment Program (Used Oil Recycling Fund, Fiscal Year 2016–17)

Department Staff Contact: Baljot.Biring@Calrecycle.ca.gov

[Public Notice](#)

G. SOLID WASTE AND TIRE FACILITIES

Possible decisions or reconsiderations to petitions for a facility or landfill permit or modification; and, possible determinations of enforcement actions, clean-up requirements; or LEA training.

Action Items

1. Universal Waste Systems, Inc. Material Recovery Facility & Transfer Station – Los Angeles County, New Solid Waste Facilities Permit, Action Needed October 26, 2016

Department Staff Contact: Shannon.Hill@CalRecycle.ca.gov

[Public Notice](#)

2. San Onofre Landfill – San Diego County, Modified Solid Waste Facilities Permit, Action Needed November 12, 2016

Department Staff Contact: Patrick.Snider@CalRecycle.ca.gov

[Public Notice](#)

3. Allan Company Fresno – Fresno County, New Solid Waste Facilities Permit, Action Needed
November 13, 2016
Department Staff Contact: Nicholas.Oliver@CalRecycle.ca.gov
[Public Notice](#)
4. JTR – City of Los Angeles, Major Waste Tire Facility Permit, Action Needed
December 7, 2016
Department Staff Contact: Megan.Emsander@CalRecycle.ca.gov
[Public Notice](#)
5. Rubber Recovery, Inc. – San Bernardino County, Major Waste Tire Facility Permit, Action Needed January 16, 2017
Department Staff Contact: Dianne.Ohiosumua@CalRecycle.ca.gov
[Public Notice](#)

Information Items

1. Waste Tire Enforcement Report
Department Staff Contact: Bill.Albert@CalRecycle.ca.gov

H. POLICY MANDATES/WORKSHOPS/RULEMAKING PROCEEDINGS

Possible decisions or discussions by department staff regarding any order instituting a rulemaking proceeding to develop and adopt regulations and/or policy guidelines specifying the procedures to implement or revise program guidelines or requirements such as Product Stewardship, Commercial Recycling, Organics Roadmap or the 75% initiative.

Action Items

No actions at this time

Information Items

1. Stakeholder Workshop to Discuss Draft Criteria and Program Development for the Organics and Fiber, Plastic, Glass Greenhouse Gas Reduction Grant Programs, FY 2016–17
October 20, 2016 1:30PM – 3:30PM
Department Staff Contact: Alex.Byrne@Calrecycle.ca.gov
[Public Notice](#)
2. Stakeholder Workshop to Discuss Draft Criteria and Program Development for the Organics and Fiber, Plastic, Glass Greenhouse Gas Reduction Grant Programs, FY 2016–17
October 26, 2016 5:00PM – 7:00PM
Department Staff Contact: Alex.Byrne@Calrecycle.ca.gov
[Public Notice](#)

I. OTHER

Possible decisions or discussions regarding the development or implementation of a new or an amendment to policies and procedures for grants, loans and contracts. Please note that grants, loans, or scopes of work will be agendized specific to program area unless otherwise noted here.

Action Items

No actions at this time

Information Items

Nothing to report at this time

J. COMPLIANCE AND ENFORCEMENT HEARINGS

Hearings for Compliance and Enforcement matters and Administrative Appeals which are required to have a public hearing prior to the Department taking action

Action Items

Nothing to report at this time

Information Items

Public Hearing to Consider the Issuance of Compliance Order (CO) 016-001 for the City of Wasco, November 9, 2016 11:00 a.m.

Department Staff Contact: Kathy.Marsh@CalRecycle.ca.gov

[Public Notice for the November 9th Public Hearing](#)

We want to assure all of our stakeholders that transparency and stakeholder involvement remains a high priority for CalRecycle. In keeping with a history of providing stakeholders with information about programs, activities, and departmental decisions, CalRecycle has a public noticing site. To review Final CalRecycle Decisions and other department activities, please go to:

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For Immediate Release
August 10, 2016
Release #2016-18

Media Contact:
[Mark Oldfield](#)

Agents, CHP Thwart Phoenix-Based Recycling Fraud Scheme: Suspect takes 70-mile detour to avoid California border checkpoint

SACRAMENTO--The California Department of Resources Recycling and Recovery is announcing the arrest of a Los Angeles truck driver on charges of felony recycling fraud, attempted grand theft, and conspiracy. The suspect is accused of illegally transporting used beverage containers from Arizona to California with the intent to defraud the California Redemption Value Fund.



CDOJ photo of evidence from July 19 recycling fraud arrest in Blythe, Calif.

"CalRecycle is staying on the offense with some of the most aggressive recycling-fraud prevention efforts in the nation," CalRecycle Director Scott Smithline said. "Our enforcement partners will continue to follow every lead, monitor suspected traffickers, and disrupt these criminal organizations before they have a chance to rip off California consumers."

On July 19, 2016, California Department of Justice Recycling Fraud Team agents witnessed a blue semi-truck with a white trailer being loaded with used beverage containers in Phoenix, Ariz. Agents later followed the truck into California, then observed as the driver took a 70-mile detour to avoid the California Department of Food and Agriculture (CDFA) checkpoint in Blythe, Calif. Agents stopped the truck with assistance from the California Highway Patrol.

Julio Bolanos, 40, of Los Angeles stated he was transporting cans from Arizona and did not have a shipment receipt or Imported Material Report, which are legally required to import used beverage containers into California. If Bolanos had gone through the CDFA checkpoint, he would have been required to declare the contents of his load and produce the documentation mentioned above. An examination of the trailer revealed approximately 7,000 pounds of bottles and cans worth an estimated \$11,000 in potential California Redemption Value.

The tractor-trailer was impounded and Bolanos was arrested on charges of felony recycling fraud, attempted grand theft, and conspiracy. He faces six months to three years in prison if convicted.

At a Glance: CalRecycle's Fraud Prevention Efforts

California's Beverage Container Recycling and Litter Reduction Act incentivizes recycling through a California Redemption Value (CRV) fee paid by California consumers at the time of purchase and refunded upon return of the empty beverage containers to CalRecycle-certified recycling centers. Because the fee is not paid on beverages purchased outside the state, those containers are not eligible for CRV redemption.

In addition to CalRecycle's interagency agreements with CDOJ and CDFA, CalRecycle aggressively combats fraud and illicit payments through enhanced [precertification training](#) of recycling center owners; probationary reviews of recycling centers; oversight of certified processors; monitoring and tracking of [imported materials](#); risk assessment of daily claims for reimbursement; [daily load limits](#); application of prepayment controls; and post-payment reviews and investigations.



###

CalRecycle is the state's leading authority on recycling, waste reduction, and product reuse. CalRecycle plays an important role in the stewardship of California's vast resources and promotes innovation in technology to encourage economic and environmental sustainability. For more information, visit www.calrecycle.ca.gov.

News Room <http://www.calrecycle.ca.gov/NewsRoom/>
Public Affairs Office: opa@calrecycle.ca.gov (916) 341-6300

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Discarded Battery Management at Facilities Handling Solid Waste and Recyclable Materials



The mission of DTSC is to protect California's people and environment from harmful effects of toxic substances by restoring contaminated resources, enforcing hazardous waste laws, reducing hazardous waste generation, and encouraging the manufacture of chemically safer products.

Batteries may not be disposed in trash or household recycling collection bins intended to receive other non-hazardous waste and/or recyclable materials: it is prohibited by law.

Batteries, when discarded, are a waste, and may not be placed in the trash or into household paper, plastic, and glass recycling collection bins. A discarded battery that exhibits a hazardous waste characteristic or contains a listed hazardous waste, as described in chapter 11 of title 22, division 4.5, California Code of Regulations, is subject to regulation under articles 10.6 and 10.8 of California Health and Safety Code and California Code of Regulations, title 22, chapters 11, 12, 16 and 23 by the Department of Toxic Substances Control (DTSC) and the Certified Unified Program Agencies (CUPAs). Many types of batteries regardless of size exhibit hazardous characteristics and are considered hazardous waste when they are discarded. These include common rechargeable and single use triple and double A size, C, D, button cell, and 9 Volt batteries.

How Should Transfer Stations, Landfills and Recycling Centers Handle Batteries?

An owner/operator of solid waste transfer stations, municipal landfills, and recycling centers, that discovers batteries in the waste or recyclable materials they are processing should remove and manage the batteries separately according to the applicable regulations. The facility that removes the batteries from the municipal solid waste stream or recyclable materials becomes the generator of the hazardous waste batteries and must comply with the hazardous waste management regulations in California Code of Regulations, title 22, chapters 10 through 12, 16, and 23.

The determination whether to manage the batteries under the universal waste standards (small household batteries as described in chapter 23 of California Code of Regulations, title 22), spent lead-acid battery standards (automotive type batteries as described in article 7 of chapter 16 in California Code of Regulations, title 22), or as fully regulated hazardous waste (primarily found in chapters 10 through 20 of California Code of Regulations, title 22), is at the discretion of the facility generating the hazardous waste batteries.

State of California



California
Environmental
Protection Agency



Universal waste batteries, spent lead-acid batteries, and hazardous waste batteries must be managed according to the applicable requirements for handling, accumulation, labeling, transport, and disposal. There are different management standards for each.

For more information about the Universal Waste management requirements visit the link:

https://www.dtsc.ca.gov/HazardousWaste/UniversalWaste/upload/UW_Factsheet1.pdf

For more information about Spent Lead-Acid Batteries management requirements visit the link:

https://www.dtsc.ca.gov/HazardousWaste/upload/FS_DutyOfficer_LeadAcidBatteries1.pdf

For more information about full hazardous waste management requirements, visit the link:

http://www.dtsc.ca.gov/HazardousWaste/upload/HWM_FS_Generator_Requirements.pdf

In addition, as a generator, the facility should contact the CUPA in their area for more information about the CUPA's generator program and any notifications or permits they may require.

To find the CUPA in your area, use the Unified Program Regulator Directory at <http://cersapps.calepa.ca.gov/Public/Directory/>

Which Discarded Batteries are Hazardous Waste?

Batteries that exhibit a hazardous characteristic or contain a listed hazardous waste are hazardous waste in California when they are discarded.

These include single use alkaline and lithium batteries and rechargeable lithium metal, nickel cadmium, and nickel metal hydride batteries of various sizes (AAA, AA, C, D, button cell, 9 Volt, and small sealed lead-acid batteries). Some batteries do not meet the hazardous waste characteristics or contain a listed hazardous waste but these may be difficult to differentiate from their hazardous counterparts. As a general rule, a person who does not know a battery's type or chemistry should presume that battery is hazardous waste and should not dispose of it in the trash or recyclable waste bins. Lead acid batteries (such as automotive cranking batteries) are also hazardous wastes, but may be managed under requirements specific to lead acid batteries as described in article 10.5 of California Health and Safety Code. Lead acid battery management requirements do not apply to small sealed lead acid batteries which are managed as universal waste as described in articles 10.6 and 10.8 of California Health and Safety Code.

What if batteries are not managed separately from other waste streams?

Facilities that do not properly manage hazardous waste may be subject to regulatory enforcement and may be liable for monetary penalties.

Where Can A Facility Send Batteries?

Depending on the type of battery and applicable management requirements batteries must be sent to a facility permitted to accept hazardous waste batteries, universal wastes, or spent lead-

acid batteries. Only facilities that have a DTSC permit or other type of authorization to treat, store or dispose of hazardous wastes may accept hazardous waste batteries. Persons that do not have a DTSC permit may accept and store universal waste batteries and spent lead-acid batteries if they operate according to the regulations specifically tailored for those types of batteries. For management and disposal requirements and options for Universal Waste batteries, spent lead-acid batteries, and hazardous waste batteries, go to the above links for Universal Waste, Spent Lead-acid Batteries, and hazardous waste management requirements.

Load Checking at Solid Waste Facilities

This fact sheet is focused on the management of batteries. For more information about other hazardous waste requirements that also apply to load checking at facilities visit the link:

https://www.dtsc.ca.gov/HazardousWaste/upl/oad/HWM_FS_LoadChecking_Landfills.pdf

Disclaimer

This fact sheet does not replace or supersede statutes or regulations, and is not binding upon DTSC, nor does it have the force of law. It provides only informal guidance regarding the management of hazardous waste for the convenience of the public. If you would like a formal opinion on a matter by DTSC, please contact the responsible program office directly. You should also refer to the statutes and regulations, DTSC Policies and Procedures, and other formal documents.

**For more information contact the
DTSC Regulatory Assistance Office
at (800) 72-TOXIC (800-728-6942).**

From outside California call

(916) 324-2439

or visit

www.dtsc.ca.gov



Environmental Health Study of Synthetic Turf – August 2016 Update

The California Office of Environmental Health Hazard Assessment (OEHHA) is conducting a study of the potential health effects associated with the chemicals released from synthetic turf and playground mats containing recycled waste tires. The California Department of Resources Recycling and Recovery (CalRecycle), which regulates the use of waste tires in California, has contracted with OEHHA to perform the study.

What's New?

OEHHA has amended the contract with CalRecycle based upon input from the Synthetic Turf Scientific Advisory Panel and input from the public. The scope of the synthetic turf field investigation has been expanded to include: methods to extract as many chemicals as possible from crumb rubber samples for identification, the use of more suitable artificial bio-fluids (such as fluids that mimic human sweat) to evaluate the chemicals that enter the body, and measurements of crumb rubber particle size to understand if inhalation of small particles occurs. To accommodate the additional analyses, OEHHA has extended the project completion date to mid-2019.

What is OEHHA studying?

The study is assessing the potential health impacts associated with playing on synthetic turf fields and playground mats. It is examining athletic fields and playground mats made from crumb rubber derived from recycled waste tires. Major parts of the study include:

- Identifying and measuring chemicals released from crumb rubber and artificial grass blades in indoor and outdoor fields and playground mats throughout California.
 - Synthetic turf fields of various ages and subjected to various weather conditions will be studied.
 - Air above synthetic turf fields and playgrounds will be monitored for particulate matter and specific chemicals that can be inhaled.
 - The size distribution of the collected particulate matter will be characterized.
- Evaluating exposures to chemicals released from crumb rubber and synthetic grass blades through inhalation, swallowing, and skin contact. This includes consideration of:
 - The extent to which individuals (for example athletes and bystanders) are exposed, based on their activity patterns and how often and long they stay on the field.



- How exposure to the chemicals varies by age groups of athletes and bystanders.
- Movement of chemicals from turf into body fluids.
- Evaluating the hazards and toxicological activities of chemicals released from turf. This includes examining the ways that sensitive populations, such as children, may be more vulnerable to chemicals released from synthetic turf fields.
- Developing a study protocol for measuring chemicals from synthetic turf in urine or other bodily fluids of athletes, or using personal monitors worn by athletes. (The current study plan calls for developing a study plan but not undertaking these measurements. These studies could take place after completion of the current study.)
- Conducting an assessment of potential health impacts associated with exposures to chemicals released from synthetic turf and playground mats, taking into account the findings of the above activities.

What information will the study provide?

The study is scheduled for completion in mid-2019 with the release of a report on the field monitoring results, exposure characterization, and health risk assessment. Prior to completion, OEHHA will release a draft report describing the preliminary data and results of the study in mid-2018.

