



CHAIR – MICHAEL KOBSEFF, SISKIYOU COUNTY

VICE CHAIR – MICHAEL RANALLI, EL DORADO 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
1215 K Street, Suite 1650 Conference Room
Sacramento, CA**

Thursday, March 15, 2018 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

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Discussion and possible action related to the following:

- A. Approval of Minutes from the Meeting of December 7, 2017 – Supervisor Kobseff, ESJPA Chair *(pp 3-8)*
- B. Election of the 2018 ESJPA/TAG Chair and Vice Chair – Supervisor Kobseff *(page 9; 5 minutes)*
- C. Administrative Matters – Mary Pitto, ESJPA Program Manager *(5 minutes)*
 - 2017 Delegate and Alternate Roster *(page 11)*
 - FPPC Form 700

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

- A. AB 901 Recycling and Disposal Reporting Regulations – John Sitts, Environmental Program manager and Jane Mantey, Environmental Scientist, CalRecycle *(20 minutes)*
- B. In-container Monitoring Technology: Transparency, Oversight, and Cost Savings Opportunities to Waste and Recycling Systems – Don Gambelin, Head of Business Development, Compology *(30 minutes)*
- C. The Highest and Best Use for Organics No One is Talking About: Animal Feed – Louie Pelligrini, CEO, Sustainable Alternative Feed Enterprises *(30 minutes)*
- D. Del Norte County Transfer Station Floor & Ramp Repairs – Ted Ward, Director, Del Norte Solid Waste Management Authority *(15 minutes)*

- E. Report from CalRecycle – Carol Mortensen, Supervisor, Environmental Program Manager, CalRecycle (10 minutes)

V. Legislative Update

Supplemental Package

(This item may be heard at any time during the meeting depending upon the availability of staff) Discussion of Legislation – Paul Smith, Vice President of Government Affairs (15 minutes)

- A. Complete Text of Selected Bills
B. Summary Listing of All Solid Waste Related Bills

VI. Member County Concerns/Comments

VII. Solid Waste/Regulatory Update

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Discussion and possible action related to the following:

- A. Air Resources Board
- Cap and Trade Program Update – Staci Heaton, RCRC Regulatory Affairs Advocate (5 minutes)
- B. CalRecycle
- SB 1383 Regulations – Mary Pitto (pp 15-62; 5 minutes)
 - Impacts of China’s Import Restrictions – Larry Sweetser, ESJPA Consultant (pp 63-74; 5 minutes)
 - AB 901 Recycling and Disposal Reporting Regulations – Larry Sweetser (pp 75-83; 5 minutes)
- C. Department of Toxic Substances Control
- Update on Photovoltaic Modules/Solar panels – Larry Sweetser
- D. Extended Producer Responsibility
- CA Product Stewardship Council Update – Heidi Sanborn, Executive Director, CPSC (pp 85-94; 10 minutes)
 - Carpet America Recovery Effort (CARE) Update – Lisa Mekis, CA Senior Associate, CARE (pp 95-108; 5 minutes)
 - PaintCare Update – Daria Kent, Northern California Regional Coordinator, PaintCare (pp 109-110; 5 minutes)
 - Mattress Recycling Council Update – Liz Wagner, CA Territory Representative, MRC (pp 111-134; 5 minutes)
- E. Grant Program Update – Larry Sweetser (page 135-138; 5 minutes)
- F. Highlights of December, January, February CalRecycle Meetings – Larry Sweetser (pp 139-151; 5 minutes)
- G. Highlights of 2018 SWANApalooza Conference – Larry Sweetser (5 minutes)
- H. Other Regulatory Announcements/Issues of Interest
- 2018 Rulemaking Calendar (pp 153-162)
 - CalRecycle Announcements (pp 163-166)
 - CalRecycle E-Waste Updates (pp 167-172)
 - Cal EPA CUPA Newsletters (pp 173-185)

VIII. Agenda Suggestions, Member County Presentation Volunteer, Workshop Topics for Next ESJPA Board Meeting Scheduled Thursday, June 21, 2018.

IX. Articles of Interest (pp 189-222)

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X. Adjournment

12:00 PM Lunch

1:00 PM

Technical Advisory Group Breakout Session

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This afternoon session will be a working session. You are invited and encouraged to participate in this afternoon session.

- **Title 27 Water Board Regulations and Financial Assurances: What Changes Would You Like to Make to the Regulations?** – Larry Sweetser (pp 225-227)
- **SB 1383 Regulations: What Works in Rural Areas?** – Mary Pitto (pp 229-246)

Meeting facilities are accessible to persons with disabilities. By request, alternative agenda document formats are available to persons with disabilities. To arrange an alternative agenda document format or to arrange aid or services to modify or accommodate persons with a disability to participate in a public meeting, please contact our offices at least 72 hours prior to the meeting by calling (916) 447-4806.

Agenda items will be taken as close as possible to the schedule indicated. Any member of the general public may comment on an agenda item at the time of discussion. In order to facilitate public comment, please let staff know if you would like to speak on a specific agenda item.

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



CHAIR – MICHAEL KOBSEFF, SISKIYOU COUNTY
VICE CHAIR – MICHAEL RANALLI, EL DORADO 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

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

Thursday December 7, 2017

MEMBERS REPRESENTED

Jim McHargue, Director Solid Waste
Bill Mannel, Deputy Director
Steve Rodowick, Recycle Coordinator
Natalie Sauerland, Program Coordinator
Shawna Towler, Admin Assistant
Mike Azevedo, Assistant Director
Ted Ward, Director
Greg Stanton, Division Director
Lars Ewing, Public Services Director
Paula Wesch, Program Coordinator
Aaron Albaugh, Supervisor
Ahmad Alkhayyat, Public Works Director
Justin Nalder, Solid Waste Supervisor
David Garcia, Solid Waste Program Manager
Bob Perrault, Director of Public Works
John Kolb, Assistant Engineer
Mara Solomon, Solid Waste Program Manager
John Heath, Supervising Engineer
Colleen Streight, Community Education Specialist
Arthur Boyd, Recycling Coordinator
Rachel Ross, Agency Manager
Diane Green, Solid Waste Tech
Dan Hambrick, Solid Waste Specialist
Diane Rader, Deputy Director Solid Waste

Amador County
Butte County
Butte County
Calaveras County
Calaveras County
Colusa County
Del Norte County
El Dorado County
Lake County
Lassen County
Lassen County
Madera County
Mono County
Nevada County
Plumas County
Plumas County
Plumas County
Shasta County
Shasta County
Siskiyou County
Tehama County
Tuolumne County
Tuolumne County
Trinity Count

STAFF IN ATTENDANCE:

Mary Pitto, ESJPA Program Manager
Larry Sweetser, ESJPA Consultant
Paul Smith, VP Governmental Affairs
Lisa McCargar, CFO
Staci Heaton, Regulatory Affairs Advocate
Julie Lunn, RCRC Office Assistant
Elizabeth Jenson, Accountant

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

GUEST SPEAKERS:

Heidi Sanborn, CPSC
Rachel Oster, Diversion Strategies

Liz Wagner, MRC
George Donker

OTHERS IN ATTENDANCE:

Terry Brennen, CalRecycle
Spencer Fine, CalRecycle
John Duke, CalRecycle
Ward Danner, CalRecycle
Roberta Jetter, CalRecycle
Alan Davis, Caglia Environmental

Rodney MRC
Alex Souza, CalRecycle
Robert Carlson, Mendocino County
Barbara Heinsch, CalRecycle
Carol Mortensen, CalRecycle

MEMBERS NOT REPRESENTED

Alpine County, Glenn County, Imperial County, Mariposa County, Modoc County, Sierra County.

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

Michael Kobseff, Supervisor Siskiyou County and ESJPA Chair, called the meeting to order at 9:05 a.m. A Quorum was Determined. Self-introductions were made.

II. Business Matters

A. Approval of Minutes October 19, 2017 Meeting.

Supervisor Kobseff, ESJPA Chair, called for the approval of the minutes from the October 19, 2017, Board of Directors meeting. The motion to approve minutes was made by Arthur Boyd, Siskiyou County and seconded by Rachel Ross, Tehama County. The motion passed unanimously.

B. Approval of Lake County to Join ESJPA and adopt Resolution No. 17-04 to amend the Joint Exercise of Power Agreement for the Rural Counties' ESJPA to reflect the addition of Lake County. The motion to approve was made by Arthur Boyd of Siskiyou County, and Seconded by Mike Azevedo of Colusa County. The Motion passed unanimously.

C. Review and Approval of the 2018 Budget. Lisa McCargar, RCRC Chief Financial Officer, gave a summary of the budget. The motion to approve the 2018 ESJPA Budget was made by Diane Rader of Trinity County, and seconded by Arthur Boyd of Siskiyou County. The motion passed unanimously.

D. Review and approve the 2018 Contract Services Agreement between ESJPA and RCRC- A motion to approve the Agreement was made by Greg Stanton of El Dorado County, Seconded by Justin Nalder of Mono County

E. Review of Solid Waste Policy Principles – The Policy Principles that guide the RCRC Board on solid waste issues. A number of members provided comments on some of the concepts in this policy principle including appropriate applicability of Extended Producer Responsibility,

local control, special accommodations for rural counties in regulatory proposals such as proposed in SB 1383. Staci Heaton provided information on how the principles considered by the Board. This is not an action item. Mary will distribute this policy principle and requested comments by the first week of January.

III. Public Comment

Terry Brennan of CalRecycle indicated that Modoc County is preparing an RFP for recycling and waste services and are looking for examples from jurisdictions including examples that maintain economic viability and different options available to local haulers that provide economics of scale. Modoc county is seeking to get this RFP complete in January. Greg Stanton is preparing a document on El Dorado Counties solid waste fees and program funding. Mary indicated the ESJPA could update the existing surveys and distribute them. Heidi Sanborn suggested including information on how much programs have saved money. This would benefit future efforts on policy development.