The information generated in the study will enable OEHHA to determine the types and concentrations of chemicals individuals are exposed to when playing on synthetic turf and playground mats, estimate the level of exposures associated with various activities, and assess whether these exposures pose potential health risks. CalRecycle will use this information in making future decisions regarding the use of crumb rubber in synthetic turf and playground mats.

How is OEHHA obtaining input on the study?

OEHHA began the study by conducting an interactive webinar and public meetings in Los Angeles, San Diego, and Berkeley to seek input from athletes, coaches, parents and other interested individuals. OEHHA also convened a panel of scientific experts in exposure and biomedical sciences to provide input and advice on the study. The first meeting of the panel was held in February 2016, and there will be additional panel meetings throughout the study. All meetings of the panel will be held in public, with opportunities for the public to comment.

Has OEHHA studied synthetic turf in the past?

OEHHA conducted two studies on the potential human health effects associated with use of recycled waste tires in playground and synthetic turf products in 2007 and 2010. These studies evaluated key aspects of synthetic turf fields, including inhalation of chemicals,



bacterial infections, and skin abrasions. OEHHA's current effort will fill in data gaps and address the potential risks from chemical exposures resulting from skin contact with, breathing or ingesting crumb rubber from synthetic turf fields. The California Integrated Waste Management Board, which has since been reorganized as CalRecycle, also contracted with OEHHA to perform the previous two studies:

- Evaluation of Health Effects of Recycled Waste Tires in Playground and Track Products, January 2007
- Safety Study of Artificial Turf Containing Crumb Rubber Infill Made From Recycled Tires: Measurements of Chemicals and Particulates in the Air, Bacteria in the Turf, and Skin Abrasions Caused by Contact with the Surface, October 2010

These studies can be found at: <http://oehha.ca.gov/risk-assessment/synthetic-turf-studies>.

First Published on: October 20, 2015

Updated on: August 30, 2016

Mary Pitto

From: CalRecycle Electronic Waste Management ListServ [EWaste@calrecycle.ca.gov]
Sent: Thursday, August 25, 2016 11:40 AM
To: Mary Pitto
Subject: California E-Waste Updates: Implementing the Electronic Waste Recycling Act

August 25, 2016

Dear Electronic Waste Stakeholder:

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

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In this issue:

UPCOMING WORKSHOP REMINDERS

CALRECYCLE: DESIGNATED APPROVE COLLECTORS – AUGUST 31

DTSC: CRT MARKET FACT-FINDING AND REGULATION DEVELOPMENT

CALRECYCLE: FUTURE OF ELECTRONIC WASTE MANAGEMENT IN CALIFORNIA – SEPTEMBER 14

=====

CalRecycle Workshop: Designated Approved Collector -- August 31

The California Department of Resources Recycling and Recovery (CalRecycle) reminds all covered electronic waste (CEW) program stakeholders of a workshop on the subject of designated approved collectors. It is scheduled to be held from 10:00AM to approximately 1:00PM on Wednesday, August 31, 2016, in the Sierra Hearing Room at the Cal/EPA Headquarters Building in Sacramento:

<http://www.calrecycle.ca.gov/Actions/PublicNoticeDetail.aspx?id=1831&aiid=1659>

An agenda, draft regulatory language, and supporting documents are posted at the notice website.

DTSC Workshop: CRT Market Fact-Finding and Regulation Development

The Department of Toxic Substances Control (DTSC) invites you to participate in a roundtable discussion on Wednesday, September 7, 2016. The purpose of this meeting is to discuss the status of potential recycling outlets being developed for Cathode Ray Tube (CRT) glass in light of the continuing decline in CRT glass manufacturing and how DTSC's regulatory requirements may be influencing the development of those outlets.

Presenters will discuss DTSC's existing emergency regulations, their purpose, and the controls they impose on the management of CRT glass, including the limitations and impediments to recycling they may be creating. A

panel discussion will follow with industry and regulatory experts exploring ways DTSC, through its regulations, can facilitate the recycling of CRT glass (both panel and funnel) while achieving its goals to protect public health and the environment. Information shared in this discussion will help guide DTSC in developing its final regulations for managing hazardous waste CRTs and CRT glass.

Join Us: September 7, 2016

Time: 9:00 a.m. to 12:00

Location: Cal/EPA Headquarters Building, 1001 I Street Sacramento, California
2nd floor - Byron Sher Auditorium

Additional workshop information including how to register will be provided by late August 2016. For additional information or if you have questions regarding the workshop please contact Teresa Rizzardo at CRT_regs@dtsc.ca.gov

CalRecycle Workshop: Future of Electronic Waste Management in California -- September 14

CalRecycle has embarked on long term initiative to examine current conditions and future options for electronic waste management in California. Drawing from over a dozen years of program operational experience since the signing of the Electronic Waste Recycling Act of 2003, as well as the knowledge gained by the many states that administer electronic waste management program of their own, CalRecycle seeks to identify the strengths and weaknesses of current program approaches along with the interests and needs of all stakeholders. The ultimate goal will be the formulation of policy recommendations aimed at bolstering the effective management of the electronic waste stream and the resources it contains.

A stakeholder workshop is scheduled for 10:00AM until approximately 2:30PM on Wednesday, September 14, 2016, in the Coastal Hearing Room at the Cal/EPA Headquarters Building in Sacramento:

<http://www.calrecycle.ca.gov/Actions/PublicNoticeDetail.aspx?id=1854&aiid=1682>

This workshop will present the initial analysis of the recent survey sent to more than 3,300 recipients of this listserv newsletter. CalRecycle extends its appreciation to the more than 130 interested parties that responded.

The workshop will also feature a panel of experts representing a range of California perspectives who will present their views and engage in dialog with each other and attendees. Panelists will include the recycling industry, local government, and NGO viewpoints. Time will also be dedicated to a series of breakout session wherein smaller groups of participants will identify those essential elements that are vital to any future program model success.

A detailed agenda and supporting documents will be posted closer to the workshop date.

Separately, CalRecycle has established a new web area that will serve as a hub for discussions, documents, and coordination as this project moves forward:

<http://www.calrecycle.ca.gov/Electronics/Future/>

CalRecycle welcomes your anticipated participation.

Other Resources

Covered Electronic Waste (CEW) Recycling Program Information:
<http://www.calrecycle.ca.gov/Electronics/Act2003/>

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

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

California Statutes and Bills, including Public Resources Code (PRC) and Health and Safety Code (HSC):
<http://leginfo.legislature.ca.gov/>

California Code of Regulations:
<https://govt.westlaw.com/calregs/Index>

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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

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

Mary Pitto

From: CalRecycle Electronic Waste Management ListServ [EWaste@calrecycle.ca.gov]
Sent: Thursday, September 01, 2016 4:42 PM
To: Mary Pitto
Subject: California E-Waste Updates: Implementing the Electronic Waste Recycling Act

September 1, 2016

Dear Electronic Waste Stakeholder:

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

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In this issue:

CALRECYCLE PUBLIC NOTICE: PROPOSED EMERGENCY ACTION ON ELECTRONIC WASTE RECYCLING FEE AMOUNTS 14 CCR 18660.40

PLEASE RSVP FOR THE FUTURE OF ELECTRONIC WASTE MANAGEMENT IN CALIFORNIA WORKSHOP

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CalRecycle Public Notice: Proposed Emergency Regulatory Action on Electronic Waste Recycling Fee Amounts 14 CCR 18660.40

The Department of Resources Recycling and Recovery (CalRecycle) is proposing to file emergency regulations with the Office of Administrative Law (OAL) to adjust the electronic waste recycling fee from the current rates of \$3, \$4, and \$5 to \$5, \$6, and \$7. These changes will be reflected in California Code of Regulations, title 14, section 18660.40.

The proposed regulations were approved by the director of CalRecycle on July 20, 2016, after a public meeting. A copy of the signed request for approval, the proposed rulemaking language, and other supporting documents can be found at the CalRecycle Public Notice website:

<http://www.calrecycle.ca.gov/Actions/PublicNoticeDetail.aspx?id=1850&aiid=1676>

CalRecycle is required to take this action to fulfill Public Resources Code 42464(f). CalRecycle anticipates filing the proposed emergency regulations with OAL on or before September 9, 2016, pursuant to the authority granted in Public Resources Code 42475.2. OAL will have 10 days to review the filing before final approval. The fee changes will take effect January 1, 2017.

Please RSVP for the Future of Electronic Waste Management in California Workshop

As previously announced, CalRecycle will be hosting a workshop on the Future of Electronic Waste Management in California on Wednesday, September 14. A public notice with an initial agenda is located at: <http://www.calrecycle.ca.gov/Actions/PublicNoticeDetail.aspx?id=1854&aiid=1682>

For planning purposes, please RSVP (ewaste@calrecycle.ca.gov) if you will be attending in person.

Proceedings will also be webcast.

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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

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

Mary Pitto

From: CalRecycle Electronic Waste Management ListServ [EWaste@calrecycle.ca.gov]
Sent: Wednesday, September 28, 2016 1:37 PM
To: Mary Pitto
Subject: California E-Waste Updates: Implementing the Electronic Waste Recycling Act

September 28, 2016

Dear Electronic Waste Stakeholder:

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

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In this issue:

ELECTRONIC WASTE RECYCLING FEE CHANGES ARE OFFICIAL

FUTURE OF ELECTRONIC WASTE MANAGEMENT IN CALIFORNIA WORKSHOP

DTSC READOPTS EMERGENCY CRT RULES

DTSC HOLDS CRT MARKET WORKSHOP

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Electronic Waste Recycling Fee Changes Are Official

The Department of Resources Recycling and Recovery (CalRecycle) secured final approval from the Office of Administrative Law (OAL) on emergency regulations to adjust the electronic waste recycling fee from the current rates of \$3, \$4, and \$5 to \$5, \$6, and \$7. These changes are reflected in California Code of Regulations, title 14, section 18660.40. A copy of OAL's approval and other rulemaking documents can be found here: <http://www.calrecycle.ca.gov/Laws/Rulemaking/Archive/2016/EWasteFee/default.htm>

The proposed regulations were approved by the director of CalRecycle on July 20, 2016, after a public meeting. A copy of the signed request for approval, the proposed rulemaking language, and other supporting documents can be found at the CalRecycle Public Notice website: <http://www.calrecycle.ca.gov/Actions/PublicNoticeDetail.aspx?id=1850&aiid=1676>

CalRecycle is required to take this action to fulfill Public Resources Code 42464(f). The fee changes will take effect January 1, 2017.

Future of Electronic Waste Management in California Workshop

CalRecycle hosted a workshop on the Future of Electronic Waste Management in California on Wednesday, September 14. A public notice with an agenda and presentations is located at: <http://www.calrecycle.ca.gov/Actions/PublicNoticeDetail.aspx?id=1854&aiid=1682>
Links to recordings of portions of the workshop are also available on the public notice page. Notes of the

proceedings are being summarized and will be posted to the project website in the near-future.
<http://www.calrecycle.ca.gov/Electronics/Future/Default.htm>

DTSC READOPTS EMERGENCY CRT RULES

The Department of Toxic Substances Control (DTSC) recently readopted rules for Disposition Options for Universal Waste Cathode Ray Tubes (CRTs) and CRT Glass. (Department Reference Number: R-2011-03; Office of Administrative Law Emergency Reference: 2016-0902-04 EE)

OAL approved this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code on September 12, 2016. The re-adopted emergency regulations became effective immediately and shall remain in effect for a period of two years or until revised by the department, whichever occurs sooner. For further information please refer to DTSC Emergency Regulations posted on the DTSC regulations web page: http://www.dtsc.ca.gov/LawsRegsPolicies/Regs/CRT_Glass_Disposal.cfm

On September 2, 2016, the Department of Toxic Substances Control (DTSC) submitted a request to the Office of Administrative Law (OAL) that existing emergency regulations for the disposition of Waste Cathode Ray Tubes (CRTs) and CRT Glass be continued in effect for an additional two years while DTSC finalizes a permanent regulations package. DTSC will complete the final regulations package within the next two years, even if it cannot identify a recycling option.

The text of the emergency regulations is unchanged from the first approved re-adoption of the emergency regulations in September 2014. If you have any questions regarding the re-adoption of the emergency regulations, please e-mail CRT_regs@dtsc.ca.gov

DTSC Holds CRT Market Workshop

The Department of Toxic Substances Control hosted a stakeholders meeting September 7, 2016, to discuss the status of potential recycling outlets being developed for Cathode Ray Tube (CRT) glass in light of the continuing decline in CRT glass manufacturing. This meeting featured a panel discussion with industry and regulatory experts to help guide DTSC in developing its final regulations. These discussions are intended to inform future development of permanent regulations.

The meeting agenda, presentations, and a video of the webcast are also posted under DTSC Emergency Regulations on the DTSC regulations web page: http://www.dtsc.ca.gov/LawsRegsPolicies/Regs/CRT_Glass_Disposal.cfm

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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

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

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



Edmund G. Brown Jr.
Governor

Matthew Rodriguez
Secretary for Environmental Protection

UNIFIED PROGRAM NEWSLETTER FOR SEPTEMBER 2016

IN THIS ISSUE:

California Environmental Protection Agency

Evaluation Process Webinar

REMINDER: Annual Single Fee Summary Report for Fiscal Year 2015-2016 must be submitted to CalEPA by September 30, 2016

APSA SPCC Training Scholarships Available for CUPA and PA Staff in the Northern Central Regions

CERS Tips and Tricks

State Water Resources Control Board

Informational Workshop on Permanent Closure of Single-Walled USTs

September 19 in Cupertino

Webinar Workshop on Permanent Closure of Single-Walled USTs September 26, 2016

Informational Webinar Regarding the Underground Storage Tank Element of the CalEPA

CUPA Evaluation

State Water Resources Control Board Adopts Proposed Title 23 UST Regulations for Electronic Reporting

California Environmental Protection Agency

New Evaluation Process Webinar

California Environmental Protection Agency (CalEPA) has scheduled two new evaluation process training webinars. The webinars are designed to provide an understanding of how the new evaluation process works, including explanations of the evaluation notification, Certified Unified Program Agency (CUPA) information submittals, conference calls, completion timeframes, summary of findings reports and deficiency update reports. The next webinars are scheduled for:

1. September 20, 2016 from 10:00am – 11:00am
2. September 23, 2016 from 11:00am – 12:00pm

Please contact Katrina Valerio at (916) 323-2204 or email katrina.valerio@calepa.ca.gov, if you have any questions or concerns.

REMINDER: Annual Single Fee Summary Report for Fiscal Year 2015-2016 must be submitted to CalEPA by September 30, 2016

Per California Code of Regulations, Title 27, Division 1, Subdivision 4, §15290(a), CUPAs must prepare the Annual Single Fee Summary Report for the previous fiscal year and submit it to CalEPA *no later than September 30, 2016.*

Information contained in the Annual Single Fee Summary Report is essential to adequately assess the implementation and fee accountability of the Unified Program for each CUPA, as well as, to convey the statewide success and accomplishments of California's Unified Program to the United States Environmental Protection Agency, California legislature, and other interested persons.

The existing template adopted in Title 27 does not include the Aboveground Petroleum Storage Act (APSA) Program state surcharge of \$26.00 that became effective fiscal year 2014-2015. CalEPA initiated the required rulemaking process to revise the template. Until the template is revised in regulation, CalEPA developed a draft template available at: <http://www.calepa.ca.gov/CUPA/Publications> under the heading "Required Summary Reporting Forms and Instructions for 'CUPA-to-State' Reporting." CUPAs are encouraged to use the draft template. If a CUPA does not wish to use the draft template provided, the CUPA shall include all required components of the report including the APSA surcharge amounts assessed, collected and remitted in similar report format.

Please remit the Annual Single Fee Summary Report for Fiscal Year 2015-2016 to CalEPA by September 30, 2016, via:

Mail:
California Environmental Protection
Agency
Unified Program
P.O. Box 2815
Sacramento, CA 95812

OR

Email:
cupa@calepa.ca.gov

Subject: Annual Single Fee Summary
Report - Fiscal Year 2015-2016

APSA SPCC Training Scholarships Available for CUPA and PA Staff in the Northern and Central Regions

APSA Spill Prevention Control and Countermeasure (SPCC) Training will be conducted in the Northern Region on September 19 and 20, 2016 and in the Central Region on September 21 and 22, 2016. The California CUPA Forum Trust Fund has scholarships available for CUPA and Participating Agency staff who need financial support to attend the training.

The scholarship would cover the cost of hotel, parking and per diem and gas if a County vehicle is driven. If you would like financial support to attend this training, please complete the application included with the newsletter and submit it to the California CUPA Forum by September 14th, via:

Mail:
California CUPA Forum
Attn: Sheryl Baldwin
P.O. Box 2017
Cameron Park, CA 95682-2017

Approval emails will go out September 15th or earlier if needed.

For additional information about the APSA SPCC Training scholarship, please refer to the "APSA Training Scholarship Guidelines September 2016" included with the newsletter. If you have any questions, please contact Sheryl Baldwin at (530) 676-0815 or by email at sheryl@calcupa.org.

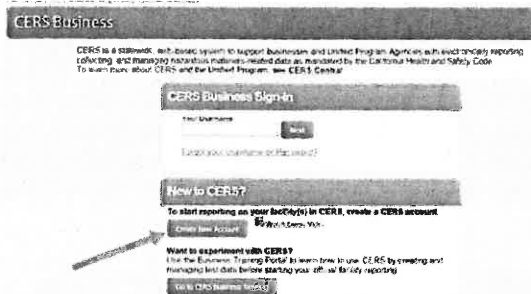
CERS Tips and Tricks

CERS Tips and Tricks includes helpful explanations and resolutions regarding current issues recently received by the CERS Technical Support Team. If you have questions or concerns please email CERS at cers@calepa.ca.gov

How do I change my email address in CERS?

CERS Business Portal

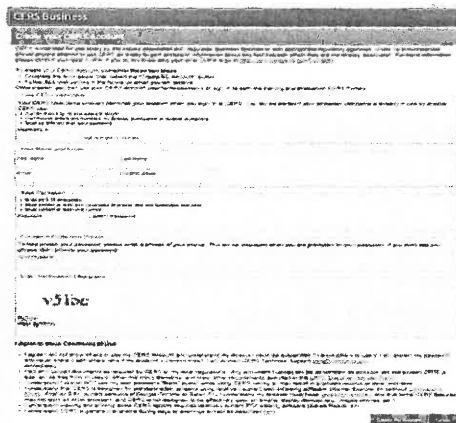
- If your email address changes after you have created a CERS account you will need to sign into CERS and create a new CERS account.



To create a new CERS user account, you will need to follow these steps:

1. Open your web browser and navigate to the CERS Central page. (<http://cers.calepa.ca.gov>)
2. Select the "Business Portal Sign In" link from the top of the CERS Central page.
3. Select the "Create New Account" button, located below the "New to CERS?" section of the CERS Business Sign In page.
4. After completing the web form, select the "Create My Account" button.
5. You will then receive an e-mail notification, from CERS, containing an Account Activation Link. Open the link provided in the e-mail message to activate your CERS Business user account.
 - a. Check spam for this email
6. Once your account has been activated, you can then return to the CERS Business Sign In page and sign-in to CERS Business, using your username and password.
7. Once your CERS account has been created, sign into CERS (<http://cers.calepa.ca.gov>) and click on add facility. Local Regulator approves your access; you will have access to the facility and history.

Example of activation: Complete all field



If you have questions about CERS Tips and Tricks and other CERS related questions, please email CERS IT Support at cers@calepa.ca.gov.

State Water Resources Control Board

Informational Workshop on Permanent Closure of Single-Walled USTs September 19 in Cupertino

The State Water Board will be holding an informational workshop to discuss the permanent closure of single-walled underground storage tanks (UST) in Cupertino on September 19, 2016. UST Leak Prevention Program staff will discuss in detail the design and construction requirements, as well as, the closure requirements imposed by Senate Bill 445 (Stats. 2014, Ch. 547). Replacing, Removing, or Upgrading Underground Storage Tanks (RUST) Program staff will discuss loan and grant funding opportunities available to assist eligible small business owners/operators to meet the single-walled UST removal requirement. Lastly, UST Cleanup Fund staff will present information regarding cleanup funds available to assist eligible owners/operators with cleaning up petroleum-related contamination from the UST.

The workshop is from 9:00 a.m. to 12:00 p.m. on Monday, September 19, 2016, at the City of Cupertino Community Hall, 10350 Torre Avenue, Cupertino CA, 95014.

For more information, see our informational page located at:

http://waterboards.ca.gov/water_issues/programs/ust/single_walled/docs/single_walled_closure_workshop_sept_2016.pdf or contact Jessica Botsford at Jessica.botsford@waterboards.ca.gov or (916) 341-7338.

Webinar Workshop on Permanent Closure of Single-Walled USTs September 26, 2016

The State Water Board will be hosting the Informational Workshop on Permanent Closure of Single-Walled USTs through a webinar. UST Leak Prevention Program staff will discuss in detail the design and construction requirements, as well as, the closure requirements imposed by Senate Bill 445 (Stats. 2014, Ch. 547). Replacing, Removing, or Upgrading Underground Storage Tanks (RUST) Program staff will discuss loan and grant funding opportunities available to assist eligible small business owners/operators to meet the single-walled UST removal requirement. Lastly, UST Cleanup Fund staff will present information regarding cleanup funds available to assist eligible owners/operators with cleaning up petroleum-related contamination from the UST.

The webinar workshop is from 9:00 a.m. to 12:00 p.m. on Monday, September 26, 2016. To join the webinar portion of the meeting, click here:

<https://stateofcaswrcbweb.centurylinkccc.com/CenturylinkWeb/LauraFisher>

Enter your name and email address and click on Join Meeting.

After you have accessed the website, call in on your telephone.

Telephone: 1-720-279-0026, the

Participant pass code: 649984#

Video capacity is 125 connections and call in capacity is 300 incoming telephone lines.

Attendees may pose written questions during the webinar. Questions will be collected during the webinar and responses provided approximately 7 days after the webinar has concluded. To ask a question, click on the Q&A icon located at the top of the page.

For more information see our informational page located at:

http://waterboards.ca.gov/water_issues/programs/ust/single_walled/docs/single_walled_closure_webinar_sept_2016.pdf or contact Jessica Botsford at Jessica.botsford@waterboards.ca.gov or (916) 341-7338.

Informational Webinar Regarding the Underground Storage Tank Element of the CalEPA CUPA Evaluation

The State Water Board UST Program will be hosting 90 minute webinars on the new CUPA UST evaluation process. CUPA managers and appropriate staff are encouraged to attend one of the three (3) scheduled webinars. The content presented at each webinar will be the same.

The webinars will include a brief overview of the new CUPA evaluation process. Specific to the UST Program element, the webinars will include details on the information that will be requested by the State Water Board and required to be submitted by the CUPAs, how CERS will be used as part of the evaluation process, and how CUPAs can prepare for the evaluation. A CERS demonstration will be provided to assist CUPAs with how to rapidly identify UST facilities with inaccurate or incomplete information, UST facilities whose inspections are late, and assessing the consistency of reporting UST violations in CERS.

The remaining webinars will be hosted on September 12, 2016 at 1:00pm and September 29, 2016 at 10:00am. For information on how to access the webinar, please refer to the Lyris email distributed on July 25, 2016 or by contacting Jessica Botsford at Jessica.botsford@waterboards.ca.gov or (916) 341-7338.

State Water Resources Control Board Adopts Proposed Title 23 UST Regulations for Electronic Reporting

A resolution to adopt the proposed regulatory amendments to the California Code of Regulations, title 23, division 3, chapter 16 to clarify or make specific the method of reporting for existing reporting requirements occurred Tuesday, August 2, 2016. The regulatory package has been transmitted to OAL for a 30 working day review to determine whether the procedural requirements were satisfied and to review the proposed regulations for compliance with the other legal standards. If OAL disapproves the package the State Water Board will have 120 days to rectify the text. If approved, the amended regulations will become effective January 1, 2017.

The amended regulations require UST owners or operators and local agencies to submit specified information or documents to CERS or a local reporting portal. These provisions do not include any new reporting requirements; however, the existing reporting requirements are amended to make specific the method of reporting. In addition to the requirements to submit specified information or documents through CERS, existing regulations also include requirements for submission of other information or documents that cannot be submitted through CERS and, in certain instances, must be submitted electronically through GeoTracker. Additionally, as amended, the regulations provide that where a submittal method is not specified, the information or document may be provided by hand-delivery, mail, or facsimile or other electronic methods, unless otherwise directed by the State Water Board, Regional Water Board, or local agency that will receive the submittal.

The noticing, proposed text, draft final statement of reasons, and additional information and resources related to the adopted proposed regulation are provided on the State Water Board's Underground Storage Tank (UST) Leak Prevention webpage:

http://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/elect_rpt_regs/

For more information, please contact Cory Hootman at cory.hootman@waterboards.ca.gov or (916) 341-5668.

CUPA SCHOLARSHIPS FOR TRAINING ARE AVAILABLE

- **Northern Region September 19-20, 2016**
- **Central Region from September 21-22, 2016**

As an accommodation to the Central and Northern Regions for US EPA's **SPCC Inspector Refresher Training**, the CUPA Forum Environmental Protection Trust Fund is offering scholarships for travel expenses. This scholarship is only available for those CUPAs in non adjacent counties from where the training is taking place and/or with travel in excess of 50 miles (one way). Scholarships are available for the training in the **Northern Region September 19-20, 2016 and the training in Central Region from September 21-22, 2016**. Scholarships for other training locations will be considered on a case by case basis.

Hardship cases will also be considered for CUPAs who do not meet the requirements listed above.

The scholarship will not be paid if the class is not attended in its entirety.

Mileage will not be reimbursed. If you drive a County vehicle to the conference, gas will be reimbursed and receipts are required.

Receipts are required for Hotel reimbursement. Reimbursement for the Hotel is limited to \$120.00 per night with a 3 night maximum.

Reimbursement for meals will be made at the rates of (\$10 for breakfast, \$15 for lunch, \$25 for dinner). We will not reimburse if a meal was provided at the training. Lunches may be provided. Applicants will be reimbursed for meals on travel days (dinner reimbursement is reimbursed if you start training at 8am the next morning or arrive home after 7pm on the final day of training). Receipts are not required.

Parking will be reimbursed if necessary. This does not include valet parking or any tips.

After the training, recipients will be required to submit a State of California Travel Expense Claim(TEC) form in order to be reimbursed for expenses. An electronic version is available on our website at www.calcupa.org. Travel expense claim forms must be signed and original receipts must be attached. Travel expense claim forms are due to the California CUPA Forum no later than 30 days after the training. Forms and receipts are to be mailed to:

California CUPA Forum
Attn: Sheryl Baldwin
P.O. Box 2017
Cameron Park, CA 95682-2017

530-676-0815 Office
530-676-0515 fax
Sheryl@calcupa.org
www.calcupa.org

**Application for Cal CUPA Forum
SPCC Training Scholarships
September 14, 2016**

**APSA
Due by**

Scholarships are available to CUPA and PA staff only. This application is for APSA SPCC Training for CUPAs. Northern Region 9/19 & 20, 2016 and Central Region September 21 & 22, 2016. Please complete this application by September 14, 2016. An Award Letter will be emailed to successful applicants by September 15. If you have any questions please call Sheryl Baldwin at CAL CUPA Forum sheryl@calcupa.org or 530-676-0815. Scholarship reimbursement TEC forms are due no later than 30 days after the training to Cal CUPA Forum, P.O. Box 2017, Cameron Park, CA 95682-2017.

Scholarship applicant	
Applicant Name	
Title	
Agency	
Email	
Phone	
Mailing Address	
Unified Program Manager Name ⁽¹⁾	
Unified Program Manager Phone Number	
Unified Program Manager Email	

(1) Manager of CUPA or PA, as applicable

Course Information			
Name of Training	CUPA Training - APSA SPCC Training		
Location	Northern CA or Central CA - two locations		
Date(s)	September 19 & 20 Norcal, September 21 & 22 Central, Clovis		
Estimated Cost - Receipts will be required			
Registration	FREE		
Travel/Mileage No mileage is reimbursed. If you drive a County Car, gas will be reimbursed at actual gas cost only and a receipt is required)	\$		-
Hotel parking (max \$120 plus tax per night, 3 night max)	No. of nights:	Cost/night: \$ -	TOTAL Cost: \$ -
Parking reimbursed with receipts if required	No. of nights:	Cost/night: \$ -	TOTAL Cost: \$ -
Per Diem	Meal	Number	Cost
\$10	Breakfast		
\$15	Lunch		Provided at training
\$25	Dinner		On own
	TOTAL Cost	XXXX	\$ -
Dates attending training/location			
TOTAL ESTIMATED COST	#VALUE!		

Signatures	
Signature of Applicant	
Date	
Signature of Unified Program Manager	
Date	



Edmund G. Brown Jr.
Governor

Matthew Rodriguez
Secretary for Environmental Protection

UNIFIED PROGRAM NEWSLETTER FOR OCTOBER 2016

IN THIS ISSUE:

California Environmental Protection Agency

Title 27 Regulation Proposed Language Available for Informal Comments

TRAINING: Western States Project- Introduction to Environmental Enforcement

November 30- December 2

CERS Tips and Tricks

Refinery Safety and Prevention Amendments Moving Forward

California Office of Emergency Services

SEMINARS: Yorke Engineering, LLC is Sponsoring Two Seminars Relative to Compliance and Environmental Management

State Water Resources Control Board

Updates to Title 23 UST Regulations for Meeting Federal UST Requirements

September 2016 Quarterly UST Status Report

Single Walled Tanks Workshops and Information about Closure Requirements

California Environmental Protection Agency

Title 27 Regulation Proposed Language Available for Informal Comments

In July 2016, CalEPA hosted four informal regulatory workshops throughout the state to share and discuss the proposed amendments to the Unified Program regulations contained in subdivision 4 of Title 27 of the California Code of Regulations. CalEPA management and legal counsel have completed review of the draft regulations.