IV. Presentations

- A. Solutions for Edible Food Recovery Rachel Oster, Owner & Principal, Diversion [Strategies-Rachel@DiversionStrategies.com](mailto:Rachel@DiversionStrategies.com) – Rachel is a former Recology employee, who with her business partner Erin Merrill, founded Diversion Strategies to assist organizations with compliance with organics management including food waste. They are finding non-traditional technologies solutions including applicability to edible food recovery. One client founded Cornucopia that focused on connecting veterans with food services. On another occasions, the owner of Cornucopia was asked if she wanted 400 sandwiches and could not find outlets. This indicated there was not a supply problem but a logistic problem. This resulted in development of software that automates connecting producers of excess food from school cafeterias and other organizations with non-profits and address such logistics as lack of refrigeration and providing tax benefits to providers. They have even worked with Uber on pickup and delivery of food. The program operates out of the Bay Area. They are looking to offer the software to others. The program is also expanding to analyzing the wasted food to influence buying habits resulting in source reduction approval of alternative daily cover and cost savings.
- B. Public-Private Partnerships – Ahmad Alkhayyat Public Works Director, Madera County Ahmad introduced Alan Davis of Caglia Environmental and provided a short history of Madera County's solid waste program. A prior assessment reviewed future needs for the County that resulted in a RFP for landfill operations and valley collection franchises. Caglia Environmental and its affiliate Red Rock Environmental were awarded the contract but the County controls the gatehouse. Alan provided a background on Caglia Environmental as a family owned local firm. One first issue was the use of alternative daily cover to address the local soil storage. They also got approval to allow additional tonnage from out of the County into the Madera landfill to make the landfill operation more cost-effective. The County also approved the acceptance of including special wastes such as biosolids, treated wood waste, contaminated soils, and other special wastes. Additional programs included landfill gas control, demolition waste diversion, closure of the dirty MRF and directing the wastes to another facility for recycling, improved customer services, and automated carts. Communities need to carefully evaluate their proposed contractors actual experience with these programs. Future projects under consideration include acceptance of HHW at the northern area,

beneficial landfill gas project, management of salt brine from food processing operations as dust control. roll out the organic waste plan, and food waste programs with a depackaging option. The County Board of Supervisors approved a 10 year extension in 2016 with an additional five year extension option. Bill Mannel asked about compliance with prevailing wage requirements. Ahmad responded that it was not required. Ahmad also indicated that there is a minimum density landfill requirement with incentives and penalties. Caglia assume risk on the recycling markets.

- C. A Case Study of Negotiating Replacement Franchise Contracts-John Kolb and Bob Perreault, Plumas County- Bob Perreault provided an overview of Plumas County's efforts to renegotiate with the current two solid waste franchise contractors and copies are available on the County website. The old contracts were more than 15 years old and required submittal of a financial audit. Rate increases were up to the haulers to request the increase. The contracts also had an evergreen clause with a rolling five year renewal. The new contracts were intended to be all new contracts which triggered the five-year requirement to develop new agreements. Plumas has no general fund support and is funded entirely from services. Initially, Plumas was intending to conduct the negotiations internally but quietly realized the need to retain a consultant. R3 was selected. The original proposal was to have the new contract in place in 2012/2013. It was approved in 2017.

John Kolb provided the overview of the solid waste program history including the closure of landfills except the Chester landfill that is used for inerts, green waste, and emergency waste disposal. Solid waste is now shipped to Lockwood, Nevada. Once the agreements were complete, the Proposition 218 process took additional time. The old contract was 12 pages long. The new contract is one-inch thick and includes rates tied to a Refuse Rate Index. One of the haulers, Intermountain Disposal has proposed a MRF that would include waste from Sierra County. Based upon public concerns, the transfer station in Graeagle needed to stay open but only for recycling activities. Terry Brennan requested on mandatory commercial recycling efforts. The Institute of Local Government language is used in contracts

- D. Report from CalRecycle-Caroll Mortensen, Supervisor Environmental Manager, CalRecycle. Carroll provided updates on the upcoming workshops on AB 458 for bottle containers pilot programs including a request for input on projects. On December 19th there will be a workshop on Greenhouse gas and input on SB 1383 is needed. Larry Sweetser requested if the compliance hearings for Merced and Oakdale are still be held and if they will be broadcast. Carroll will check. Jim McHargue asked about the impact of the China bans.

V. Legislative Update

Paul Smith, Vice President of Government Affairs, reported that there is limited activity in the legislature since the legislature is on recess. New bills will be introduced in January through February so there will be more to talk about at the March meeting. There are two-year bills that will be heard in January but no current significant solid waste bills but that would change. The Governor's budget will be released in January and it could contain solid waste proposals.

VI. Member County Concerns/Comments

Jim McHargue appreciates the value of the ESJPA and encourages members to contact Mary with issues.

VII. Solid Waste Regulatory Update

There was discussion and possible action related to the following:

A. Air Resources Board

- Cap and Trade Program Update - Staci Heaton reported we are waiting for program funding
- 2017 Climate Change Scoping Plan Update - Mary Pitto reported the final scoping plan was released last Thursday. The PowerPoint is in the packet. We are watching and will be more to come. One item of note is a reference to implementing the short-lived climate strategy. The plan also indicates that CalRecycle will develop regulations to require 50% landfill diversion from 2014 measures and 75% by 2020.

B. CalRecycle

- SB 1383 Regulations- Mary Pitto reported that the SB1383 proposal was reviewed and the ESJPA comments are included in the packet and members are encouraged to review them. Mary met with CalRecycle and ARB staff and they seem to acknowledge that rural areas will not make much difference in the overall goal and are receptive to rural exemptions or less stringent requirements. The ESJPA needs input on what can be done realistically with member resources. Mary proposed a proactive approach to look at what can be accomplished. CalRecycle is aware of the limitations of meeting the compliance requirements by the deadline. Jim McHargue mentioned the idea of a menu of programs to implement as sufficient efforts and provided some suggestions. A number of members provided additional examples of feasible concepts.
- Beverage Container Recycling Program Processing Payment Emergency Rulemaking – The packet contains the emergency rulemaking to change the rate temporarily. The rule was signed.
- SB 458 Beverage Container Pilot Projects- Mary Pitto mentioned this new program and that - George Donkar from CalRecycle would provide some information on the proposed program for three-year pilot programs. Input and support is needed for this program. Additional handouts were provided. George provided more details on the program that is intended to help with the lack of beverage container collection due to the facility closures. There is also a rural required program option.

C. Extended Producer Responsibility

- California Product Stewardship Council Update- Heidi Sanborn, Executive Director CPSC, provided information on a number of programs they are involved with including representation on the different advisory committees. CPSC is also promoting consideration of rural areas in programs. There is a major concern with lithium batteries causing fires in facilities. There is a lack of data on the number of fires and the cost of damage caused by these fires. There have been reports of cancer causing chemicals in carpets.
- Carpet America Recovery Effort (CARE) Update- Lisa Mekis- Not in Attendance
- PaintCare Update-Daria Kent- Not in Attendance

- Mattress Recycling Council Update-Liz Wagner reported – Attended CSAC Meeting Recology’s contract has been signed and will add more collection including in Oroville. MRC has met with CSAC about illegal dumping efforts involving mattresses. Liz on leave 2-1/2 months? Justin Fallon will be assisting with MRC efforts during this time.

D. Grant Program Update - Larry Sweetser reported

- Jurisdictions should have been notified of approval for new OPP funds. Tire amnesty funds are in process. The ESJPA did submit a USDA grant application that will include hazardous waste trainings for the counties as well as the “Rural Survival Guide for Organics Management”. This guide should assist members with SB q383 compliance. Copies of the old Rural Survival Guide for Universal Waste Management are still available. Rural areas can use this grant program for other solid waste studies. Applications are due 12/31/17

E. Highlights September/October CalRecycle Meetings Larry Sweetser reported

- Most information was already covered.
- The recent CalRecycle report on disposal reporting submittal status only one ESJPA member had not submitted their information by the deadline.
- CalRecycle completed their annual determination to require Net Cost Reports.
- Tuolumne County’s five-year review was sent for approval. Plumas County is due 1/18. Mariposa, Siskiyou & Tehama 5/18, Lake 12/18

F. Other Regulatory Announcements/Issues of Interest

- Green Team San Joaquin-Refreshments with the Recyclers
- AB 245 Hazardous Waste Enforcement Fines
- CalRecycle E-Waste Updates
- Cal EPA CUPA Newsletters

VIII. Agenda Suggestions, Member County Presentation Volunteer, Workshop Topics for Next ESJPA Board Meeting Scheduled Thursday March 15, 2018

Ted Ward of Del Norte County Volunteered to present at the March 15, 2018 Board Meeting.

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

X. Resolutions of Appreciation

A Resolution of appreciation was presented to John Kolb, Plumas County.

X. Adjournment- was called at 12:23 PM

Respectfully submitted,
Julie Lunn, Office Coordinator

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



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

CHAIR – MICHAEL KOBSEFF, SISKIYOU COUNTY
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TECHNICAL ADVISORY GROUP (TAG)

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

MEMORANDUM

To: ESJPA Board of Directors
From: Mary Pitto
Program Director
Date: March 7, 2018
RE: Election of ESJPA and TAG Chair and Vice Chair

The ESJPA Joint Exercise of Powers Agreement specifies that the Board shall elect its Chair and Vice Chair “from among its properly designate Delegates... who shall serve a term of one year or until their respective successor is elected.” Our current Chair is Michael Kobseff, Siskiyou County, and the Vice Chair is Michael Ranalli, El Dorado County.

In December of each year, the RCRC Board elects its Officers and makes a recommendation for the Chair and Vice Chair to the ESJPA for consideration. At their December Board meeting, the RCRC Board recommended Michael Kobseff, Siskiyou County, as Chair of the ESJPA and Michael Ranalli, El Dorado County, as Vice Chair of the ESJPA.

In addition, each year the ESJPA Board elects a Technical Advisory Group (TAG) Chair and Vice Chair. The TAG is comprised of the Delegate’s staff Alternates that may act on behalf of the Delegates in their absence. Our current Chair is Jim McHargue, Amador County, and the Vice Chair is Rachel Ross, Tehama County.