The proposed language of the draft regulations is now available for a three (3) week informal review period. Proposed changes to the regulations can be distinguished by text formatting, existing text in strikethrough format is proposed for deletion and new proposed text is underlined. The draft regulations can be accessed directly at

<http://www.calepa.ca.gov/CUPA/LawsRegs/T27/Proposed2016.pdf>, on the Unified Program Laws and Regulations webpage (<http://www.calepa.ca.gov/CUPA/LawsRegs/>), and on CERSCentral (<http://cers.calepa.ca.gov>). CalEPA is requesting that comments on the draft regulations be submitted to CalEPA via email to: cupa@calepa.com no later than **Friday, October 28, 2016**.

CalEPA will formally begin the regulatory rulemaking procedure with the Office of Administrative Law in November 2016, which will include a formal public comment period and a public hearing.

The proposed amendments include deletions of data dictionary elements for the Underground Storage Tank program that are no longer used; trade secrecy claims reported in the California Environmental Reporting System (CERS); Unified Program Agencies reporting the final disposition of complaints in CalEPA's Environmental Complaint Management System; and changes to CUPA-to-State reporting requirements and report formats. Other non-substantial changes include clean-up of regulatory language.

**TRAINING: Western States Project- Introduction to Environmental Enforcement
November 30- December 2**

The Western States Project is offering a scenario-driven course that introduces regulatory inspectors and attorneys to administrative, civil and criminal environmental enforcement options, strategies and processes from the initiation of an inspection to the conclusion of a case. This training is available to government staff only and should be attended by environmental regulatory enforcement personnel and attorneys new to environmental programs and/or enforcement.

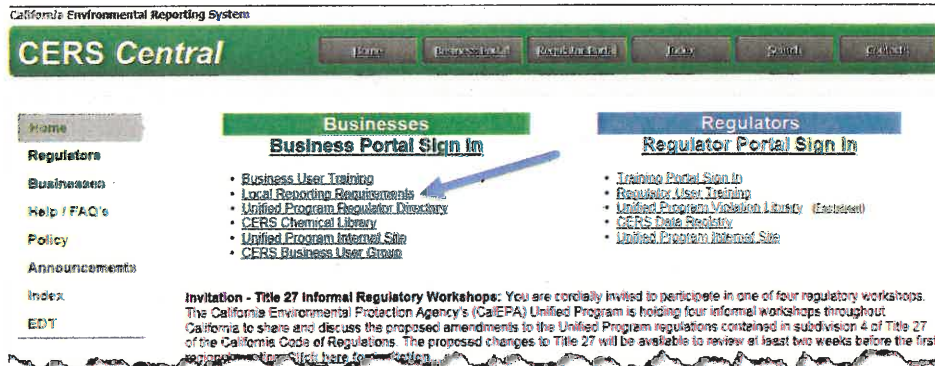
This course has a registration fee of \$300.00 and is located in Garden Grove, California.
**Registration forms must be received by the Western States Project no later than 5:00 PM
October 20, 2016.** Please see the attached flyer for additional information.

CERS Tips and Tricks

CERS Tips and Tricks includes helpful explanations and resolutions regarding current issues recently received by the CERS Technical Support Team. If you have questions or concerns please email the CERS Technical Support Team at cers@calepa.ca.gov.

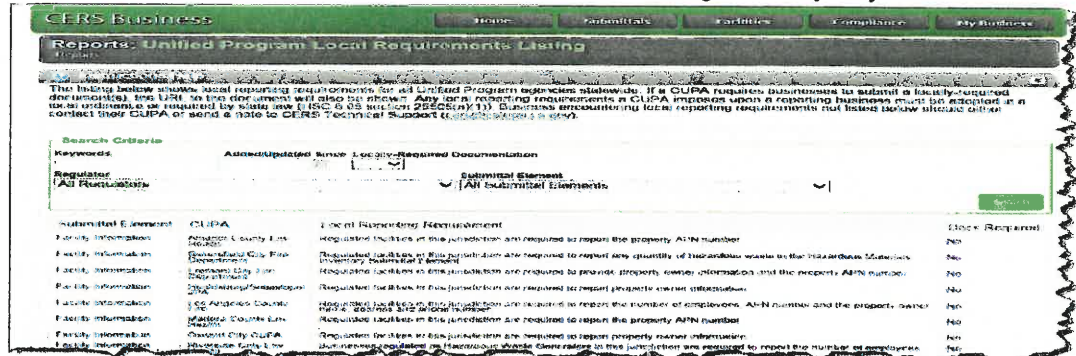
How do I determine if my business is required to report in CERS?

- Sign into CERS Central: <http://cers.calepa.ca.gov>
- Under the Businesses column, select "Local Reporting Requirements"



The listing shows local reporting requirements for all Unified Program regulators statewide. If the Unified Program regulator requires businesses to submit document(s), the URL to the document will show. Any local reporting requirements a Unified Program regulator imposes upon a reporting business must be adopted in a local ordinance or required by state law [HSC, Ch. 6.95, Sect. 25505(a)(1)].

- Regulator Field- select the drop down menu to locate the Regulator in your jurisdiction.



Businesses encountering local reporting requirements not listed on the screen should either contact Unified Program regulator or send a note to CERS Technical Support Team at cers@calepa.ca.gov.

Refinery Safety and Prevention Amendments Moving Forward

Following public hearings, both the Department of Industrial Relations Process Safety Management (PSM) and Office of Emergency Services California Accidental Release Prevention (CalARP, RMP) Programs' proposed amendments for refineries comment period closed on September 15, 2016. These comments will be analyzed and addressed in the next phase of the regulatory process. The proposed amendments strengthen and align the two programs related to refinery safety and, if adopted as proposed, will represent the most comprehensive safety programs in the nation.

Since refineries represent challenges in terms of size and complexity, the California Interagency Refinery Task Force Implementation and Enforcement Work Group has identified that training for those CUPAs with refineries in their jurisdiction needs to precede final adoption of the amendments. Various methods to achieve and maintain competencies for the new Program 4 (refineries) were explored. A tiered approach, working with the California Division of Occupational Safety and Health and the U.S. Environmental Protection Agency in joint training programs, joint inspections, use of enforcement revenues, a new technical advisory group (possibly as a subset of the CalARP Technical Advisory Group) were discussed. The consensus was that there are many facets in implementing the refinery PSM and CalARP regulations and working together at the local, state, and federal level is necessary to ensure that the knowledge and field skills are appropriate for implementation.

California Office of Emergency Services

SEMINARS: Yorke Engineering, LLC is Sponsoring Two Seminars Relative to Compliance and Environmental Management

Yorke Engineering, LLC is pleased to announce the following classes designed to help facility and environmental health and safety personnel increase their knowledge of the federal, state, and local regulations as they pertain to permitting and ongoing compliance issues:

Bay Area Air Quality Management District (BAAQMD) Air Quality Permitting and Compliance Seminar

October 18-19, 2016 in Emeryville, CA

Hazardous Materials, Waste, and Water Permitting, Compliance, and Reporting Seminar

November 8-9, 2016 in Emeryville, CA

The classes have a special focus on how to apply the body of regulations to facility-based environmental management. Signup and other detailed information is available at:

<http://yorkeengr.com/classes>, or contact Colleen Humfreville at CHumfreville@YorkeEngr.com or (949) 248-8290 ext. 240. Please see the attached flyer for more information.

State Water Resources Control Board

Updates to Title 23 UST Regulations for Meeting Federal UST Requirements

The United States Environmental Protection Agency (U.S. EPA) issued revised federal underground storage tank (UST) regulations on July 15, 2015. The compliance deadlines for the new requirements in the federal UST regulations range from October 13, 2015 to October 13, 2018. Unified Program Agencies (UPAs) require the authority to inspect for and enforce the new federal UST regulations, therefore the State Water Resources Control Board's (State Water Board) staff, in conjunction with the U.S. EPA, are updating the California Code of Regulations to include the new requirements in the federal UST regulations. Staff is currently reviewing and drafting language to meet the new federal UST regulations that are more stringent than California requirements. The informal drafted text will be shared sometime after the first of the year to the UST Steering Committee for discussion and informal comment.

September 2016 Quarterly UST Status Report

The September 2016 Quarterly UST Status Report was submitted to the U.S. EPA September 16, 2016 and posted to our website at

http://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/updates/index.shtml. The report outlines the status, by UPA, of the effort to enter UST related business and compliance, monitoring, and enforcement data into California Environmental Reporting System (CERS). The report shows continued progress by many UPAs.

If you have any questions please contact Dan Firth at Daniel.firth@calepa.ca.gov or (916) 445-5049.

Single Walled Tanks Workshops and Information about Closure Requirements

The State Water Board UST Program staff held informational workshops on the permanent closure of single-walled USTs in Sacramento on December 1, 2015, Los Angeles on March 29, 2016, Fresno on April 26, 2016, Redding on May 17, 2016, Cupertino on September 19, 2016, and a webinar on September 26, 2016. The workshops focused on Senate Bill 445, which requires the permanent closure of all single-walled USTs. UST Leak Prevention Program staff discussed in detail the design and construction requirements, as well as the closure requirements, imposed by Senate Bill 445. Replacing, Removing, or Upgrading Underground Storage Tanks (RUST) Program staff discussed loan and grant funding opportunities available to assist eligible small business owners/operators to meet the single-walled UST removal requirement. Lastly, UST Cleanup Fund staff presented information regarding cleanup funds available to assist eligible owners/operators with cleaning up petroleum-related contamination from the UST.

If you missed any of the workshops or the webinar, information about them can be found on our website at http://waterboards.ca.gov/water_issues/programs/ust/single_walled/. The website has all the presentations from the UST Leak Prevention staff, RUST Program staff, and UST Cleanup Fund staff. If you have any other questions about the closure of Single Walled USTs please contact Jessica Botsford at Jessica.Botsford@waterboards.ca.gov or (916) 341-7338.



WESTERN STATES PROJECT
INTRODUCTION TO ENVIRONMENTAL ENFORCEMENT
NOVEMBER 30 – DECEMBER 2, 2016
GARDEN GROVE, CALIFORNIA

ABOUT THE TRAINING: This is a scenario-driven course that introduces regulatory inspectors and attorneys to administrative, civil, and criminal environmental enforcement options, strategies and processes from the initiation of an inspection to the conclusion of a case. This training is available to government staff only.

WHO SHOULD ATTEND: Environmental regulatory enforcement personnel and attorneys new to environmental programs and/or enforcement.

LEVEL: Basic. This course is given once a year and does not change year to year.

LOCATION: Sheraton Garden Grove (Orange County), 12221 Harbor Blvd., Garden Grove, California 92840

TIME: Day 1: 8am- 5pm Day 2: 8am-4pm Day 3: 8am-5pm

AGENDA TOPICS: Intro to the Enforcement Course...Enforcement Options...Entry, Access & Warrants...Elements & Evidence...Practical Exercises on access issues, elements, and evidence...Development of the Enforcement Team...Sampling or Basic Interviewing for Inspectors (breakout sessions)...Framing the Case or Inspection Techniques & Report Writing (breakout sessions)...Case Studies...Inspector as a Witness...Presenting Science & Regulations...Settlements

REGISTRATION FEE: \$300

This fee must be paid by the first day of training. Checks, cash, and purchase orders will be accepted. **NO CREDIT CARDS WILL BE ACCEPTED.** Payments may be mailed in advance to the Western States Project, 1110 W. Washington St., Phoenix, AZ 85007.

November/December 2016 Intro to Environmental Enforcement

REGISTRATION FORM

NAME _____ TITLE _____
 AGENCY/OFFICE _____
 ADDRESS _____ CITY _____ STATE _____ ZIP _____
 PHONE _____
 E-MAIL _____

REGISTRATION FORMS MUST BE RECEIVED BY THE PROJECT,
NO LATER THAN 5:00PM – OCTOBER 20, 2016.
 Please e-mail your registration form to es5@azdeq.gov

***NOTE: We highly recommend to ALL who are interested in attending this training course to contact their managers before registering for this course.**

For your information: A similar training course to this will take place in late April of 2017 in Portland, Oregon and will ONLY be open to Oregon DEQ and government staff.

If you are a MEEA, SEEN, or NEEP member/participant - please contact your associations Project Director before registering for this course. Thank you.

HOTEL INFORMATION: In order to receive \$120 plus tax room rate at the Sheraton Garden Grove Hotel, you must reserve your room through Western States Project (WSP). Please fill out the attached **WSP Hotel Request Form**.

Detailed information regarding the hotel location will be provided in the registration confirmation letter you receive from Western States Project after registering for this course.

QUESTIONS? Call Eunice S. Martinez at (602) 542-8511.

COMMENTS FROM PAST PARTICIPANTS:

“Great presenters! Good location and interesting subject matter. Thank you!”

“This is the best seminar that I have attended since I became an environmental regulator.”

“I enjoyed the training and walked away with a wealth of knowledge.”

“Thank you for offering this course!”

The Western States Project is a consortium of governmental agencies from eleven western US States and 3 Canadian Provinces. The Project's membership is composed of representatives from those agencies responsible for environmental regulatory activities, civil enforcement, and criminal investigation/prosecution. The Project exists for the express purpose of supporting and enhancing the environmental enforcement programs of its member agencies, primarily through trainings and information research. The Project is funded by a combination of contributions received from its members. Similar Projects exist in the Northeast, Midwest and the South.

See: <http://regionalassociations.org/>



WESTERN STATES PROJECT
1110 WEST WASHINGTON STREET
PHOENIX, AZ 85007
(602) 542-8511

Sepulveda-Martinez.Eunice@azdeq.gov

SEP 14 2016

California Governor's Office of
Emergency Services
Executive Office

Fall Environmental Classes: Air Quality and Waste/Water Regulations

Air quality, waste, and water environmental regulations continue to change rapidly. To assist, Yorke Engineering, LLC is pleased to announce two classes designed to help facility and EH&S personnel increase their knowledge of the federal, state, and local regulations as they pertain to permitting and ongoing compliance issues. The classes have a special focus on how to apply the body of regulations to facility-based environmental management.

BAAQMD Air Quality Permitting and Compliance Seminar

Date: Tuesday – Wednesday, October 18th – 19th, 2016

Location: Emeryville, CA

Hazardous Materials, Waste, and Water Permitting, Compliance, and Reporting Seminar

Date: Tuesday – Wednesday, November 8th – 9th, 2016

Location: Emeryville, CA

Signup and other detailed information is available on our website at <http://yorkeengr.com/classes>, or contact Colleen Humfreville at CHumfreville@YorkeEngr.com or (949) 248-8290 x240 for more information.

In addition, we have included a listing of our services in our brochure and a free copy of the Air Quality Update.

Sincerely,



Brian A. Yorke
Yorke Engineering, LLC
Operations and Marketing
Ph. (949) 248-8490 x228
E-mail: BYorke@YorkeEngr.com

Yorke Engineering, LLC has assisted over 550 industrial and government facilities throughout California with air quality, waste, water, and safety compliance services. More information about Yorke can be found at www.YorkeEngr.com.

Bay Area Air Quality Permitting, Title V, and Compliance Seminar

Course Description

This course is designed for industry and government professionals as an overview of the EPA, CARB, and BAAQMD air quality regulations that apply to the permitting process. In addition, the course will review the regulations that apply to ongoing air quality compliance for facilities and specific source categories.