Staff Recommendations:

Staff recommends the Board of Directors take action to:

1. Elect the 2018 ESJPA Chair/Vice Chair.
2. Appoint the 2018 TAG Chair/Vice Chair.

County	Delegate	Alternate	2nd Alternate
Alpine	David Griffith	Terry Woodrow	
Amador	Lynn Morgan	Jim McHargue	Brian Oneto
Butte	Doug Teeter	Eric Miller	
Calaveras	Jack Garamendi	Gary Tofanelli	Jeff Crovitz John O'Leary Natalie Sauerland
Colusa	Denise Carter	Michael Azevedo	
Del Norte	Gerry Hemmingsen	Tedd Ward	
El Dorado	Michael Ranalli	Greg Stanton	Barbara Houghton
Glenn	John Viegas	Leigh McDaniel	Mohammad Qureshi
Imperial	Michael Kelley	John Renison	John Gay
Inyo	Matt Kingsley	Rick Benson	
Lake			
Lassen	Aaron Albaugh	Tom Valentino	Paula Wesch
Madera	David Rogers	Ahmad Alkhayyat	Lorenzo Nadora
Mariposa	Kevin Cann	Mike Healy	Todd Storti
Modoc	Geri Byrne	Kathie Rhoads	Chester Robertson
Mono	Stacy Corless	John Peters	Justin Naider
Nevada	Dan Miller	Ed Scofield	
Plumas	Kevin Goss	Robert Perreault	Michael Sanchez
Shasta	Les Baugh	Pat Minturn	
Sierra	Lee Adams	Peter Huebner	Tim Beals
Siskiyou	Michael Kobseff	Ulysses McKeown	Arthur Boyd
Tehama	Bob Williams	Rachel Ross	
Trinity	John Fenley	Diane Rader	
Tuolumne	Randy Hanvelt	Sherri Brennan	

Agenda Item VII

SOLID WASTE REGULATORY UPDATES



CHAIR – MICHAEL KOBSEFF, SISKIYOU COUNTY
VICE CHAIR – MICHAEL RANALLI, EL DORADO 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

MEMORANDUM

To: ESJPA Board of Directors

From: Mary Pitto, Program Manager

Date: March 7, 2018

RE: SB 1383 Organics Regulations

Senate Bill 1383 (Lara) was enacted last year to be the vehicle to address methane emission reduction goals of the Short-Lived Climate Pollutants (SLCPs) to 2030. SB 1383 requires the ARB, no later than January 1, 2018, to approve and begin implementing a comprehensive strategy to reduce emissions of SLCPs to achieve a reduction in methane by 40%, hydrofluorocarbon gases by 40%, and anthropogenic black carbon by 50% below 2013 levels by 2030.

SB 1383 established specified targets for reducing organic waste in landfills consistent with Assembly Bill 1826 (Chesbro, 2014), the mandatory commercial organics diversion bill requiring 50 percent diversion of organics from landfills by 2020, and 75% by 2025. SB 1383 also requires CalRecycle in consultation with the ARB, to adopt regulations to meet the specified organic waste reduction goals, however not to take effect until on or after January 1, 2022. CalRecycle initiated the informal process of development of the regulations in the February 2017. The concepts and strategies include organic waste collection services, infrastructure capacity and planning, edible food recovery, reporting, compliance and enforcement, and market development. ESJPA staff have been engaging our members by having CalRecycle staff conduct presentations and discussions at the ESJPA Board of Directors meetings.

CalRecycle released the first informal draft of the proposed SB 1383 regulations on October 25, 2017 and held two workshops, with comments requested by November 15, 2017. The initial draft is overreaching, unattainable, and cost prohibitive. Basically, the regulations require all generators, including residential, to source separate and send organic waste to a processing facility. The regulations also require jurisdictions/haulers to conduct inspections, report, and enforce the requirements. The regulations do not take effect until 2022, and fines cannot be imposed until 2024, however, the organic infrastructure necessary to handle all the diverted organic waste will not be able to be built in the short time frame.

ESJPA staff prepared extensive comments on the proposal (attached), emphasizing the need for the considerations of rural areas. RCRC staff also continues to work with other public and private industry organizations, the solid waste industry group (SWIG), on coordinating efforts to develop feasible regulations and played a key role in the preparation of an industry letter (also attached).

Staff has participated in numerous meetings with various industry stakeholders. Recently, the SWIG met with CalRecycle staff for an open discussion of the SWIG letter. While no specific language proposals were forthcoming from CalRecycle, they did indicate acceptance to many of our concepts. Most significant for our members, CalRecycle stated that there will be a delay in implementation for rural counties, but rural areas of more urban counties are also being considered. Other key issues being addressed are the definitions of organic waste and beneficial use of green waste at landfills, and consideration of “substantial effort, instead of “good faith effort.”

Release of the second informal draft regulations is anticipated April 2nd or 3rd, prior to the workshop scheduled for April 4th. There will be a short public comment period with only minor changes expected before the release of the formal rulemaking process, which is planned for June/July. Any significant changes would then be incorporated into the second formal draft of the regulations. CalRecycle expects adoption of the regulations in late 2018 or early 2019. While the regulations will not take effect until 2022, adopting them early will provide regulated entities time to plan and implement any necessary budgetary, contractual, and other program changes.

The proposed regulations can be accessed here:
http://www.rcrcnet.org/sites/default/files/useruploads/Resources/ESJPA/2017_18_Letters/SB_1383_Draft_Regulatory_Text_10.24.pdf.

RCRC will continue to actively participate in the rulemaking process.

Attachments

- ESJAP Comments on Senate Bill 1383 Proposed Regulation dated November 15, 2017
- SWIG Comments on Senate Bill 1383 Proposed Regulation dated January 15, 2018

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

November 15, 2017

Mr. Hank Brady
Senate Bill 1383 Manager
California Department of Resources
Recycling and Recovery
1001 I Street
Sacramento, CA 95814

Transmittal Via E-mail: SLCP.Organics@calrecycle.ca.gov

RE: Comments on Senate Bill 1383 Proposed Regulation

Dear Mr. Brady:

The Rural Counties' Environmental Services Joint Powers Authority (ESJPA), consisting of twenty-three rural counties, exists to assist member counties in their efforts to comply with State and Federal solid waste requirements. We appreciate the opportunity to provide input into the development of Senate Bill 1383 (Lara, 2016) regulations for organics diversion from our landfills. Our counties' solid waste managers are dedicated to providing meaningful, environmentally-conscious, and cost-effective solid waste services to their residents and businesses.

The ESJPA counties contain only 3.8 percent of the state's population and contribute only 4.2 percent to California's solid waste disposal tonnage. These counties contain nearly 32 percent of California's square miles. The average population density of the ESJPA member counties is 34 persons per square mile, with nine counties having less than ten persons per square mile. Most of the population in each county is concentrated within a few population areas. In contrast, the state's average population density is 240 persons per square mile with the major populous areas having population densities of over 5,000 persons per square mile. The economies of scale are vastly different and often prohibitive for rural California compared to the urban areas.

The ESJPA has appreciated CalRecycle conducting the public workshops and presentations to the ESJPA Board of Directors soliciting input for drafting the organics regulations and would like to offer some thoughts and comments related to the proposed regulations. First, we believe that the task before us all is unachievable within the time frames provided in Assembly Bill 1826 (Chesbro, 2014) Mandatory Commercial Organics Recycling, SB 1383, and the Air Resources Board (ARB) March 2017 Short-Lived Climate Pollutant Reduction Strategy. That is not to say we should not begin to work towards its implementation. We also believe that rural counties are partners in working towards

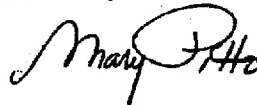
achieving the state's goals. But we must be mindful of proposals that do not result in unintended negative consequences.

We summarize some very general concerns below and provide detailed comments in the attachment. The central premise to our concern is that a vast majority of rural California cannot economically (and in many cases practically) meet the same level of service for organics diversion as urban California. The ESJPA recommends that the regulation be tiered based upon population density, travel distances, and infrastructure capacity. The following highlights our general concerns with the proposed regulations:

- The disposal definition excessively includes all beneficial reuse at landfills as disposal.
- Rural areas need more flexibility to meet the requirements of these regulations due to the small amount of solid waste generated and minimal greenhouse gas impact, low population density, and lack of easily accessible organics facilities.
- Rural residents predominately self-haul their own wastes and it is not feasible to have residents meet the extensive compliance and reporting requirements of the proposed regulations.
- There are currently insufficient existing organic processing facilities in the state to handle the amount of organics to be diverted. The proposed requirements need to allow sufficient flexibility for jurisdictions making a reasonable, but unsuccessful, effort.
- The ESJPA believes the "good faith effort" provisions are imperative to compliance with the SB 1383 regulations being developed and have proven successful in determining compliance with the Integrated Waste Management Plan. It is the responsibility of the jurisdiction to document their compliance efforts, including those that are unsuccessful efforts.
- A significant generator of organic waste in rural areas are state and federal agencies. The proposed regulations should clarify that compliance, inspection, and enforcement provisions also cover State Entities and how the state will engage federal cooperation.
- The reporting and enforcement requirements are excessive and need to be streamlined and coordinated between local jurisdictions and contractors.

Thank you for the opportunity to provide input into the regulatory process, and we look forward to continue working with CalRecycle on viable organics programs for rural communities. If you have any questions, please contact me at mpitto@rcrcnet.org or (916) 447-4806.

Sincerely,



MARY PITTO
Regulatory Affairs Advocate

ESJPA Specific Comments on SB 1383 Proposed Regulations

Article 1 Definitions

The comprehensive nature of this regulatory challenge incorporates many other regulatory requirements (e.g. mandatory organics, solid waste permitting, proposed AB 901 reporting). The mandates the need for the proposed SB 1383 regulations to use consistent definitions. In addition, a number of terms utilized in the proposed SB 1383 regulations lack definitions in this proposal or in existing regulations, and there are definitions included here that are not used in the proposed regulations.

Definitions that need clarification include:

(6) "County Health Director" has the same meaning as in section 113774 of the Health and Safety Code.

This term is not used in the proposed regulations and should be removed. In addition, Section 113774 defines "Enforcement Officer" not "County Health Director."

(12) "Contamination", or "contaminants" means human-made inert material contained within organics including, but not limited to, glass, metal, and plastic.

This definition is too restrictive by limiting contamination to human-made inert material. As used in Section xxx30.15 Contamination of Source-Separated Organic Waste, this definition would not allow for non-inert human made contamination in an organics waste container. For example, a container with manure laced textiles would not be acceptable at a textile manufacturer but would not be considered contaminated with this definition.

(21) "Food Handler" has the same meaning as in section 113790 of the Health and Safety Code,

This term is not used in the proposed regulations and should be removed.

(22) "Food Processing Establishment" has the same meaning as in section 111955 of the Health and Safety Code.

This term is not used in the proposed regulations and should be removed. The referenced Health and Safety Code Section 111955 excludes restaurants and cottage food operations.

(30) "Large Commercial Edible Food Generator" & (33) "Medium Commercial Edible Food Generator"

One criteria for both of these terms is the number of employees. Many food facilities use part-time staff. It would be most appropriate to clarify that the number is based upon full-time employee equivalents. An alternative criteria might be use of annual gross sales

similar to that used for the definition of supermarkets or under the beverage container facility requirements.

(31) Large Event and (32) Large Venue

To maintain consistency with current statute, these definitions should revert to the ones in PRC Section 42648. There is no benefit to the minor modifications in these definitions.

(34) "Mixed waste organics collection service" means a waste collection service that collects organic waste with other solid waste in a mixed waste collection container or a disposal container and sends the material to a high diversion mixed waste processing facility that recovers the organic waste at the level specified in xxx30.2.

Section xxx30.2 does not specify recovery levels. It does reference transport of mixed waste organics to the undefined "high diversion facility" complying with section 17409.5.1. Section 17409.5.1. is for "Organics Diversion at Mixed Waste Processing Facilities" but does not reference what "high diversion" means.

The term "Mixed Waste Organic Collection Service" is defined a little different later in section 17402 (19.5) as "Mixed Waste Organic Collection Service" means a collection service that is provided to a generator pursuant to section xxx30.2.

(35) "Mixed waste organics container" indicates "a container that is intended for the collection of solid waste including organic waste that will be are separated at a high diversion mixed waste facility".

Both (34) "Mixed waste organics collection service" and (35) "Mixed waste organics container" should, and do not clearly, indicate management of organic wastes with other solid waste that are not sent for separation at a high diversion mixed waste processing facility. Some of these mixed waste containers may be sent for transfer or disposal.

(37) "Organic Waste" means solid wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food waste, green waste, landscape and pruning waste, applicable textiles and carpets, wood, lumber, fiber, manure, biosolids, digestate and sludges.

This definition is extremely broader than the Mandatory Commercial Organics Recycling definition of "Organic waste" in PRC Section 42649.8 which is:

"Organic waste" means food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste.

Jurisdictions have devoted significant resources to the compliance with the Mandatory Commercial Organics Recycling requirements. It is not clear how a jurisdiction is expected to transition from this existing program.

(39) Organics waste generator” means a person or entity that is responsible for the initial creation of organic waste.

This definition covers every possible generator, even an individual household, and would consider all generators to be a “regulated entity” under Section xxx10.2.

This is excessive for rural jurisdiction or areas without curbside service.

(49) “Self-hauler” means a person who hauls solid waste, organics or recyclable material they have generated to another person. Self-hauler also includes a person who back-hauls waste.

This definition covers every person hauling their own solid waste, organics or recyclable material. As used in Section xxx60.2, Self-haulers would be required to source-separate organics, keep records of the amount of organics wastes delivered which are subject to inspection by the local enforcement agency, and report annually to the jurisdiction. Expecting each resident to comply with these procedures is excessive and the cost impact to jurisdictions is not realistic.

Under the proposed AB 901 regulations, self-haul waste is not tracked individually by the receiving facility. These regulations should establish a larger threshold for compliance such as the 12 or more cubic yards limit used for food waste self-haulers. This definition should refer to the proposed AB 901 term.

(52) “State Entity” means an entity that is an organic waste generator but is not subject to the control of city or count regulations related to solid waste. These entities include but are not limited to special districts, school districts, community college districts, public universities, and all state agencies.

Independent special districts are local agencies, not state agencies.

(53) “Supermarket” means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items.

This definition would not include online retailers that only offer home-delivery of these items since these entities are not self-service. The following change is recommended

(53) "Supermarket" means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items.

Additional Definitions Needed

There are a number of terms used in the proposed regulations that do not have definitions but ones should be developed to provide clarity. These definitions including the following:

- "Generator"
- "High Diversion Facility"
- "High Diversion Mixed Waste Processing Facility."
- Local Enforcement Agency should also include Enforcement Agency for cases where CalRecycle functions as the Local Enforcement Agency.
- Metabolic waste products

Article 2 Landfill Disposal and Reductions in Landfill Disposal

General Comments

- The Article Title should use consistent punctuation. The following change is recommended:

Article 2 Landfill Disposal Aand Reductions in Landfill dDisposal

- Definitions in this article should be included in Article 1.

Section xxxx20.1 (a)

This proposed language excessively includes all beneficial reuse at landfills as disposal. This proposal is also inconsistent with current statute. Section 41781.3 (a)(1) indicates that beneficial reuse, except green material as alternative daily cover under some circumstances, is not considered disposal. There are many other uses of organic waste at landfills that provide legitimate uses and benefits such as slope stability and landscaping. If the same organic waste is processed offsite and then delivered as a material to the landfill for the same use, this would not count as disposal; therefore, son-site generation should not be considered disposal.

Section xxxx20.1 (b) (3) An "In-vessel Digestion Operation of Facility" as defined in section 17896.2(a)(14)

This specific definition is not defined in the referenced section. There are several similar terms used in the existing regulations. There are a number of references in this section for

in-vessel including "Dairy", "Distribution Center", "Digester", "Large Volume", "Limited Volume", "Medium". Is this definition intended to refer to all of the above types?

There are other uses of the term in other sections including the following:

Section 17852 (a) (41) "Within-vessel Composting Process" means an aerobic process in which compostable material is enclosed in a drum, silo, bin, tunnel, reactor, or other container for the purpose of producing compost, maintained under uniform conditions of temperature and moisture where air-borne emissions are controlled.

Is the proposed definition intended to include "Within-vessel Composting Process" activities also?

Section xxxx20.2 Verification of Technologies That Constitute a Reduction in Landfill Disposal

Section (a)(1) limits approval of "operations" to those where "methane emission reductions are equivalent to, or greater than those which are assumed from a composting operation in the California Air Resources Board (CARB) adopted Short-Lived Pollutant Reduction Strategy (March 2017)". Given the lack of available facilities that will be available by the effective date of these proposed regulations, imposing this threshold will severely limit development of activities that could provide some benefit.

In addition, the term "operation" has specific definitions in the permitting regulations that are distinct from a "facility". This term should be changed to "activities" to avoid confusion.

Section (a)(2) lists the information needed from an applicant to demonstrate reduction in landfill disposal including "calculations, assumptions, or emission factors". This section should reference what approved formulas and procedures are acceptable for these concepts.

Article 3 Mandatory Organic Waste Collection

Section xxxx30 Collection of Organic Waste

Nineteen low-population counties of California have been granted an exemption to the requirements of Assembly Bill 1826 (Chesbro, 2014), Mandatory Commercial Organics Recycling (MORe), until 2020 when the program will be reevaluated. This exemption recognized the unique needs of rural areas and the limited impact of rural programs on the statewide numbers. ESJPA requests that these same 19 counties, which collectively

represent 2 percent of the state's solid waste¹, be granted an exemption to the requirements of these proposed regulations until 2025 or five years following initiation of the MORE programs in these counties. If the extension ends in 2020, the counties will need additional time to phase in the MORE requirements and the additional mandates from these regulations. We propose the following be added to section xxxx30:

- (a) *Except as provided in section xxxx30.b, every jurisdiction shall be responsible for the collection and recycling of organic waste generated within the territory subject to its authority in a manner that complies with the requirements of this chapter.*
- (b) *Low population counties that were granted the exemption provided in section 42649.82 of the Public Resources Code (PRC) are exempted from the requirements of this chapter until 2025 or five years following the initiation of the requirements of PRC Chapter 12.9.*

It is economically infeasible for these counties to be mandated to participate in an organics collection program. And it would be difficult to justify the state spending any of their valuable resources ensuring compliance within one-third of the state's counties for such a small fraction of the waste stream. There are other rural jurisdictions that should also be considered for the exemption. In addition to the 19 above mentioned counties, there are an additional five counties without any urban areas (cities of 50,000 or greater), as defined by the US Census. These counties should be included in the exemption as well.

Section xxxx30.1 Source-separated Organic Waste Collection Service

This section requires jurisdictions to provide source-separated organic waste collection to every generator, except for jurisdictions that have mixed waste organic collection services that meet certain criteria. However, section xxxx30.3 provides for waivers in certain situations. Therefore, ESJPA recommends xxxx30.3 be added to xxxx30.1 (a) as follows:

- (a) Except as provided in sections xxxx30.2 and 30.3 a jurisdiction shall provide a source-separated collection service that complies with the following:

Section xxxx30.1 (a)(2)(C) states that disposal containers shall only be intended for non-organic wastes and shall not be used for the collection of organic waste. And section xxxx30.1(b) requires jurisdictions to require generators to comply with the Article 5, including placing materials in proper bins. This appears to constitute an outright ban of organic wastes, when the goal of SB 1383 is 50 percent by 2020 and 75 percent by 2025. We recommend the following change to section xxxx30.1 (a)(2)(C):

¹ This figure has increased from 1.4 percent in 2012, the year used when AB 1826 was approved, due to the Lake and Calaveras counties 2016 fire debris clean-up.

(C) The disposal container shall ~~only be intended for the collection of non-organic solid wastes and shall not be used for the collection of organic waste.~~

Section xxx30.1 (a)(2) requires every generator to be provide a container or containers for organic waste. Since many rural areas do not have curbside service or any solid wastes, mandating an individual to be provided a container with no collection service is not possible. This requirement should be allowed to be met by providing community drop-off locations instead of individual containers. These drop-offs could be at solid waste facilities or operations or other locations. Paragraph (a)(2)(D) should be added that states:

(D) In lieu of separate containers for each generator, drop-off locations can be established for organic wastes.

The proposed explicit labeling requirements for containers in section xxx30.1 (a)(3) are too prescriptive. Many jurisdictions have already implemented container label requirements for their programs at significant expense. This prescriptive list also limits a jurisdiction's efforts if a once prohibited material is added to their program, new labels would need to be prepared and installed at significant expense. Stick-on labels also have limited life on a container exposed to weather. Under this proposal, missing labels would be a violation.

The waste container labeling requirements of xxx30.1 (a)(3)(D) allows for a jurisdiction or hauler to use educational material provided by CalRecycle to comply with the labelling requirements. This provision is useful provided the types of materials can be tailored to the jurisdiction's ability to recycle certain materials.

ESJPA recommends the following be added to section xxx30.1 (a)(3)(D):

(D) A jurisdiction or hauler may use educational material provided by CalRecycle, *as appropriate to the jurisdiction*, to comply with the labelling requirements of (A)-(C) of Paragraph (3).