Instructor Information: Judy B. Yorke, B.S., P.E., C.P.P.; E-mail: JYorke@YorkeEngr.com

Judy Yorke, B.S., P.E., C.P.P., President of Yorke Engineering, LLC, has extensive air emissions regulatory compliance experience with industry and government. Ms. Yorke is a recognized expert in federal, state, and local air pollution control regulations. She has taught the *Air Quality Permitting and Compliance* course at the University of California Irvine Extension for over 20 years and is a regular speaker at air quality seminars. She has performed hundreds of air quality projects in California requiring auditing, permitting, emission quantification and inventories, as well as compliance management/planning.

Topics Covered Day 1

Regulatory Framework

- Delegation of Authority:
 - U.S. EPA
 - California Air Resources Board (CARB)
 - Bay Area Air Quality Management District (BAAQMD)
- Ambient Air Quality Standards (AAQS)
- Criteria Pollutants
- Air Toxic Contaminants (AB 2588, HAPs)
- Permitting Framework
- BAAQMD Rules and Regulations

Permitting (Part I)

- Application Requirements
- Forms and Fees
- Rule Requirements
- Emission Calculations

Topics Covered Day 2

Permitting (Part II)

- New Source Review (BACT/LAER, Modeling, Offsets)
- Toxic Air Contaminants

EPA Title V Permits and EPA GHG

- Title V Thresholds
- Title V Operating Permits
- Staying Out of Title V/Exclusions
- U.S. EPA GHG

CARB Regulations

- Airborne Toxic Control Measures (ATCMs)
- CARB Mobile Source Rules (LSI, Off-Road, Truck)
- CARB GHG AB 32/Cap-and-Trade

Putting It All Together – Compliance Review

- Recordkeeping Requirements
- Agency Enforcement
- Compliance Strategy Suggestions

Class Meeting Information:

Date: Tuesday -- Wednesday, October 18th -- 19th, 2016
Time: 8:30 a.m. -- 5:00 p.m. (includes lunch and morning coffee)
Place: Emeryville, CA
Cost: \$499 (includes class, reference material, lunch, coffee, etc.)
Sign Up: <http://www.YorkeEngr.com/signup.htm>
Questions: Colleen Humfreville, (949) 248-8490 x240

Yorke
ENGINEERING, LLC
www.YorkeEngr.com

Overview of California Multi-Media Environmental Regulations: Permitting, Compliance, and Reporting

Course Description

This course is designed for industry and government professionals as an overview of the key water, waste, and hazardous materials environmental regulations that apply to California businesses. The course will introduce key permitting, compliance, and reporting requirements and present practical compliance examples.

Instructor Information: Geoffrey Knight, CPEA, ToR, QISP; E-mail: GKnight@YorkeEngr.com

Geoffrey Knight, CPEA, ToR, QISP, a Principal Scientist at Yorke Engineering, LLC, has extensive multi-media environmental permitting and compliance experience with industry and government. Over a 25+ year career, Mr. Knight has performed hundreds of compliance projects in California and around the United States, including developing plans and permits, performing compliance audits, and developing environmental, health, and safety compliance management systems.

Each course topic includes a regulatory history, overview, and key requirements and practical advice for compliance.

Topics Covered

Hazardous Materials

- Hazardous Materials Release Reporting, Inventory, and Response Plans
- CERS Electronic Reporting
- Accidental Release Prevention Program (CalARP)
- Aboveground Petroleum Storage Act (APSA)
- Spill Prevention, Control, and Countermeasure (SPCC)
- Underground Storage Tanks

Hazardous Waste

- Regulatory Framework
- Waste Classification
- Generator IDs and Fees
- Generator Requirements
- Management of Common Wastes
- Advanced Topics
- Non-Hazardous Solid Waste Management

Industrial Storm Water

- Regulatory Framework
- 2015 General Industrial Permit
- Storm Water Pollution Prevention Plan (SWPPP)
- Level 1 Exceedance Response Actions (ERAs)
- QISP Level 1 Evaluations and Reports
- Best Management Practices (BMPs)
- Storm Water Multiple Application and Report Tracking System (SMARTS)
- No Exposure, No Discharge
- Local Storm Water Ordinances

Industrial Wastewater

- Regulatory Framework
- Categorical Pretreatment
- Permits and Permit Limits
- Monitoring and Reporting
- California Waste Discharge Requirements for Liquid and Solid Waste Disposal



Class Meeting Information:

Date: Tuesday – Wednesday, November 8th – 9th, 2016
Time: 8:30 a.m. – 5:00 p.m. (includes lunch and morning coffee)
Place: Emeryville, CA
Cost: \$499 (includes class, reference materials, lunch, coffee, etc.)
Sign Up: <http://www.YorkeEngr.com/signup.htm>
Questions: Colleen Humfreville, (949) 248-8490 x240

Agenda Item IX

ARTICLES OF INTEREST

Climate-change legislation helps Agromin grow

Tony Biasotti, Special to The Star 9:06 p.m. PDT October 2, 2016



(Photo: ANTHONY PLASCENCIA/THE STAR)

Agromin, an Oxnard-based composting company, recently marked a milestone of sorts by processing its 5 millionth ton of green waste since it started 23 years ago. The bigger milestone, though, is the growth spurt the company is going through, which has it on pace to process its second 5 million tons in less than half as long.

Agromin now has seven composting facilities in California, with two additional ones fully permitted and under construction. Its annual revenues, now around \$25 million, have been growing at about 23 percent per year, and Bill Camarillo, the company's CEO, said he expects the growth rate to accelerate in coming years.

One big reason for Agromin's bright future is the slate of climate-change legislation signed recently by California Gov. Jerry Brown. The legislation, chiefly Senate Bill 32, makes the state's program to cut greenhouse gas emissions to 1990 levels by 2020 even more ambitious — the new goal of SB 32 is to get emissions by 2030 to be 40 percent lower than 1990 levels.

Part of the plan to reduce greenhouse gases involves diverting more green waste, food waste and other organic material from landfills, and that's where Agromin comes in. Its composting centers accept organic waste and use it to produce fertilizer and other soil products it sells to agribusinesses and consumers.

By 2025, cities and counties in California will be required to divert 75 percent of their organic waste from landfills. Camarillo estimates that less than half of the state's current total of 32 million tons a year of organic waste is now kept out of landfills, which means millions of tons of extra material is on the way, and that means extra business for companies like Agromin.



From left, Ramon Valencia, Javier Martinez and Robert Gonzalez remove contaminants from a pile of recently delivered yard waste and lumber at Agromin's composting facility in Oxnard. (Photo: ANTHONY PLASCENCIA/THE STAR)

"The future says that we don't have enough compost centers in California to manage all this organic material," Camarillo said. "We're short in excess of 150 composting centers."

Camarillo wouldn't say how many of the new composting centers he thinks will be built by Agromin.

"We hope many of them. ... We're pretty excited about the future," he said.

The goal of keeping organic materials out of landfills is to reduce the amount of methane released into the atmosphere. Modern landfills capture some of the methane released by decomposing organic material, but composting centers can capture all, or nearly all, of it.



A load of clean mulch is added to pile at Agromin's composting facility in Oxnard recently. The facility makes and sells up to 200 different types of mulch and compost for agricultural and residential customers. (Photo: ANTHONY PLASCENCIA/THE STAR)

Methane is the second-most-prevalent greenhouse gas in the atmosphere, after carbon dioxide, according to the U.S. Environmental Protection Agency. Methane actually has a bigger warming effect than carbon dioxide, but carbon dioxide stays in the atmosphere much longer, so its overall effect is bigger.

Reducing methane emissions is part of the state's climate-change strategy and is covered in SB 32, the legislation recently signed by Brown. State Sen. Fran Pavley, a Democrat whose district includes eastern Ventura County and the western San Fernando Valley, wrote the bill and has been the chief lawmaker on climate-change legislation in the state for the past decade.

"Methane is one of the short-term pollutants," said Timm Herdt, a spokesman for Pavley. "By taking steps to capture and use the methane so it isn't released into the atmosphere, you get a much quicker bang for your buck in terms of global warming."

To collect more organic waste, Agromin and companies like it will need to expand beyond green waste and into food waste. Agromin has a pilot program through which it accepts waste from restaurants and supermarkets; it plans to greatly expand that program in the future.



A pile of clean paper fiber sits at Agromin's composting facility in Oxnard. The fiber is made from recycled paper at another local Agromin facility and can be added to one of 200 compost mixes or sold as a raw material. (Photo: ANTHONY PLASCENCIA/THE STAR)

The next step will be curbside composting, allowing residents to put food waste in either their green waste bins or a separate composting container.

That's not required by state law, but it seems almost inevitable if the state is to reach its targets, Camarillo said.

One of the new Agromin composting centers is planned for Ventura County, on land owned by Limoneira Co. outside Santa Paula. Agromin already has a composting center there, but it wants to more than triple the size of the facility, add capabilities for food waste and generate electricity by capturing the gases created during composting.

The Limoneira project would replace Agromin's current facility near Ormond Beach in Oxnard.



Robert Gonzalez pulls a sheet of fabric from a pile of recently delivered yard waste at Agromin's composting facility in Oxnard. (Photo: ANTHONY PLASCENCIA/THE STAR)

"The whole strategy is to get out of that coastal zone area," Camarillo said. "We like being by the ocean. It's beautiful over there, but it's not the easiest place to do business."

Agromin is deep in the county's permit process for the Limoneira facility. A year ago, it received a preliminary zoning clearance, a big step and a sign that the Ventura County Board of Supervisors supports the project. Camarillo said the timetable for opening the new facility, if all the permits come through, is sometime in 2019.

As Agromin expands its reach in the state, it is running into new competition, some of it backed by big, wealthy investors. If there is a gold rush in green recycling, he likes Agromin's odds.

"They have money, but they don't have the experience," he said. "We're a first mover, and we have to move quickly in order to stay out front."

Read or Share this story: <http://www.vcstar.com/story/money/business/2016/10/03/climate-change-legislation-helps-agromin-grow/90133538/>

Military & Veteran Discount
 Honoring those who served with
\$500 bonus cash on select models

CROWN

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Offer requires purchase of vehicle at 2016 Crown or dealer. Not all vehicles qualify. Offer ends 10/31/16.

food only

bread
fruit and veg
tea bags
coffee grounds
fish
meat



NO packaging or non-foods
Food waste is composted
Use this bin for both cooked and uncooked food.



NO:

- Aluminum foil & trays
- Clothing & linens
- Corks, twist ties, Styrofoam
- Dirt, rock, stone
- glass, metal, plastic
- pizza boxes
- paper cups and plates
- napkins, tissues, towels
- paper takeout boxes & containers
- Plastic bags (even compostable)
- Raw, uncooked meat products

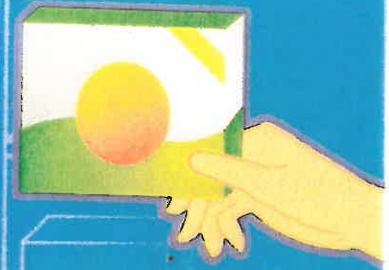
YES/SI



NO:



FROZEN: A FOOD WASTE SOLUTION



FROZEN FOODS: A SOLUTION TO FOOD WASTE

Actions Americans say they would try in an attempt to reduce food waste:



Did you Know?
Frozen food generates **47% less food waste** when compared to ambient and chilled food consumed in the home. *(EPA)*

THE FOOD WASTE PROBLEM



\$162 BILLION worth of food is wasted per year. *(USDA ERS)*

40% of all food produced in the U.S. is not eaten. *(NRDC)*



The average American family throws out an estimated **25%** of the food and beverages they buy. *(NRDC)*

A family of four wastes **\$1,350-\$2,275** worth of food each year. *(NRDC)*

People are taking notice: **89%** of Americans think food waste is of concern. *(EPA)*

Did you Know? 86.8% of food waste from food manufacturing facilities is repurposed for animal feed. *(EPA)*

FARM TO FREEZER - FREEZING IS SIMPLY NATURE'S PAUSE BUTTON

HARVEST
Only the highest quality produce is picked at the peak of ripeness.

WASH AND PREPARE
Directly from the field, produce is thoroughly washed and vegetables are blanched. Excess trimmings from preparation are collected and recycled for animal feed.

FREEZE
Produce is flash frozen within hours of harvest, locking in key vitamins and minerals and preserving taste.

PACKAGE
Fruits and veggies are conveniently packaged allowing for consumers to reduce waste by preparing only what's needed and storing the rest for later use.



1. U.S. Department of Agriculture, Economic Research Service, "Food Loss and Waste in the United States," 2010. 2. U.S. Environmental Protection Agency, "Food Waste Facts," 2011. 3. National Resources Defense Council, "The Food Waste Problem," 2011. 4. U.S. Environmental Protection Agency, "Food Waste Facts," 2011. 5. U.S. Environmental Protection Agency, "Food Waste Facts," 2011. 6. U.S. Environmental Protection Agency, "Food Waste Facts," 2011. 7. U.S. Environmental Protection Agency, "Food Waste Facts," 2011. 8. U.S. Environmental Protection Agency, "Food Waste Facts," 2011. 9. U.S. Environmental Protection Agency, "Food Waste Facts," 2011. 10. U.S. Environmental Protection Agency, "Food Waste Facts," 2011.

FOR MORE INFORMATION ON THE BENEFITS OF FROZEN, PLEASE VISIT FROZENFOODFACTS.ORG

Coalition “Feeds The Need” In California County

f t g @ in

The Waste Not Orange County Coalition is a public-private partnership that increases the flow of — and access to — wholesome nutrition for food-insecure families.

Nora Goldstein

BioCycle September 2016, Vol. 57, No. 8, p. 42

Dr. Eric Handler is speaking in the **Wasted Food Prevention And Rescue session on October 18, 2016 at BioCycle REFOR16 Conference in Orlando, Florida.**

Dr. Eric Handler is a pediatrician — and the Public Health Officer for Orange County, California. Over four years ago, he was attending a meeting in Sacramento, the state capital, and met Mark Lowry, Director of the Orange County Food Bank. “We spoke for an hour, and during our conversation, it struck me to ask Mark if he had enough food in the Food Bank to meet the demand and he replied ‘no,’” recalls Handler. “In response, I asked that if we were to capture all the wholesome food thrown out in Orange County, could we end hunger? And he said yes. That changed my life. I wanted, as both a pediatrician and the Orange County Public Health Officer, to make that happen.”



“Social determinants of health are housing, employment and hunger,” says Dr. Eric Handler, shown (at right) addressing a workshop in New Haven, Connecticut. “If these determinants aren’t addressed, we will not be able to address health of our population in a sustainable manner.”

That conversation prompted a brainstorming of ideas to eliminate food insecurity in the county, which ultimately led to formation of Waste Not OC (Orange County) Coalition (WNOC) in November 2012. Handler and Lowry became the leaders of the WNOC Steering Committee. The Coalition is a public-private partnership formed with the goal of eliminating hunger and reducing food waste by facilitating donation of wholesome surplus food from food producing facilities to local pantries. WNOC partners with Food Finders, a 501c3 nonprofit organization that transports excess wholesome food from hospitals, restaurants and other businesses and institutions to food pantries in Orange County.

“The overall vision of WNOC is to end hunger in Orange County using a three pronged approach: Educating the community about food donations, identifying food insecure individuals and connecting those individuals to sources of food,” explains Handler. “Hunger is often perceived as a problem too big, too overwhelming for one community to handle. The solution to food insecurity lies in triaging responsibilities across programs in the county health department, private businesses, nonprofits, other organizations, and individuals.”