Section xxx30.15 Contamination of Source-Separated Organic Waste

Paragraph (b) allows a hauler to refuse to collect the container or may dispose of a container that has contamination of greater than 10 percent. If the container is not picked up, what is expected to happen to the container? Is the generator expected to sort through it and leave it until the next pick-up? Does this violate section 17331 Frequency of Refuse Removal?

In addition, a hauler performing a random check is unable to quantify the extent of the contamination since the entire load cannot be reviewed at the curb. They can only identify contamination in the top of the load. Significant contamination can exist at the bottom of the container. Significantly contaminated waste in the container is allowed to be disposed of as solid waste. The container itself does not need to be disposed of as waste.

The following change is recommended:

(b) A hauler, who, in the course of his or her duties, or during a random check for contamination, notices or identifies contamination of ~~greater than 10 percent~~ in an organics container may refuse to collect the container, or may dispose of the *waste in the container*.

Paragraph (b)(3) requires a jurisdiction to implement certain measures when notified by a hauler or solid waste facility operator of contaminated material. There should be an allowance for reviewing and investigating the notification rather than automatically targeting each reported generator. In addition, if a notice is to be placed on a container that would likely be conducted by the hauler and not the jurisdiction. The targeted education of a generator is best performed immediately by the hauler at the time of detection. Many haulers currently utilize tags or notices to the customer of many issues (overweight, contamination). Similarly, solid waste facility operators detecting contamination in a load should notify the hauler as well as the jurisdiction. The hauler should be required to notify the jurisdiction of the measures the hauler has taken to correct the problem.

Section xxx30.2 Mixed Waste Organic Collection Services

Paragraph (a)(2) prohibits the transport of mixed organics collection containers to any other facility than a high diversion facility. This requirement is overly restrictive since it does not account for transfer of small loads of mixed organics at a transfer station to larger loads of mixed organics.

This section should be changed as follows:

(b) A jurisdiction, or the hauler acting on behalf of a jurisdiction, shall not transport mixed organics solid waste to facilities, *or operations*, that are not High Diversion Mixed Waste Processing Facilities, *except for locations where the mixed organics are consolidated for transfer to High Diversion Mixed Waste Processing Facilities*.

As proposed in paragraph (c), after January 1, 2022 if a Mixed Waste Processing Facility (MWPF) does not meet the specified requirements for a high diversion facility "at any time", the jurisdiction is required to begin implementing a source-separated collection service within a year and a half of the due date of an implementation schedule. Operators of a MWPF should have the option to make operational improvements to the facilities that have been already heavily invested in and have the same year and a half to demonstrate compliance. In addition, there should be an allowance to find another High Diversion Mixed Waste Processing Facility rather than mandate a switch to a source-separated program that requires significant cost to change an existing system. Many High Diversion Mixed Waste Processing Facilities will be utilized by multiple jurisdictions. The failure to meet

requirements by the High Diversion Mixed Waste Processing Facility may not be related to the jurisdiction's mixed organics. The ESJPA suggests the following amendment:

(c) If the mixed waste organic collection service provided by the jurisdiction does not meet the requirements of (a) and (b) at any time after January 1, 2022 the jurisdiction shall begin implementing a source-separated collection service, work with the High Diversion Mixed Waste Processing Facility on compliance, or contract with a different High Diversion Mixed Waste Processing Facility, within a year and half of the due date of an implementation schedule.

Section xxx30.3 Waivers

Because most counties have rural areas that are similarly constrained as the 19 low-population counties in the MORE, those areas of the counties should be considered for a separate tier of compliance. It is economically infeasible to collect organics from residential development in these areas due to the low density and travel distances. For those counties that are subject to MORE, the effects of small geographic size, low-population density, the availability, or lack thereof, of sufficient organic waste processing infrastructure, organic waste recycling facilities and other nondisposal opportunities and markets needs to be considered during a jurisdiction's performance review. These same considerations for compliance will be necessary in the SB 1383 regulations.

In many rural areas, there is not mandatory or even voluntary curbside recycling programs. Self-hauling waste and recyclables to drop-off locations is a common practice. These rural areas that are distant to urban areas could be responsible for developing and implementing organics diversion programs to reduce the amount going to landfills from a suite of programs that are suitable for the jurisdiction, such as education and outreach, food rescue programs, and encouraging backyard and small-scale community composting.

ESJPA recommends adding a waiver to section xxx30.3 (4) to accommodate more encompassing areas of the counties appropriate for reduced organics diversion requirements as follows:

Section xxx30.3 Waivers *and Reduced Levels of Requirements*

- (4) *Rural Waiver. A jurisdiction may waive or reduce levels of requirements in areas of the counties due to small geographic size; low-population density; the lack of sufficient organic waste processing infrastructure, organic waste recycling facilities, and other nondisposal opportunities and markets within a reasonable distance. The jurisdiction shall specify a date at which time the waiver will be reevaluated.*

The mechanics to divert organics from landfills is only part of the problem. Building the necessary infrastructure needed to process the organics once diverted will be challenging

not only financially, but due to the constraints of the state and local permitting process. CalRecycle estimated it will require an additional 100 new or expanded facilities to process the diverted organics from AB 1826. Since 2014, only seven new or expanded facilities have been permitted.

The local land use permitting process involves the public. Organic processing facilities are considered undesirable land uses and are very difficult to site due to the public participation. In addition, if a project can make it through the local permitting process, there are still the permit requirements from the State Water Board and local air permits, which make approving a new facility difficult and costly. To get through the permitting process for compost or anaerobic facilities generally takes five to ten years. Quite frankly, it is unrealistic to believe that 93 or even 50 new facilities can be built within the next two years given the challenges of the permitting process.

We also recommend that even in the urban areas there be a distance requirement and access to a processing facility requirement before a jurisdiction is mandated to collect organics for processing. Once a facility is located within the acceptable distance and the jurisdiction is capable of securing access to the facility, the jurisdiction could then be required to use the facility. An additional waiver should be added as follows:

(5) Facility Access Waiver. A jurisdiction may temporarily waive some or all the requirements that apply to a generator, if the generator provides documentation satisfactory to the jurisdiction that there is not organic facility processing capacity economically feasible available.

Article 5 Generators of Organic

Section xxxx50.1 Organic Waste Generator

Section xxxx50.1 (d) allows generators that subscribe to source-separated organics recycling service to have collection once every fourteen days, provided the Local Enforcement Agency (LEA) agrees that greater than a seven day pick up will not result in a public health and safety, or nuisance issue. It is the organic waste, particularly the food waste, that generally causes the public health and safety or nuisance concerns. What criteria will be used for the LEA determination?

This section should clearly allow for generator compliance with the proposed waivers. A new provision should be added as follows:

(a)(3) compliance with the waiver process in xxxx30.3

Section xxxx50.4 State Entities and State Facilities

This section should be expanded to include specific provisions for separate containers, contamination, labelling, education and outreach, food recovery, reporting, and enforcement upon the state entities and facilities.

Local jurisdictions do not have direct oversight of many generators and stakeholders. The state should take direct responsibility for those state and federal agencies located within a jurisdiction, such as state prisons and school facilities, federal parks and forests, and tribal lands. These are significant generators of food waste, especially in rural counties, that the local jurisdiction has no control but significantly impact jurisdiction waste generation and disposal.

Nearly 60 percent of the ESJPA rural counties' land is owned by the federal government and member counties have limited control over the waste management activities. Alpine and Inyo counties contain 92 percent federally owned lands and Mono County has 86 percent federal ownership. Yosemite National Park had over 5.2 million visitors in 2016 which is equivalent to 78.5 percent full time residents of Mariposa's population. Most of the solid waste generated from these forest and parks are attributed to the counties. There are also 24 casinos located in 14 ESJPA rural counties. Food wastes and other solid wastes generated at these casinos are typically disposed of within that county. Given these challenges, how will a local jurisdiction meet the requirements of section xxx30.15 and other requirements when the generator is a state or federal agency? Rural agencies cannot impose recycling mandates on these federal and tribal facilities despite the significant impact on waste generation. Jurisdiction's should not be penalized for s state or federal agencies non-compliance.

Rural areas are also severely impacted by wildfires and the associated debris which is often managed by state or federal agencies. A consequence of these fire debris clean-ups is the generation of organic waste, especially edible food, from the fire camps. These fire camps direct significant amounts of edible food to disposal and not diversion. One requirement of these regulations should require fire camps and their associated state and federal agencies to work with local edible food organizations to divert edible food for use rather than disposal.

It is our recommendation to add another section to include requirements on the Department to deal with the federal and tribal facilities that outlines the required measures preferably in compliance with or comparable to local jurisdiction requirements:

Section xxx50.5 Federal and Tribal Facilities

Article 6 Regulations of Haulers

Section xxx60.2 Self-haulers of Organic Waste

In section xxxx50.1 (f), a generator that subscribes to source-separated organics recycling service may have collection once every fourteen days, provided the LEA agrees that greater than a seven day pick up will not result in a public health and safety, or nuisance issue. However, in section xxxx60.2 (b) (3) self-haulers are subjected to the provisions of section 17331, which is seven days. And section (5) of this paragraph provides that if a self-hauler only generates enough to haul once a month, the generator is not subject to comply with source separation of organics at all. If the organic waste must be stored for no more than seven days how can these other provisions work?

The provisions in sections xxxx60.2 (b)(4) and (5) for record keeping and reporting do not seem appropriate for residential generators that self-haul. If the residential generator has a facility that accepts residential organics, the quantities do not warrant the extra time and effort providing receipts and weight tickets by the facility, nor is it likely the generator would keep them. Facilities and operations without scales will not issue weight tags. In addition, for areas that do not have curbside pickup, the resources necessary to comply are not justified to the jurisdiction.

Under the proposed AB 901 regulations, haulers would be reporting directly to the facility and to CalRecycle. Requiring self-haul generators of organic waste to also report to the jurisdiction seems contradictory to the proposed AB 901 regulations.

Article 7 Green Building Standards

Section xxxx70.1 CAL Green Building Code

Local jurisdictions are already required to adopt and require compliance with the entire California Green Building Standards Code (CALGreen), including sections 4.410.2 and 5.410.1 and 4.408 and 5.408. If this is intended to clarify CalRecycle has the authority of enforcement of these standards upon a jurisdiction, the local enforcement authority is the Building Department, not the Solid Waste Management authority. CalRecycle staff should therefore work directly with the Building Departments, as the solid waste staff has no authority over other departments, much like CalRecycle has no authority over the Air Resources Board or State Water Resources Control Board.

Article 8 Restrictions on Locally Adopted Standards and Policies

Section xxxx80.1 Organic Waste Recycling Standards and Policies

Section xxxx80.1 (c) prohibits a jurisdiction from restricting a facility to accepting organic waste based upon the geographical origin of the waste. Current statutory restrictions (PRC Section 40059.3) limits this restriction to privately owned facilities, but not publicly owned facilities. Often times during the local environmental permitting process, it is the public that

insists on a facility be restricted to only the jurisdiction's waste and it becomes a condition of approval. ESJPA recommends section 80.1 (c) be deleted:

~~A jurisdiction shall not prevent a facility or activity from accepting organic waste solely based upon the geographical origin of the waste.~~

Instead, to encourage regional facilities that transcend jurisdictional boundaries, CalRecycle should develop a robust incentive program for jurisdictions.

Article 9 Food Generators and Food Recovery

Section xxx90.1 (b) requires an operator to arrange for food recovery services or food recovery organizations to collect all of the excess edible food. Finding services that will "collect all of the excess edible food that was not sold or served by the operator" and that are "capable of accepting every type of edible food", that also meets the health standards is an extensive undertaking beyond most operators. There should be some de minimis level of edible food amounts and types.

Paragraph (b)(2)(A) requires. "An operator shall arrange for ready-to-eat food that cannot be sold or served the next day to be collected each day the operator serves ready-to-eat food." Imposing a daily collection of food is not feasible for many organizations. An operator serving food prior to closing would need to make arrangements for collection of edible food late in the day at significant expense.

Article 9.9 Organic Waste Recycling Capacity Planning

Section xxx99.1 Planning by Cities and Counties

This section requires "every county, in cooperation with the Cities and Regional Agencies in the County" to prepare an estimate of organic wastes and capacity. Existing Public Resources Code Section 41821.4 that in the annual report "a county or regional agency" estimate the amount of organics and capacity. Since a Regional Agency prepares the annual report for its members, cities and county, the reporting proposed in Section xxx99.1 should continue to be conducted by the Regional Agency. Regional reporting is a primary activity of a Regional Agency. This entire section should be revised to reflect existing statute in Section 41821.4 and only add additional reporting requirements if needed to meet SB 1383 requirements.

The meaning of section xxx99.1 (a)(2)(B)(2) is unclear. One option to verify available capacity is to contact the facility to determine if capacity is available pursuant to (b)(2), which deals with estimating the amount of edible food that will be disposed by large and medium generators.

Section xxx99.1 (a)(4) requires jurisdictions to identify new and expanded facilities that will be available in 2025 and every year thereafter. A jurisdiction cannot predict or guarantee when a facility will become available. There are too many factors that are out of a jurisdiction's control to be able to comply with this requirement. Since there is an insufficient number of facilities to process all organic waste and there may not be existing facilities within a reasonable distance, at best, jurisdictions may only be able to provide information on efforts being made to locate viable facilities.

ESJPA recommends xxx99.1 (a)(4) be amended to read:

- (4) Provide information on efforts being made to locate viable new or expanded organic waste recycling capacity.

Sections (d) and (e) should be deleted. The only new requirement in xxx99.1(d) is the reference to the implementation schedule in (e) that requires jurisdictions to submit a report on how it will secure access to new or expanding capacity by 2025, including obtaining funding and securing capacity. As stated above, a jurisdiction cannot guarantee facilities being built to meet the goals of SB 1383; jurisdictions will only be able to provide information on efforts being made to locate viable facilities.

Article 10 Enforcement

Section xxx10.2 Definitions

These definitions should be relocated to Article 1 so that all definitions are in one place. And "regulated entity" should include state agencies in the definition:

- (1) "Regulated entity" means a person, including organics waste generators, haulers and facilities, including state agencies and facilities, subject to the requirements of this Chapter or subject to local ordinances or policies adopted pursuant to the Chapter.

Section xxx10.3 Jurisdiction Inspection and Enforcement Requirements

Paragraph (b)(3)(A) requires a jurisdiction to develop a plan to inspect every entity that generates organic wastes and not just those subject to PRC 42649.2 and 42649.81. Since every business and residence will generate organics waste, it is not feasible to expect a jurisdiction to inspect every single business and all residences in their area. Inspections should be limited to those businesses subject to PRC 42649.2 and 42649.81.

Section xxx10.5. Investigation of Complaints of Alleged Violators by a Jurisdiction

Since there are more complaints filed than most jurisdictions can deal with, many jurisdictions have adopted policies for code enforcement that are based upon their

resources and severity of the alleged violations. Depending upon many other forces that compete with staff resources, a thirty day investigation may not be reasonable. The time frame should be dependent upon a local jurisdiction's adopted inspection and enforcement plan.

Section xxx10.6. Enforcement by a Jurisdiction

This section outlines a jurisdiction's efforts for enforcement even if there is no viable option for a business or residents to divert organics. Paragraph (d) allows extensions to the compliance deadline. Once a jurisdiction determines that, despite its good faith efforts, viable infrastructure does not exist there should be no need to continue enforcement actions on other businesses.

Article 11 Enforcement Oversight by the Department

Section xxx11.2. Department Inspections and Audits of Regulated Entities and Jurisdictions

Section xxx11.2 (f) indicate that "an authorized Department employee or agent, shall be allowed to enter a regulated entity during normal working hours to conduct inspections and investigations, to examine organic recycling activities and records pertaining to the regulated entity to determine compliance with this chapter". Yet, paragraph (f)(1) indicates that this inspection and audit function by the Department "is not intended to permit an employee or agent of the department to enter a residential property." Since the proposed regulations include residential properties as regulated entities how will the verification of compliance be determined? Is the expectation that the jurisdiction will be conducting the inspections of residential property under Article 10?

As indicated in earlier comments, these proposed regulations, especially the enforcement provisions, should not apply to residents.

In addition, there should be a section on enforcement efforts by the Department on other state and federal agencies. The ESJPA proposes to include them in the definition of Regulated Entity in Section xxx10.2. Regardless if other state and federal agencies are not included as a "Regulated Entity", there should be enforcement provisions applied to state agencies. The only provisions currently included in the proposed regulations for a State Entity is for edible onsite food facilities in Section xxx90.1. State Entities contribute far more organic waste to a local jurisdiction than food waste, especially in rural areas. There should be additional compliance and inspection requirements similar to jurisdictions with enforcement provisions.

Section xxxx11.3. Actions by Department over Jurisdictions and Regulated Entities

Section xxxx11.3 (a)(3) gives the department authority to require a jurisdiction to demonstrate that it has sufficient staff and adequate budget resources for implementing the provisions of this Chapter. The proposed regulations are onerous and financially infeasible for rural jurisdictions to comply, especially when considering the amount of waste contributed to the state's overall tonnage. It is not reasonable to expect our local governments to commit scarce resources to comply with the proposed regulations for a De Minimis amount of waste compared to other more urgent needs.

Article 12. Penalties

Section xxxx12.2. Amount of Civil and Administrative Penalty Schedule

Paragraph (a) (1)(B) indicates that, "Separate penalties shall accrue for each separate violation and for each day of violation." There are no Base Tables included for Generators in xxx12.2 (b)(3), it is not possible to determine the magnitude of the penalties. Since Regulated Entity includes every person, including each resident, this penalty provision implies potential significant penalties "for each separate violation and for each day of violation". It is not appropriate for a jurisdiction, or the Department, to impose these magnitudes of penalties against residents. Residents should be excluded from these proposed penalty provisions unless a jurisdiction selects penalties as an option.

Paragraph (b) imposes various penalties but the Base Tables are missing.

Section xxxx12.3 Organics Recycling Noncompliance Inventory

This proposed section indicates that noncomplying regulated entities will be listed on CalRecycle's website inventory list and various timelines for notices. As indicated above, these measures are not realistic for residents and residents should be excluded from this measure.

Amendments to Existing Title 14 Regulations

Chapter 3. Minimum Standards for Solid Waste Handling and Disposal

Article 6.0. Transfer/Processing Operations and Facilities Regulatory Requirements

(6.1) "Hauler" has the same meaning as defined in section 18815.2 (a)(28) of Title 5 of the 22 California Code of Regulations (CCR).

This referenced regulation does not exist. There is a definition of Hauler in the proposed AB 901 regulations which is currently referenced as Title 14, Section 18815 (a)(28)

(28) "Hauler" means a person who collects solid waste, organics and/or recyclable material from a generator and delivers it to a reporting entity, end user, or a destination outside of the state. "Hauler" includes public contract haulers, private contract haulers, food waste self-haulers, and self-haulers. A person who transports material from a reporting entity to another person is a transporter not a hauler.

(18.5) "Organic Waste" and (18.6) "Source Separated Organic waste".

This section is too broad in that it implies that all the defined organics wastes can be mixed into a single container at the point of generation with future additional sorting sufficient enough for the separated wastes to be returned to the economic mainstream. There is no viable recycling system that will separate biosolids from textiles and carpet. Part of the education program will need to clarify what proper source segregation of organics is allowed. These definitions need to be tightened up to clearly indicate proper source segregation at the point of generation.

Article 6.3. Record Keeping Requirements

Section 17414. Record Keeping and Reporting Requirements

This proposed section (a) removes the reporting requirements for solid waste operations and facilities that are not involved in receiving mixed waste or source separated organics.

There are numerous references in paragraphs (a) and (b) for recording "weights and volumes". Tracking both units is excessive. In addition, many rural operators do not have weigh scales available and rely on volume conversions. These references should be changed to "weights or volumes". This proposed language should also not allow an EA to impose a requirement for weighing materials if that facility is not required to install a scale under the proposed AB 901 regulations.

Paragraph (c)(1) imposes a requirement for operators to report monthly to the jurisdiction of origin. Under the proposed AB 901 regulations, facilities reporting to jurisdictions has been removed. This paragraph also requires operators to report monthly to haulers. The proposed definition of hauler from the AB 901 regulations includes all self-haulers, including residents. This provision in (c)(1) would require operators to notify each resident monthly. This provision should be removed or at least limited to the AB 901 regulations reporting.