Since its founding, “305 TONS (500,013 meals) of newly recovered food have been given to those in need!,” announces a ticker on WNOC’s home page (www.wastenotoc.org). “Those metrics are the most important to us, which is why they are the first thing people see when visiting our website,” adds Handler.

Dr. Handler and Mike Haller, Orange County Environmental Health’s Food and Pool Safety Program Manager, were Keynote Speakers at BioCycle’s April 4, 2016 workshop, Wasted Food Prevention And Rescue, at BioCycle’s WEST COAST16 Conference in San Diego. After the Conference, we spoke with Handler and Haller about a range of topics — from “institutionalizing” food donation from food producers to connecting food insecure families to wholesome food at Orange County pantries.

Assessing The Need

BioCycle: How widespread is food insecurity in Orange County?

Handler: By our calculations, 335,000 Orange County residents — about 1 in 8 — face food insecurity on any given day. That includes 1 in 5 children. People are surprised by that statistic, given the wealth in some of our

County’s communities. Feeding America provides statistics on food insecurity using its application, Map The Meal Gap. In 2013, 12.9 percent of the population in Orange County faced food insecurity. In 2014 the percentage dropped to 10.9 percent in part due to Waste Not OC.

But as the Orange County Public Health Officer, it’s important to share a broader perspective on this issue: Social determinants of health are housing, employment and hunger. If these determinants aren’t addressed, we will not be able to address health of our population in a sustainable manner. It is difficult because all three are such large issues that many people don’t know where to dip their toe in the ocean to address them. Having myself and others say we can make a difference with hunger is huge.

BioCycle: What tools does the County use to screen for food insecurity?

Handler: Prior to WNOOC’s formation, doctors were reluctant to screen for food insecurity because they did not have the proper tools at hand to help their patients. Now, with WNOOC’s food pantry Google Map, they are able to direct their patients to nearby pantries with ease.

We developed a set of Standard Practices for Clinics to address the relationship between food insecurity and health. Standard Practice #1 is to screen patients for food insecurity. This includes a 2-item screening tool with three possible answers — “often true,” “sometimes true,” or “never true” — used by health care professionals to quickly identify households with young children at risk for food insecurity, which enables providers to target services to ameliorate the health and developmental consequences associated with food insecurity.

The two prompts are:

- Within the past 12 months we worried whether our food would run out before we got money to buy more.
- Within the past 12 months the food we bought just didn’t last and we didn’t have money to get more.

If they screen positive — often or sometimes true — they may go through health assessments and will be connected with WNOOC’s food pantry Google Map. Screening is now done at all 15 of the County’s Family Resource Centers, Children’s Hospital of Orange County (CHOC) as well as at other health care facilities servicing families. Over 40,000 people have been screened.

BioCycle: Is this screening unique to the Orange County health care system?

Handler: No, we see it being adopted in more cities and counties. In fact, this screening is so critical that in 2015-2016, Universal Screening for Hunger/Food Insecurity During Office Visits, was #7 on the American Academy of Pediatrics’ Top Priorities. It’s incredible that something so small as asking two questions is so huge in making a difference.

BioCycle: Has Orange County been able to get these screening tools institutionalized within the health care system in the county?

Handler: As a result of WNOOC’s awareness campaign, AltaMed, a system of federally qualified community health centers and CHOC, have worked with WNOOC to implement the food insecurity screening tool into their electronic health records and use WNOOC’s interactive pantry map to provide food pantry information to those who struggle with hunger. And Orange County 211, an online, social services phone directory, has partnered with WNOOC to combine pantry databases.

Food Donation

BioCycle: Is most of the food donated already prepared, or do the pantries also receive fresh produce?

Haller: Prepared foods can be donated. It is dependent upon the support structure of the recipients. For example, if a pantry does not have a refrigerator/freezer they will be limited on the types of foods they can accept, handle or store for extended periods of time. The key is matching the donor with the recipient.

The only foods that cannot be donated are expired baby food products including infant formula. For the most part, almost all packaged foods that may exceed their expiration code dates can be donated. Most people don’t realize this and discard perfectly safe food relying solely on a code date. Again, most of the code dates are arbitrary dates used by manufacturers to set quality limits on their products. These dates do not reflect safety measurements or criteria.

BioCycle: Waste Not OC targets food producers with excess wholesome food as its source of donations. What was the primary challenge in getting that started?

Handler: Shortly after forming WNOC, we brought together a group of about 30 people from the food industry, the county Board of Supervisors and our offices to discuss food donation. We asked restaurants why they are not donating food and they replied because the Orange County Environmental Health Department doesn't allow it. Mike and I found that ironic because the California Retail Food Code explicitly states “any food facility may donate food to a food bank or to any other nonprofit charitable organization for distribution to persons free of charge.” And all entities donating food are protected from liability under the federal Good Samaritan Act.

Haller: Our challenge was how to bridge that education gap. Even though our office is under regulatory services, our primary role is education about the County's food safety program, which includes letting food establishments know it is legal to donate food that they handle and store in a safe and sanitary manner, and they will not be liable for any damage that results from the consumption of the donated food. We have to walk a fine line between education and regulation, and didn't want to come off as demanding they participate in donation.

BioCycle: What steps have you found most effective to bridge that gap?

Haller: What has been key is collaborating with food producers. Initially, WNOC targeted two cities — Anaheim and Orange. We worked with the food industry in those cities to create a Food Recovery Task Force, which is led by a restaurant owner and serves to bridge the gap between the health department and food producing facilities. Task Force members will follow up with businesses after a visit from a health inspector and are able to “speak the language” and connect valuable contacts in the industry to WNOC.

Even though we are not usually involved with addressing the topic of hunger, health inspectors have now become the first point of contact for promoting food donations and educating the business community on how to safely donate food without fear of liability.

BioCycle: Do the food producers derive a benefit as a result of participating in food donation?

Haller: Once we get food operators involved, they see how easy it is to participate. And they see a reduction in their trash pick-ups — and feel pride in being part of the program. It's great when we get this feedback from a health inspector, but it is really critical when we hear it from the business managers and owners, who in turn, share this business model with other food producers.

Handler: We also anticipate that food producers required to comply with California's AB 1826 will want to participate in food donation. AB 1826 was implemented statewide in April 2016. It mandates establishments generating over 8 cubic yards/week of organics, including food scraps, to arrange to have them recycled. Our partners such as Republic Services work with cities to encourage restaurants and grocery stores to focus primarily on food donations to comply with this requirement. Cities have expressed interest in utilizing WNOC to help meet this goal.

BioCycle: How does WNOC help ensure that healthy and wholesome food is being donated?

Handler: On our website, there is a list of healthy foods that can be donated. It's part of the Tool Kit WNOC put together, which is available to other jurisdictions.

BioCycle: Is safety of donated foods addressed through the Environmental Health Department's program?

Haller: One challenge we are encountering now is that while word has gotten out that these businesses are not liable if they donate food, they may still be resistant because of branding issues. They invest in food safety within their own operations, but as soon as the businesses release the food, it is up to recipients to ensure that it remains safe. We are developing a training module to deal with food safety called the FRESH program — Food Rescue Enhanced Safe Handling. What ServSafe* has done for the food industry and restaurants, FRESH will do for people transporting the food and the recipients.

**ServSafe, developed by the National Restaurant Association, is a food safety training and certification program for the food industry.*

Logistics And Partnerships

BioCycle: Waste Not OC collaborates with Food Finders to deliver donated food to pantries. Has this nonprofit been able to keep up with demand for its services?

Haller: Food Finders has had to get more trucks and hire more staff. They definitely see the untapped resource of food out there to rescue. A practice that’s been adopted with both Food Finders and several of the food banks with refrigerated trucks is the importance of delivering perishable/prepared foods to pantries closest to the place where the food is picked up. Food Finders has worked out those logistics.

BioCycle: What about the late night pick-ups and delivery? Are those a challenge?

Handler: We do have a partnership with Yellow Cab Co. of Orange County to transport the donations, but don’t have to use the cab service very often. A significant benefit is that we are able to put the Waste Not OC seal in every cab, which helps to get the word out about the program. We are very excited about a pilot program implemented in August 2016. We are using Yellow Cab to pick up donated food from schools and delivering the food to the nearest pantry. Yellow Cab provided \$750 to help fund the pilot.

Assessing The Impact

BioCycle: Have you been able to track how many families identified as food insecure actually utilize the food pantries?

Handler: This summer we’ve had three students from University of California Irving visit every food pantry in Orange County. They have been asking how many people they serve, what they are able to provide, if they can accept prepared foods and if they accept food after hours — which sometimes is when the prepared foods are available, e.g., after an event, and need to be delivered that evening. We will have preliminary data by the end of September.

BioCycle: What type of inroads has Waste Not OC made within Orange County government in terms of acceptance of this initiative? For example, is the positive impact recognized by elected officials in the county?

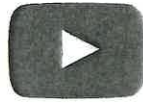
Handler: Yes, absolutely! In May, the Orange County Board of Supervisors adopted a recommendation to “Direct Orange County Health Care Agency to inform food facilities and operators within the County regarding the safe donation of excess food to food banks and nonprofit organizations; and Approve the distribution of a written brochure, ‘The Facts to Know When Donating Food.’” I’ve attended many Supervisor meetings and this is the first time I ever saw the Board of Supervisors applaud after discussion of an item and its passage.

And just last month, on August 23, the Board of Supervisors approved allocating \$100,000 to WNOC to expand our operations. These funds will enable us to hire an Executive Director and a project manager, helping to grow what has been a shoestring operation.



Food donated by Savanna High School in Anaheim (CA) is transported to a family resource center by a Yellow Cab. Courtesy of Anaheim Union High School District

Orange County Environmental Health - The Facts to Know When Donating...



Health Inspector Encourages Food Donations

Mike Haller manages the Orange County Food Protection Program in the Orange County Environmental Health Division. Learning that food establishments incorrectly believed that the health department discouraged food donations for safety and liability reasons, he became inspired to encourage health inspectors to go beyond their normal duties and promote food donations. Hear what Mike has to say about food donations. Live link at BioCycle.net.



Waste Not OC Tool Kit

Download [Waste Not OC Coalition's Community Tool Kit](#), an 18-page guide to develop a "Waste Not" program to identify individuals in need, recover surplus food, and create a central map of food banks and pantries in your community.

Tags: [Food recovery](#)

This entry was posted on Thursday, September 15th, 2016 at 12:20 pm and is filed under [Current Issue](#), [Home Page - Main Article](#), [Uncategorized](#). You can follow any responses to this entry through the [RSS 2.0](#) feed. Both comments and pings are currently closed.

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Dispatches from Europe: Getting tough on food waste

By Clarissa Morawski *Managing Director, Reloop Platform*

September 13, 2016

Food waste has become an increasingly hot topic in recent months and for good reason. According to the Food and Agriculture Organization of the United Nations (FAO), about one-third of all food produced in the world for human consumption – approximately 1.3 billion metric tons – ends up as waste each year.

In the European Union alone, it is estimated that around 88 million metric tons of food (or 173 kg per person) are thrown away annually, and the projection for 2020 – if nothing is done – is that the number will grow to roughly 120 million metric tons. The annual cost of this waste is estimated at 143 billion Euros (\$160 billion), not to mention the significant costs to the environment and society.



Fortunately, efforts to reduce the amount of food we throw away are gaining momentum, with more and more countries across Europe taking initiatives to address this issue.

National action to reduce food waste

This year France became the first country in the world to pass a law forcing supermarkets to donate unsold food instead of throwing it away or destroying it.

The law, which was unanimously passed by the French Senate in January 2016, also makes it illegal for supermarkets to pour bleach or water on discarded food to deter foragers, or to store it in locked warehouses until garbage pick-up day. The new law also makes it easier for food manufacturers producing perishable products like yogurt or milk to donate excess goods directly to food banks.

As of July 2016, large supermarkets – those over 4,000 square feet – are required to sign donation contracts with charities or local food banks, or face a fine.

Following in France's footsteps, the Italian government passed a similar law in March. But unlike France, which issues steep fines for those who don't comply, Italy aims to tackle the issue by offering financial incentives to supermarkets that donate food.

One example is reduced trash taxes – the more food companies give away, the more money they save. In addition, the law makes it easier to donate by waiving the requirement to declare food donations in advance. This allows businesses such as bars, restaurants and supermarkets to alter their donations based on their stock. To further reduce the amount of edible food being thrown away, Italy's law contains 17 articles proposing changes to the country's food safety regulations, allowing retailers to donate food products that are past their "best before" dates.

Although France and Italy were the first countries in Europe to introduce national laws targeting food waste, they certainly aren't the only ones taking steps on the issue. Denmark, for example, which has more food waste initiatives than any other European country, recently saw the opening of its first surplus food supermarket. Called WeFood, it sells only surplus food that otherwise would have gone to waste and does so at discounts of between 30 to 50 percent.

EU decision-makers take steps forward

Food waste has also become an increasingly prominent issue at the EU level. Last month, members of the European Parliament voted 600 to 48 in favor of laws that limit overproduction and the amount of food going to waste. The parliament's environment committee has also called for binding targets to halve per capita food waste across Europe by 2030, a step that followed the European Commission's decision to drop food waste reduction targets from its original Circular Economy Package. Such a target would be in line with the United Nations Sustainable Development Goals, which the EU has already committed to achieving.

On a national or pan-European level, one of the key barriers to action on food waste is simply trying to understand the scale or nature of the problem. Most people aren't aware of how much food goes to waste, or where food loss occurs along production and supply chains. Adding to this is the fact that different countries define and measure food waste differently, which makes it difficult or impossible to compare data and develop well-tailored policies to tackle the issue.

With the recent launch of the **Food Loss and Waste Accounting and Reporting Standard**, this problem is one step closer to being resolved. The standard has been put together by a wide range of food, environmental and policy stakeholders. For the first time, countries and companies alike will be able to consistently and credibly quantify and report on how much food is lost and wasted, at different stages in the supply chain. Such a common accounting and reporting framework is key to setting baseline actions and measuring progress against any targets that are set.

There is no doubt that a staggering amount of food is going to waste worldwide. With the rising momentum for legislation on this issue, particularly in Europe, it is hoped that the tide will turn and that wasted food will become an issue of the past.

Dispatches from Europe is a monthly column that will keep you posted on developments around the EU's Circular Economy Package as well other interesting policy developments related to waste reduction in Europe.

Clarissa Morawski is based in Barcelona and serves as the managing director of the Reloop Platform, which brings together industry, government, and non-governmental organizations in Europe to form a network for advances in policy that create enabling system conditions for circularity across the European economy. Clarissa is also principal of Canada-based CM Consulting Inc.



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Mother Jones

What the Heck Is Up With California's Recycling Program?

We're tossing more stuff, and bulk recyclers are dropping by the hundreds.

By Alexander Sammon | Sun Aug. 28, 2016 6:00 AM EDT

Few states have a greener rep than California, and for good reason. The state has a [cap-and-trade](#) [1] program for carbon emissions, solar-energy production exceeding that of all other [states combined](#) [2], and, at the behest of Gov. Jerry Brown, it's now mulling new targets that would slash greenhouse gas emissions to [40 percent](#) [3] of 1990 levels by 2030. The state has proved itself a [national leader](#) [4] in environmental policy.

On average, each Californian throws nearly five pounds of stuff into landfills daily.

every day.

All of which makes California's latest waste and recycling [report](#) [5], issued yearly by state Department of Resources Recycling and Recovery ([CalRecycle](#) [6]), so bewildering. It reveals that landfill waste in the state jumped to 33.2 million tons in 2015, a one-year increase of 2 million tons, contributing to last year's release of 200,000 extra metric tons of CO₂ into the atmosphere. Per capita, each Californian now tosses 4.7 pounds of stuff into the landfill

The state's rate of recycling also dropped to 47 percent in 2015. That's the lowest rate [since 2010](#) [7], and the first time since the state began measuring that the number has gone below 50 percent—not the greatest news, given California's 2020 goal of recycling 75 percent of all consumer waste.

CalRecycle spokesman Mark Oldfield points to a recovering economy as a primary contributor to the setback. Economic growth boosts consumption and construction, which necessarily results in more waste, he says: "All of a sudden people are buying new stuff and getting rid of the old."

There are other elements at work, too. The low price of oil, combined with other plummeting commodity prices, has largely eliminated financial incentives for companies to use recycled materials. Thanks to cheap crude, points out Californians Against Waste [8], a Sacramento-based advocacy group, producers are using more petroleum-based plastics than before, and less (easily recycled) aluminum.

A four-year decline in the prices manufacturers are willing to pay for recycled materials has proved deadly for many for-profit recycling centers. In part, that's because it's a subsidized business. CalRecycle pays up to half of the centers' operating expenses, depending on the amount of materials they collect, to encourage recycling centers to accept plastic containers alongside the more lucrative aluminum cans. The deposits consumers pay on beverage containers provide an incentive for individuals and companies that do curbside pickup to bring cans and bottles to the centers (and pocket the deposits). But CalRecycle's payments to the centers are based on scrap prices over the previous 12 months, with a three-month time lag. Which means, when prices are in decline, the payments come up short, and the centers struggle to stay profitable. Statewide, the bulk recyclers have faced a cumulative shortfall of more than \$50 million.

San Francisco now has just six active recycling centers (down from 35) for 900,000 people.

Susan Collins, president of the Container Recycling Institute (CRI), says this has led to a rash of closures. Per her group's estimates, more than 800 recycling centers have shut down in the past 16 months, unable to compete thanks to the low prices and insufficient subsidies. All told, nearly one-third of California's recycling centers have gone out of business.

The setbacks are costing the state in additional ways: Recycling typically generates \$8 million to \$9 million in tax revenues annually and results in at least 3,000 full-time jobs. And income from collecting and redeeming recycled materials helps keep scores of desperate people off public assistance. Cities such as San Francisco have been hit particularly hard by the recycling-center closures; the city now has just six active recycling centers, down from 35, for 900,000 people. The vast majority of the city is now an "unserved zone."

CalRecycle's Oldfield preaches patience. "I don't think we thought it was going to be easy to begin with," he says of the 2020 goal to recycle 75 percent of all consumer waste. "I don't think we mind running the risk of criticism if we fall short of a number on a time scale." He points to [AB 939](#) [9], California's Integrated Waste Management Act. The 1989 legislation mandated that 50 percent of solid waste be diverted from landfills via recycling, composting, and incineration by 2000. That goal wasn't achieved until 2006, but it now stands at 63 percent.

As for the 75 percent number, which is not a mandate, CalRecycle is looking at new technologies it hopes will increase recycling rates for construction materials and organic matter, although there is no deadline for these developments.

"We know exactly what needs to happen, it just isn't happening."

Mark Murray, [executive director](#) [10] at Californians Against Waste, bristles at the notion that the goal needn't be met on time. Murray was disturbed by the startling dip in the recycling rate, and that the state remains so far from 75 percent: "I don't want to make excuses in 2016 when there's still four years to go."

If the state is serious about reaching its goal, there is plenty of precedent. "We know exactly what needs to happen, it just isn't happening," Murray says. In the past, the state has set minimum standards for the amount of recycled content certain goods must contain. Newsprint must be [50 percent](#) [11] post-consumer materials; for glass containers, it's [35 percent](#) [12]. Such standards also exist in California for electronics and paint.

Regulating plastic packaging the same way could have a big impact, Murray says, and would help reverse this troubling course. Legislation requiring producers to buy recycled content could also help. By Murray's estimation, packaging accounts for 35 percent of the overall waste stream, and companies need to be called to task for their wasteful packaging. Collins, of the CRI, agrees that the state needs urgent, binding legislation, but given the scale of the closures, she's worried it's too late to flip the script quickly: "This is a devastating loss to the recycling infrastructure in California."

Source URL: <http://www.motherjones.com/environment/2016/08/california-recycling-program-fail>

Links:

[1] <http://www.arb.ca.gov/cc/capandtrade/capandtrade.htm>

[2] <http://www.nytimes.com/2015/10/06/business/energy-environment/california-leads-a-quiet->

revolution.html?_r=0

[3] <http://www.nytimes.com/2015/04/30/us/california-governor-orders-new-target-for-emissions-cuts.html>

[4] <https://www.edf.org/climate/AB32>

[5] <http://www.calrecycle.ca.gov/Actions/Documents%5c85%5c20162016%5c1649%5c2015%20-%20Statewide%20Progress.pdf>

[6] <http://www.calrecycle.ca.gov/AboutUs/>

[7] <http://www.calrecycle.ca.gov/publications/Documents/1522%5C20151522.pdf>

[8] <http://www.cawrecycles.org/about-us/>

[9] <http://www.calrecycle.ca.gov/laws/legislation/calhist/1985to1989.htm>

[10] <http://www.cawrecycles.org/mark-murray/>

[11] <http://www.calrecycle.ca.gov/publications/Documents/BuyRecycled%5C43305016.pdf>

[12] [http://www.leginfo.ca.gov/pub/15-16/bill/sen/sb_0701-](http://www.leginfo.ca.gov/pub/15-16/bill/sen/sb_0701-0750/sb_732_cfa_20150413_171208_sen_comm.html)

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California's Recycling Crisis Sends Billions of Bottles and Cans Into Landfills

Low prices for scrap are driving recyclers out of business.

James Nash
jmnash

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BloombergBusinessweek

October 6, 2016 — 11:59 AM PDT

About 90 percent of the 8 billion soda cans sold in California every year get turned in for recycling and a 5¢ refund. But cheaper commodity prices, plus lower Chinese demand for America's used bottles and cans, have upended the economics of the state's recycling industry. Over the past two years, California's recycling rate has fallen enough to relegate more than 2 billion containers a year to landfills.

About 700 of the 2,400 redemption centers California had in 2011 have closed, according to CalRecycle, the state's recycling agency, the majority in the past year. The mostly small companies that run the shedlike centers in parking lots outside grocery stores are being squeezed by a commodity bust that's lowered the price they receive for recycled glass, plastic, and aluminum. The price they have to pay consumers for this detritus has stayed fairly high. A state subsidy program that was supposed to help make up the difference hasn't kept up.

In most of the 10 states with bottle redemption laws, beverage companies such as PepsiCo pay recycling centers a fixed amount per bottle, which means the centers don't need to rely on the market value of the scrap. In California, the state pays redemption centers for processing and handling recycled material. The centers also make money by reselling bottles and cans on the scrap market. Twice a year, California sets a minimum price that redemption centers have to pay consumers for their bottles and cans; it's

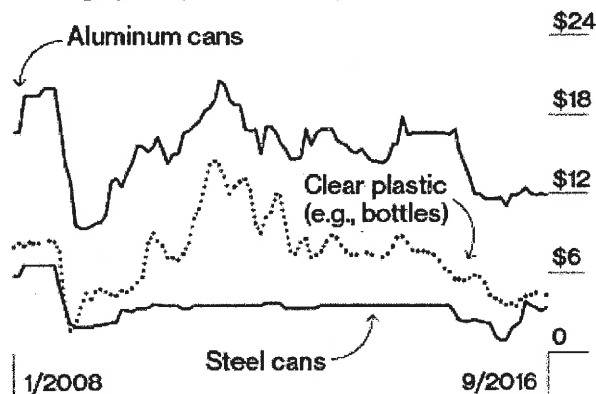


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supposed to equal the deposit customers paid when they bought the drinks. This year, that's \$1.57 per pound for aluminum cans, down 2¢ from last year, and \$1.19 a pound for plastic bottles, up 3¢.

Treasure to Trash

Average price per ton of recyclables

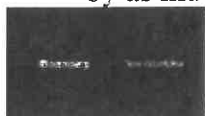


GRAPHIC BY BLOOMBERG BUSINESSWEEK
DATA: RESOURCE RECYCLING SYSTEMS

Scrap prices have fallen much more. As of September, a ton of sorted aluminum cans went for \$11.88, down 28 percent from two years prior, according to Resources Recycling Systems, a consulting company in Ann Arbor, Mich. A ton of plastic bottles went for \$4.25, down 44 percent since 2014. Lower oil prices have also cut the value of recycled plastic, by making it cheaper than it was before to manufacture new plastics, and in some cases it's cheaper than buying recycled materials.

The decline in the value of scrap is draining California's Beverage Container Recycling Fund, which relies on the proceeds from bottle deposits consumers pay upfront to reimburse redemption centers. As of June 30, it had \$195 million, down from \$246 million a year earlier. At this rate, it's expected to run out of money in the first half of 2018.

"There's been a massive crisis and a massive failure to respond to that crisis," says Susan Collins, president of the Container Recycling Institute, an advocacy group in Southern California. Collins says the state needs to boost its "outdated" payment formula by as much as \$1 million a month or follow other states, where bottling companies pay



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centers a fixed amount per container. A spokesman for CalRecycle says the state is looking at all options.

China is the largest destination for U.S. scrap exports, taking about 11 percent by volume in 2015. Since 2013, under a government program called Operation Green Fence, China has been aggressively inspecting and in some cases turning away bottles and cans that are mixed in with food waste or other nonrecyclable scrap. The policy has forced waste processors in the U.S. to screen discarded containers more carefully, driving up costs and diminishing the value of some waste.

Since his local recycling center closed last year, Hiro Tani, a cook who lives in Santa Cruz, has had to take his used bottles and cans to a facility about 15 miles away. "It kind of defeats the purpose if you have to drive that far," he says. Jose Ponce, who operates six centers in the Los Angeles area, says he's struggling to keep his business open amid lower scrap prices. "If it keeps going the way it is, I don't know if I'm going to make it," he says. "That would be bad for the environment and also bad for people."

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Waste Management, the top U.S. waste processor, has closed about 20 percent of its processing facilities nationwide in the past two years, says Brent Bell, vice president for recycling operations. "If you told me today that China's GDP growth rate was going to go back to 14 or 15 percent and the price of oil would go back to \$100 a barrel, I would say we would go back to where we were. I don't see those two things

happening."

The bottom line: About 30 percent of California's recycling centers have gone out of business amid falling prices for scrap aluminum, glass, and plastic.

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It Isn't Easy Being (Profitably) Green: How Waste Management Is Rethinking Recycling

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Christopher Helman, FORBES STAFF FULL BIO

This story appears in the October 4, 2016 issue of Forbes.
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New York City has paid \$1,200 a ton to collect 16,000 tons of kitchen scraps since 2014



"Being green costs money," laments Waste Management CEO David Steiner. If you're ready to raise taxes, "we can help." (Photo by Darren Carroll, for Forbes.)

"On many days it just looks like a load of garbage," says David Steiner, CEO of Waste Management WM -0.27%, referencing the company's recycling processing plant in Houston. It is a loud, stinky, dusty, 40,000-square-foot Rube Goldberg machine that handles 300 tons a day. Material flies from one conveyor belt to another. Magnets pull off steel cans. Screens skim up cardboard and paper. Optical sensors trigger air puffers that pop bottles into the right chutes.

Not all of it gets recycled; about 15% of the stuff citizens put in their recycling bins should have gone in the garbage can. Workers wearing bandannas against the dust stand along the conveyor belt handpicking items. "People mean well," Steiner says.

But there's an "unintended consequence" of giving people bigger recycling bins and more opportunities to recycle --soon they want to recycle everything. Plastic shopping bags are a common culprit, old garden hoses, too; they wrap around machinery and gum up the works. "It shuts

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State officials in California propose push toward EPR

By Lacey Evans, *Plastics Recycling Update*

September 14, 2016

A memo circulating within California's waste management agency says the packaging industry has failed to offer up viable voluntary options to help the state significantly cut down the amount of packaging material going to disposal.



As a result, the memo states, staff within the California Department of Resources Recycling Recovery (CalRecycle) are recommending "a mandatory comprehensive, statewide packaging program in California."

The suggested system would lay out goals, stakeholder roles, program financing and other specifics that are hallmarks of extended producer responsibility (EPR) frameworks. In EPR systems, product makers are responsible for financing and managing end-of-life concerns for the goods they put on the market.

No U.S. state has ushered in EPR for packaging, though British Columbia implemented EPR for packaging in 2014 and other Canadian provinces have moved in the direction.

The memo was sent to Scott Smithline, director of CalRecycle, and was drafted by Howard Levenson, the deputy director of the materials management and local assistance division within the department.

CalRecycle staff are requesting Smithline to give approval for staff to pursue a framework for what a mandatory packaging recycling program would look like in the state.

Not impressed by January proposals

The memo was a response to the Manufacturers Challenge workshop, which brought together packaging stakeholders and CalRecycle officials in January. The goal of the meeting was to address the amount of packaging material in the waste stream, and state officials asked stakeholders to "publicly indicate how they could voluntarily reduce the amount of packaging going to landfill by 50 percent by 2020," according to the recent memo.

The industry was asked to identify specific strategies to move toward that 50 percent number, lay out measurement plans, offer timelines for implementation and make proposals for financing programs.

According to the CalRecycle memo, the manufacturers and trade associations present failed to outline a sufficient plan of action.

"The overwhelming majority of material presented was a summary of current, national activities rather than proposing new, California-specific activities, how they would be implemented, and how they would achieve the 50 percent goal," the memo reads.

The memo adds most packaging stakeholders expressed a desire to continue the reliance on state and local funding, and many said a voluntary goal of a 50 percent reduction of packing going into landfill by 2020 was not possible.

In addition to the recommendation for a mandatory packaging program within the state, the memo brings up the option of a landfill ban on certain recyclable packaging materials such as cardboard and glass and plastic containers.

CalRecycle is also aiming to continue talks with manufacturers and engaging in partnerships with groups including the American Chemistry Council, the Closed Loop Fund and the Sustainable Packaging Coalition, the CalRecycle note states.

CalRecycle's next public meeting is scheduled for Sept. 20, and the packaging topic is on the agenda.

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California lawmakers advance pair of plastics-recycling bills

By Jared Paben, Resource Recycling

September 13, 2016

The California legislature passed a bill requiring beverage companies to publicly report the amount of post-consumer PET they use. And a separate piece of legislation sent to the governor extends a plastics-recycling subsidy programs for one year.



The two plastics recycling-specific bills were passed before the end of the California legislature's 2015-16 session. Both are now awaiting possible signatures from Gov. Jerry Brown.

Post-consumer plastics reporting

Assembly Bill 2530 requires companies making beverages and selling them in the Golden State to begin reporting virgin and post-consumer plastic use to the state.