Chapter 3. Criteria for All Waste Management Units, Facilities, and Disposal Sites

Subchapter 4. Criteria for Landfills and Disposal Sites

Article 2: Alternative Daily Cover Material and Beneficial Reuse

§20700.5. CalRecycle—Long-Term Intermediate Cover.

This section indicates:

(a) Compacted earthen material at least 36 inches shall be placed on all surfaces of the fill where no additional solid waste will be deposited within 30 months to control methane emissions.

(b) For waste classification, composition, and liquid percolation requirements of intermediate cover, refer to the SWRCB requirements set forth in section 20705 of this article.

The allowance to temporarily cease operations for a portion of a landfill could be beneficial in some cases.

Currently, if a fill area reaches capacity or stops filling, intermediate cover of at least twelve inches of compacted earthen material is applied. Existing fill with intermediate cover is monitored for emission of landfill gas.

As written, this proposed standard required that 36 inches of compacted earthen material be placed if no solid waste is deposited within 30 months. This additional amount of material is excessive and costly endeavor. First, what is the basis for the additional two feet of earthen material will control methane emissions?

This proposed provision could also be interpreted to imply that when the time comes to close the fill area, the final cover will need to be placed upon the 36 inches of earthen material. Unless that long-term intermediate cover is allowed to be removed, the addition of the final cover, which can be four to five feet, could result in the landfill exceeding its maximum permitted height. Landfills are designed to use the maximum amount of air space and this additional 36 inches of earthen material will result in significant loss of capacity.

If some of that long-term intermediate cover is allowed to be removed, the additional cost is a significant expense that is not necessary.

The proposed requirement would require 36 inches of compacted earthen material to be placed on all surfaces of the fill. This would include side slopes. This could be a dangerous practice and may result in unstable side slopes.

Another excessive proposed requirement is that final cover has depth requirements for various materials that are required to be applied and then compacted. To ensure that the long-term intermediate cover meets the proposed standard more than 36 inches of earthen material will need to be applied resulting in additional excessive expense.

In addition, the term used through other CalRecycle regulations is "earthen" not "earthern" as proposed and should be corrected.

Article 3: CalRecycle—Enforcement Agency (EA) Requirements

§21660.2. Informational Meeting for New and Revised Full Solid Waste Facilities Permit Applications.

Paragraph (c) (3) requires multilingual notices be issued for the informational meetings. Shouldn't these notices follow the same five percent or more criteria in Section xxx40.1 for "limited English speaking household," or as "linguistically isolated" by the U.S Census Bureau."

Article 3.2. CalRecycle-Other Requirements

§21695. CalRecycle—Organic Disposal Reduction Status Impact Report

Imposing an additional reporting requirement for all disposal sites to prepare and submit at one time will require significant local and state resources for preparation and review.

It would be more productive if this report was incorporated into the next five-year review permit process already required for disposal sites under Section 21865 or similar to the staggered submittal of nonwater release corrective action cost estimates under Title 27, Section 22101.

In addition, a number of the listed impacts need to be revised or removed including:

(1) Site Development

There is no significant change to site development other than potential slower development.

(3) Daily and intermediate cover and beneficial use;

As indicated in earlier comments for Section Xxx20.1 (a), this requirement should consider green material use as directed in statute. Impacts for Daily and intermediate cover and beneficial use are already part of the required solid waste permit documents.

(4) Volumetric capacity based on the disposal site experiencing a reduction of organics disposal of 50% by 2020 and 75% by 2025;

The volumetric capacity of a disposal site will not change due to reduction in organics. The physical capacity will remain the same. The site life will increase due to decreased tonnage. However, the resulting change in site life or closure will likely trigger a CEQA review which cannot be completed in the proposed timeframe.

(5) Waste handling methods;

Waste handling methods do not really change due to reduction in organics.

(8) Operation and closure design (individual cells and overall site geometry);

The operation and closure design will not change due to a reduction in organics.

(9) Grading Plan;

The grading plan also will not change due to decrease organics in a disposal site.

(11) Ancillary facilities.

There is no change in ancillary operations due to a reduction in organics.

Paragraph (d) imposes a 120 days submittal requirement for the SIR. This short time frame will inundate the limited number of qualified registered civil engineer or certified engineering geologists with requests for preparation of SIRs.

Paragraph (e) imposes a 60-day limit for CalRecycle's review of SIR. Since there will be over 200 SIRs submitted, it will be difficult for CalRecycle to conduct a thorough review of these plans.

Paragraph (g) authorizes CalRecycle to require an updated JTD. What criteria will CalRecycle use to evaluate if an updated JTD is required?

Paragraph (h) requires the operator to submit an updated JTD. An updated JT cannot be submitted without CEQA review as indicated above especially if the closure date is extended to a reduction in organics wastes.

*Athens Services
California Refuse Recycling Council
California State Association of Counties
Inland Empire Disposal Association
League of California Cities
Los Angeles County Waste Management Association
Republic Services
Rural County Representatives of California
Sacramento County
Sanitation Districts of Los Angeles County
Solid Waste Association of Orange County
Urban Counties of California
Waste Connections Inc.*

January 15, 2018

Mr. Hank Brady
Senate Bill 1383 Manager
California Department of Resources
Recycling and Recovery
1001 I Street
Sacramento, CA 95814

Transmittal Via E-mail: SLCP.Organics@calrecycle.ca.gov

RE: Comments on Senate Bill 1383 Draft Proposed Regulations – Dated October 24, 2017

Dear Mr. Brady:

First, we want to offer our thanks for this opportunity to provide you with specific recommendations for revisions to the SB 1383 Draft Proposed Regulations. We understand that the CalRecycle Draft Regulations are a starting point for discussion and we offer our recommended changes in that same light. The regulations are complex and the recommendations presented in this document cover our principal concerns with the Draft Regulations. While we also have significant concerns about the details of the regulations, these concerns may be alleviated if our principal concerns can be resolved. We will most certainly provide additional comments as future Draft Regulations are released for informal and formal public comment.

At the outset, we want to note that while we support a reasonable goal of reducing SLCP's and the disposal of organics, we believe that these goals cannot be achieved without:

- A dramatic increase in markets for compost and renewable fuels.
- Substantial solid waste and recycling rate increases or other sources of funding,
- Historic revisions to existing state requirements for siting and permitting solid waste infrastructure including CEQA.

We have repeatedly cited CalRecycle reports that support the fact that we have built roughly 180 active anaerobic digesters and compost facilities in the past 25 years. We have also provided research, that has yet to be disputed, that to meet the 75 percent organics reduction goal set by SB 1383, we will need to finance, site, permit, and build at least double that number of facilities in the next 5-7 years at a cost of around \$3 billion in capital investment.

That is not to say we have not begun to work towards its implementation. In fact, we are aggressively engaged in implementing mandatory commercial recycling and mandatory commercial organics recycling. That work already in place should set the stage for the SB 1383 implementing regulations. We firmly believe that we are all partners in working toward achieving the state's goals. CalRecycle and other state agencies, federal agencies, the local public sector, the private sector, and the public all have a share of the responsibility. But we must bear that responsibility in a mindful manner that does not result in unintended negative structural or fiscal consequences.

- **Consistency with the Provisions of SB 1383**

Our main concern is that the proposed regulations take an approach that in our view is not supported by the language or intent of SB 1383. CalRecycle and ARB must develop regulations within the framework of existing state law. The implementing regulations should not exceed the authority granted in the law, and especially where they are neither cost-effective nor feasible.

We acknowledge that SB 1383 sets several aggressive targets for organics diversion over the next 5-7 years. But we also understand that the SB 1383 regulations must be developed within the express requirements and limitations of SB 1383. Furthermore, we do not believe that SB 1383 mandates a rejection of our existing solid waste franchise system and infrastructure.

- **Consistency with AB 939, AB 341 and AB 1826**

Further, we believe that any regulatory system that does not build off the billions of dollars invested in our very effective AB 939 infrastructure is destined to become a ratepayer disaster and an ultimate failure. Unless we make SB 1383 compliance cost effective, compliance will be extraordinarily expensive and will not result in greater compliance. Rather, such a system will produce local government and ratepayer backlash and an unwillingness by all to support recycling efforts.

Today's AB 939 infrastructure has also been the backbone of implementing commercial recycling under AB 341 and AB 1826. While we have certainly experienced some obstacles in implementing these programs, we have also seen significant progress. Yet, the fact that we have already experienced significant barriers in implementing AB 341 and AB 1826 (such as the resistance by customers and municipalities to increased solid waste handling costs; the lack of facilities; permitting obstacles) should serve as a cautionary tale in viewing the far more drastic changes that would be required under the proposed regulations.

- **Enabling the Franchise System**

AB 939 compliance was built from our system of local franchises. Billion dollar investments require long-term contracts and system stability. The current franchise system has been a key factor in this state's achievement of the 50% diversion mandate in AB 939 and a near 80% recycling rate for beverage containers.

We are concerned that the current proposed SB 1383 regulations do not adequately consider the potential for disruption of current local franchises. We believe that the regulations as written, rather than supporting local franchises, will require drastic revisions in existing franchises by imposing very specific new contamination standards, definitional changes that conflict with existing law and existing franchise agreements, unnecessarily restrictive and expensive container requirements, stringent sampling, and enforcement requirements that will need to be incorporated into existing franchises. These new requirements will unquestionably require substantial rate increases across the state.

Rather than allowing the franchise system to accommodate local and regional markets, existing local infrastructure and local preferences for programs, the draft regulations in many ways impose a one size fits all approach that does not consider the vastly varying demographics between California jurisdictions.

The following recommendations are based on the principles discussed above and are offered as an alternative solution that builds off our existing franchise system strengths.

We are presenting our recommendations in the form of specific amendments to the text of the initial Proposed Draft Regulations. We also included a description of our concerns and explanation of our proposed recommendations. Our amendments are highlighted in blue.

The members of the coalition submitting this letter are grateful for this opportunity to comment. We are still evaluating the proposed text, and understand that a new draft with revised text will issue shortly. Accordingly, we each reserve the right to submit individual comments and to identify additional concerns as this rulemaking progresses.

Again, we appreciate your consideration of these recommendations and we look forward to meeting with you for further discussion.

PROPOSED SOLID WASTE INDUSTRY GROUP (SWIG) AMENDMENTS TO PROPOSED SLCP REGULATIONS

October 24, 2017 Draft

A. ARTICLE 1 Definitions

1. Definition of Organic Waste

The Proposed Regulations broadly define organics as solid wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food waste, green waste, landscape and pruning waste, applicable textiles and carpets, wood, lumber, fiber, manure, biosolids, digestate and sludges.