Under the bill, starting March 1, 2018, beverage companies must annually report the data to the California Department of Resources Recycling and Recovery (CalRecycle), which will be required to post it on the department's website.

The requirement applies to makers of bottles subject to the California Redemption Value (CRV), a deposit-like fee of 5 cents or 10 cents (depending on bottle size) paid to consumers when they redeem containers.

AB 2530 was supported by advocacy group Californians Against Waste (CAW) as well as by a number of recycling companies and industry groups.

"The reported data will help CalRecycle and policymakers to better assess how market demand for California rPET manufacturing compares with current collection and recycling levels, in order to better inform future policy," according to CAW.

AB 2530 was passed by the California Senate on Aug. 22 in a 22-16 vote. The Assembly on Aug. 25 voted 55-21 approve it, sending it to the governor.

The original version of the bill introduced in February would have encouraged beverage companies to disclose the percentage of recycled content on the bottle's label.

Market development program extended

Assembly Bill 1005 extends the state's Plastic Market Development Payment program by one year. Previously set to expire Jan. 1, 2017, the bill extended it to Jan. 1, 2018.

Under the program, CalRecycle sets aside a total of \$10 million each year for state-certified organizations taking recovered CRV containers and processing them or molding them into new products. Payment amounts are limited to a maximum of \$150 per ton, or 7.5 cents per pound.

The aim is to develop a market for in-state recycling and manufacturing using recovered PET and HDPE bottles.

This bill was also supported by CAW and a number of recycling industry groups.

The Senate voted to approve it on Aug. 22 in a 39-0 vote, and the Assembly voted 79-0 in favor of it on Aug. 25.

An earlier version of the legislation would have extended the program until 2020, but the Senate changed it to 2018 before passing it.



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Improving glass recycling is a group effort

By Lacey Evans, Resource Recycling

September 13, 2016

How can recycling programs across the country efficiently recover glass and overcome challenges in the the value chain? Several stakeholders delved into the issue at the Resource Recycling Conference.



In a session called "Picking Up the Pieces of Glass Recycling," processors and end users of recycled glass discussed what is being done to improve the system – and what continues to stand in the way of cost-effective recovery.

Complexities of contamination

Glass has been under attack in recent years as a contaminant in single-stream recycling. But Curt Bucey, the executive vice president of business development and industry affairs for secondary glass processor Strategic Materials, said that notion is overblown. In reality, the glass stream itself is being contaminated, he noted. The glass streams his facilities receive used to be 98 percent clean, 2 percent contaminated. Now, the contamination rate is between 20 and 60 percent, he said.

Bucey believes this is mostly due to municipalities being unaware of the problem. Collection favors convenience over quality, and no one is checking the glass at the curb to make sure it is free of residue. By the time the glass gets to a Strategic Materials operation, it is often mixed with other materials.

He said the value of glass goes up and down based on quality, but that fluctuation has been misunderstood to mean markets for glass are vanishing. He recommends that cities include specifications in their contracts.

Cheri Chastain, sustainability manager for Sierra Nevada Brewing Company, also discussed contamination and quality, highlighting how those factors affect an end user.



A defective bottle could cause harm to a beer drinker, she said, which could lead to a lawsuit or at the very least a public relations nightmare for Sierra Nevada. The brewer has a system on its bottling line that identifies defective bottles and eliminates them before they get filled. Chastain recognized there are cracks in the entire glass value chain and not one stakeholder is to blame, but she said they are all responsible for finding fixes. Sierra Nevada and others in the chain have formed the Glass Packaging Coalition to address the problems.

Chastain added that beer drinkers want to be able to recycle their bottles because they understand the environmental upsides. Furthermore, many states, counties and cities have recycling targets or goals of reducing greenhouse gas emissions. Using recycled content helps companies like Sierra Nevada be part of municipal solutions.

Quantifying the benefits of recycled material

For end users like Knauf Insulation, using recycled glass is about saving money and resources. The insulation company's five plants melt millions of bottles a day into fiberglass. Scott Miller, Knauf's director of sustainability, said the company has saved 76 million kilowatt hours of energy and 40 million gallons of water by using recycled glass. Use of recycled material has also allowed the company to avoid 175 million pounds of carbon dioxide emissions.

Meanwhile, Jim Nordmeyer, vice president at glass bottle manufacturer Owens-Illinois, said at his company, every ton of recycled glass used reduces greenhouse gas emissions by one-third. Mining operations for sand are also reduced when the O-I can leverage recovered glass.

Even though glass recycling has experienced some very public problems and setbacks, Kerry Getter told the audience cost-effective glass recycling is doable and should continue. Getter is the CEO of Balcones, an independent MRF operator with three facilities, including one in Austin, Texas. That facility alone sells 1,300 tons of recycled glass per month to a Strategic Materials facility in Midlothian, Texas.



Getter was initially apprehensive to bring glass into his facilities because he was worried about contamination. But, he told the audience, four years later he hasn't had one issue.

Getter talked about the machinery his plant uses to ensure a clean glass stream. He invested in a glass breaker that cracks the glass into uniform pieces. Any larger glass falls through a screen where it goes through a second breaker. The glass then goes through a shaker screen and an aspirator to ensure that no other materials, like finely shredded office paper, get

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How one community cleaned up its glass act

By Dan Leif, Resource Recycling

September 13, 2016

An area of Ontario has been able to significantly cut down on tonnages of recovered glass it sends to disposal, thanks to equipment upgrades made possible through the Continuous Improvement Fund.



In 2014, Continuous Improvement Fund (CIF) funding was used to help the Regional Municipality of Niagara (Niagara Region) make an investment of roughly 250,000 Canadian dollars (around \$192,000) in its EcoGlass operation, which recycles glass into small particles used for sandblasting.

According to a report on the project issued earlier this year by CIF, the revamped system has been able to recover roughly 60 percent of the material it handles and increase the overall throughput of EcoGlass.

CIF is a partnership between Stewardship Ontario, Waste Diversion Ontario and municipalities in the province. The Niagara Region consists of 12 separate municipalities in southern Ontario and has a total population of just over 430,000.

Previously, the Niagara Region was paying to send glass recovered through its curbside system and municipally operated materials recovery facility to third-party operations that would

clean the material. The cleaned glass would then be used in EcoGlass.

However, when glass markets were disrupted in 2013, Niagara was forced to begin stockpiling glass recovered at curbside at a local landfill.

To upgrade the EcoGlass cleaning capacity, project partners added a trommel screen, bucket elevator and aspirator to the operation. According to the CIF report, the cleaning system has allowed the region to begin processing the stockpiled material and avoid costs that were previously paid to glass-cleaning partners.

CIF says the investment is expected to pay for itself within 17 months, and once it works through its backlog of stockpiled glass, Niagara will be able to begin taking in loads from other jurisdictions.



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Glass contamination and regulations collide in California

By Jared Paben, Resource Recycling

October 4, 2016

The closing of container-redemption centers across California has meant dirtier downstream loads of recovered glass. Regulators are now adding emergency regulations to ensure that increased contamination doesn't threaten the state's glass recycling industry.



California Department of Resources Recycling and Recovery (CalRecycle) staff say existing state regulations force them to shut down secondary glass processors with residue rates above 10 percent until those plants receive solid waste facility permits. But, to avoid doing that, CalRecycle staff have drafted emergency regulations calling for periodic inspections instead.

"I view this as a proactive step by CalRecycle to recognize there's a problem, temporarily fix the problem and then set down a path to try to permanently fix the problem," said Curt Bucey, executive vice president of industry strategy and growth at secondary glass processor Strategic Materials, Inc. (SMI). "I view this as a good thing."

The dirtier downstream mix of recovered glass is one consequence of fewer container redemption opportunities in the Golden State. It's also been cited as contributing to a lower statewide recycling rate.

Dirtier premix

Under financial strain, container redemption centers around the state have been closing, reducing opportunities for consumers to redeem their bottles. That has led to households placing more of their glass in curbside carts for delivery to materials recovery facilities (MRFs). By the time the glass leaves MRFs and heads to secondary glass processors, it's more contaminated than the glass originating at redemption centers.

"Redemption centers are closing, more material is going into the blue bin, so our percent of material coming in is shifting to higher levels of single stream versus redemption material," Bucey said. "Which has compounded the fact that premix is getting dirtier."

"The result of glass getting dirtier with more and more contamination has put us against the thresholds in California," he added.

With its six locations in California, SMI processes most of the state's recovered container glass.

The issue came onto CalRecycle's radar after other public agencies saw contamination in loads of glass during site visits and notified the department, Oldfield said.

"The other agency staff were aware of the definitions of solid waste facility and thought we should look into the situation, which we did and confirmed the findings," he said.

Impact of existing regulations

Under existing state rules, glass processing facilities disposing of more than 10 percent of incoming material must be regulated as solid waste handling sites, said Mark Oldfield, CalRecycle spokesman. Those sites can't operate without permits, so the department would have to shut them down until they receive permit approval, a process that can take years if there are complications in environmental reviews or lawsuits.

"Preliminary information indicates that this issue may be true for up to 90 percent of the state's glass processing infrastructure," according to a department memo.

Regulations require permits for facilities with high residue rates because that waste can present public health and environmental issues.

CalRecycle staff wrote that temporarily shutting down six facilities handling 90 percent of container glass would mean "a crippling interruption in the state's ability to divert a major recyclable waste stream from landfill disposal." It could mean more than 900,000 tons of glass going to landfill and would also threaten the viability of the glass businesses necessary to accommodate the state's recycling needs, they wrote.

Changing the rules

Under the emergency regulations, glass processing facilities with 10-plus percent residue would fall into what's called the "notification tier" of regulation, the least onerous level of regulation, other than a full exemption. They would be required to file paperwork and undergo inspections as often as quarterly or as infrequently as once per year. Inspectors would be looking for potential threats to public health and the environment.

Bucey described the proposed inspections as manageable, noting some local jurisdictions already visit sites on a quarterly basis.

"I don't anticipate any problems, but we are in a little bit of uncharted waters," he said.

CalRecycle Director Scott Smithline on Sept. 26 approved submitting the emergency regulations to the department's administrative law office, which must review them before they can go into effect.

Oldfield noted that permanent regulations will follow. Permanent ones will "determine the appropriate level of oversight needed to ensure any potential public health and environmental concerns continue to be addressed."

“The Bollegraaf baler has a great reputation in the recycling industry.”

- Greg Janson, Owner, QRS Recycling



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Helping cities and MRFs find common ground on contracts

By Jared Paben, Resource Recycling

September 13, 2016

When it comes to materials processing contracts, the debate is often framed in black and white: taxpayers versus shareholders battling to collect the financial rewards of recycling and avoid the costs.



But, according to one industry veteran, negotiators should understand the other side's needs, and that recognition should be reflected in contracts.

"Local programs can't just keep raising taxes every time the markets go down to support a program and MRFs can't just consistently lose money and support the system that way," said Scott Mouw.

Mouw, from the North Carolina Department of Environmental Quality, was one of four speakers to take the stage at this year's Resource Recycling Conference to discuss the crafting of MRF-municipality contracts. The session included Susan Robinson from Waste Management, Mitch Kessler from Kessler Consulting and Anne Germain from the National Waste & Recycling Association (Nwra).

The session, part of the conference's first-ever MRF track, explored timely issues affecting contracts, including lower commodities values, higher contamination rates and a constantly

evolving ton. Adding to the tension in those areas is the fact that the public and leaders are pushing for ever-higher diversion rates.

Realities of the ton

For the past two decades, North Carolina has tracked the blended value of commodities coming out of the back end of materials recovery facilities (MRFs) in the state. Those prices have dropped in recent years, and the reality is they're not expected to rebound fast, Mouw said.

"The blended values will stay close to operating costs of MRFs for a very long time to come," he said. "And that's what we have to work from."

Many contracts were written with the belief that China would continue to show enormous demand for imported scrap and that materials scarcity would drive recycled commodities prices, he said. But analysts now predict demand for recyclables to remain lukewarm for the foreseeable future.

Robinson of Waste Management focused on the changing stream, noting that her company has seen a significant shift of materials heading into MRFs resulting from the evolving ton and contamination over the past decade.

"These are production facilities. They are making a feedstock for somebody making a new product," she said. "There are no other production facilities that can make high-quality product based on changing feedstock of 30 percent. It's pretty significant and it's a big risk, quite frankly."

For example, a decade ago, when some existing contracts were signed, newspaper tonnages sat at the heart of the deals, she said. Today, it's a greatly diminished fraction of the stream, and in another 10 years it will probably disappear completely.

Given the changes, Nwra's Germain called for flexibility in contracts, allowing both the addition and removal of materials, depending on commercial markets for the commodities.

"We've seen some markets come out of nowhere," she said. "But those markets sometimes disappear and those should be accounted for in the document."

Managing risk and reward

Mouw presented what he believes is the framework for a fair contract: the inclusion of floor prices per ton, which could be negative in current markets. The model agreement also included options to share revenues when prices are high and noted clearly defined residue thresholds with expectations of who pays to dispose of residue.

Contracts should also have a long enough term with renewal options to allow MRF operators to upgrade equipment and simultaneously assure the community of future processing capacity, Mouw said. Lastly, contracts should call for stream audits and establish expectations for continued communication.

Robinson focused on how contracts can be built to effectively react when conditions shift in the middle of a deal's time frame, which tends to be five years for MRF contracts and seven or more years for collection contracts.

New single-stream MRFs are \$30 million facilities, she noted, and contracts simply must ensure the infrastructure and processing costs are covered. Once those costs are covered, then the municipality and processor can share revenue.

She also said that if contracts have a zero floor price provision, they should allow MRF operators to manage materials with zero or negative value outside the recycling program. She also called for triggers to allow contract changes based on changes in material quality and or shifts in the mix of inbound materials, as well as commodity pricing fluctuations.

Germain noted the Nwra and the Solid Waste Association of North America (SWANA) recently released joint advisories on crafting contracts to take into account market and material mix changes.

"Say this is how we're going to conduct the audit, everybody agrees to it, you agree on a frequency and then you agree on how adjustments to the blended value or compensation structures are going to occur as a result of this," she said.

At the negotiating table

Handshake deals, still relatively common in the industry, don't deliver the trust and transparency that's needed today, Mouw said. Issues such as shared risk and reward in changing market condition and ongoing communications need to be addressed in writing.

Kessler, who represents municipalities in contract negotiations, said he sees a continued dialogue around issues we can't change, including the evolving ton, low oil prices and China's Green Fence importation-enforcement effort.

"The current dialogue is about uncontrollable issues that are convenient because they're virtually unsolvable," he said. "We could adjust for them in contracts, but we can't fix any of those directly."

He believes it's time to shift the dialogue to the core issues that can be controlled: identifying objectives, communicating openly, providing full transparency, recognizing the costs of service and realizing that all waste and recycling is local.

For example, he said, the industry has failed to be transparent about the costs of recycling collection, processing and marketing. There's a joint responsibility to communicate that message, he said, noting that many of his municipal clients resist doing so.

He also called for transparency between the public and private partners.

"I don't think you can be transparent enough," he said. "I'll leave you with an image: the clear shower curtain. That's what you should be seeing. Sometimes it's pretty, sometimes it's not."



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