This definition is much broader than the Mandatory Commercial Organics Recycling definition of "Organic waste" in PRC Section 42649.8, which is:

"Organic waste" means food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste.

Thus, the definition of "organic waste" in the Proposed Regulation adds additional materials to the commercial recycling definition. It therefore creates an inconsistency between the Proposed Regulations and the PRC, and will likely sow confusion.

The regulations should target the types of organic waste that are the greatest sources of methane production. For example, lumber generates little methane and the diversion of lumber from landfill should not be given equal priority to other types of organic waste such as food waste that can generate greater amounts of methane.

Recommendation: We recommend that the focus be on high SLCP organics and only add new types of organics to the definition after an analysis that verifies that markets for that material are available and viable. The definition of "organics" contained in SB 1826 is the best starting point for SB 1383 for the reasons discussed above. If CalRecycle through a public process can show that markets are developing for organic materials contained in the expanded AB 1826 definition, only then should the regulations be amended.

Amendment: On page 4, delete lines 50-52 and insert: "Organic waste" means food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste.

B. Article 2 Landfill Disposal and Reductions in Landfill Disposal

1. Section xxxx20.1(a)(2) - Redefining Disposal

The proposed language in Section xxxx20.1(a)(2) defines all beneficial reuse at landfills as disposal. This proposal is inconsistent with the current statute.

Public Resources Code ("PRC") Section 41781.3 states that "the use of solid waste for beneficial reuse in the construction and operation of a solid waste landfill, including use of alternative daily cover, which reduces or eliminates the amount of solid waste being disposed pursuant to Section 40124, shall constitute diversion through recycling and shall not be considered disposal for purposes of this division.

The "division" is the entire Waste Management Division in the PRC, sections 40000 thru the end. This rule is therefore embedded in all of the statutory authority for CalRecycle. PRC §40124 defines "diversion" to mean

“activities which reduce or eliminate the amount of solid waste from solid waste disposal for purposes of this division, including Article 1 (commencing with Section 41780) of Chapter 6. Therefore, the Legislature has previously declared that the beneficial reuse of Solid Waste (obviously, this includes organics) at landfills is diversion and not disposal. To the extent SB 1383 amends Division 40, it does not redefine “disposal” or “diversion.” Instead it refers in general terms to “organic waste disposal reduction targets.”

From a practical perspective, there are many other uses of organic waste at landfills that provide legitimate uses and benefits such as slope stability and landscaping. If the same organic waste is processed offsite and then delivered as a material to the landfill for the same use, this would not count as disposal; therefore, on-site generation should not be considered disposal.

Recommendation: Use the current definition of disposal in PRC 41781.3 for the baseline and for defining nondisposal of organics at a landfill.

Amendment:

Section xxx20.1 Landfill Disposal and Recycling

- (a) The following dispositions of organic waste shall be deemed to constitute landfill disposal:
- (1) Final deposition at disposal at a landfill.
 - ~~(2) Beneficial reuse at a landfill, including but not limited to Alternative Daily Cover and Alternative Intermediate Cover.~~
 - (2) Any other disposition in a landfill not listed in subsection (b) of this section.
- (b) Organic waste sent to a landfill for beneficial reuse or to any other of one the following facilities or activities shall be deemed not to constitute landfill disposal and shall constitute a reduction of landfill disposal, except for any residual material sent from one of these facilities for final disposal at a landfill disposal, as that term is defined in subsection (a) of this section, shall still be deemed to constitute landfill disposal:
- (1) An operation that qualifies as a “Recycling Center” as set forth in section 17402.5(d), or is listed in section 17402.5(c);
 - (2) A “Compostable Material Handling Operation or Facility” as defined in section 17852(a)(12), or small composting activities that would otherwise be excluded from that definition pursuant to section 17855(a)(4);
 - (3) An “In-vessel Digestion Operation of Facility” as defined in section 17896.2(a)(14);
 - (4) A Biomass Conversion operation or facility as defined in section 40106 of the Public Resources Code;
 - (5) The beneficial reuse of solid waste at a landfill consistent with the provisions of section 41781.3 (a) of the Public Resources Code.
 - (6) Land application as defined in section 17852(a)(24.5).
 - (7) Other operations or facilities with processes that reduce short-lived climate pollutants as determined by the Director in consultation with the Executive Officer of the California Air Resources Board pursuant to section xxx20.2.
- (c) For the purposes of this section, the term “landfill” includes permitted landfills; and landfills that require a permit, export out of California for disposal, or any other disposal of waste as defined by section 40192(c) of the Public Resources Code.
- (d) For the purposes of this section, edible food that would otherwise be disposed that is recovered for human consumption shall constitute a reduction of landfill disposal.

2. Section xxx20.2 Verification of Technologies That Constitute a Reduction in Landfill Disposal

We also have recommended changes to the process that is outlined in the proposed regulations regarding technology verification. While we recognize that CARB is generally the state agency charged with determining GHG reductions, the agency does not possess detailed expertise regarding solid waste industry technical issues, and therefore we believe these determinations should be made by the Director of CalRecycle in consultation with the CARB. Furthermore, in order to conserve both the State’s resources and be as efficient as possible, we propose

that the regulations specify that generic technology-based evaluations be prepared that project/facility developers can rely on, while a case-by-case application process would also be available for anything not qualifying for one of the generic technology-based evaluations. There may be analogous processes in existence already that could be used as a model, such as CARB's Low Carbon Fuel Standard or Carbon Offset Protocol programs.

Recommendation: Streamline the process for verification of technologies, and eliminate references to the Short-Lived Climate Pollutant Strategy. Provide that the Director makes the decision in consultation with CARB and stakeholders.

Amendment:

Section xxx20.2 Verification of Technologies That Constitute a Reduction in Landfill Disposal

- (a) The Department shall make determinations that technologies qualify as non-landfill disposal technologies based on a determination that the methane emission reductions are equivalent to, or greater, than those which are assumed from a composting operation. Such determinations shall be based on an analysis conducted by the Department in consultation with the California Air Resources Board (CARB) and stakeholders. Determinations shall be made based on the types of organic materials that may be processed, the average moisture content, and industry standards for emission reduction factors for the technology. The Department shall make these determinations, as produced pursuant to paragraph (a), available on its website.
- (b) The Department shall review and approve applications from project developers based on a certification that their proposed facility qualifies under the determination.
- (c) For any organic waste recycling operations not covered under section xxx20.1(b)(1) through xxx20.1(b)(5), technology for which the Department has not made a determination, an applicant may apply for a project or facility-specific determination, in accordance with the following process shall determine if the proposed organic waste recycling operation (proposed operation) shall be deemed to constitute a reduction of landfill disposal:
- (1) The Department shall not deem a proposed operation to constitute a reduction in landfill disposal unless the applicant can demonstrate that the methane emission reductions are equivalent to, or greater than those which are assumed from a composting operation based on an analysis conducted by the Department in consultation with in the California Air Resources Board (CARB) and stakeholders adopted Short Lived Pollutant Reduction Strategy (March 2017), which is incorporated by reference.
- (2) The applicant shall submit the necessary information to the Department for it to determine if the proposed operation constitutes a reduction in landfill disposal. This information shall include, but may not be limited to the following information:
- (A) Name and address of the facility.
- (B) Type(s) of organic material being processed.
- (C) Mass, in tons, of the organic material being processed per year.
- (D) Average moisture content of the organic material being processed.
- (E) Detailed explanation of the processes or technologies utilized by the applicant for the proposed organic waste recycling operation.
- (F) All calculations, assumptions, and/or emission factors used by the applicant to determine the methane reduction potential of the proposed operation.
- (G) Any other information relevant to make a determination.
- (3) The Department shall consult with CARB to verify that the information submitted by the applicant is sufficient to determine the methane reduction potential of the proposed operation, and request a calculation of a methane emission reduction factor for the proposed operation consistent with the a calculation developed in a public process in consultation with the California Air Resources Board and stakeholders utilized to estimate GHG reductions for organics diversion activities in CARB's Short Lived Climate Pollutant Reduction Strategy.
- (4) The results of CARB's calculation process will be used by the Department to determine if the proposed operation results in a reduction in landfill disposal.

C. Article 3 Mandatory Organic Waste Collection

1. **Section xxx30.1 Source-separated Organic Waste Collection Service – Waivers for Source-separated Organic Waste Collection Service**

This section requires jurisdictions to provide source-separated organic waste collection to every generator, except for jurisdictions that have mixed waste organic collection services that meet certain criteria. However, section xxx30.3 provides for waivers in certain situations.

Recommendation: We recommend adding the waivers as an exception in xxx30.1(a). WE also recommend adding split containers to the requirement that we provide generators with an organics bin.

Amendment:

Section xxx30.1 Source-separated Organic Waste Collection Service

- (a) Except as provided in section xxx30.2 and section xxx30.3 a jurisdiction shall provide a source-separated organic waste collection service that complies with the following:
- (1) The service shall be provided to every organic waste generator located within the territory subject to its jurisdiction.
 - (2) Every generator shall be provided a separate container, split containers, or containers, for the separate collection of organic waste.

2. **Section xxx30.1 Source-separated Organic Waste Collection Service – Disposal Bin Requirements**

Section xxx30.1 (a)(2)(C) states that disposal containers shall only be intended for non-organic wastes and shall not be used for the collection of organic waste. And section xxx30.1(b) requires jurisdictions to require generators to comply with the Article 5, including placing materials in proper bins. This appears to constitute an outright ban on placing any amount of organic wastes in a non-organic waste container, when the goal of SB 1383 is 50 percent reduction of organic waste disposal in landfills by 2020 and 75 percent by 2025.

Recommendation: We recommend the following change to section xxx30.1 (a)(2)(C) to clearly state that the disposal bin is intended for non-organic materials and not impose an absolute and impossible to implement ban on any incidental organics in the disposal bin.

Amendment:

Section xxx30.1 (a)(2)(C)

(C) The disposal container shall be intended for the collection of non-organic-recyclable solid wastes and shall not be used for the collection of organic waste.

3. **Section xxx30.1 (a)(2)**

Section xxx30.1 (a)(2) requires every generator to be provided a container or containers for organic waste. Since many rural areas do not have curbside service, mandating an individual to be provided a container with no collection service is not practical.

Recommendation:

This requirement should be allowed to be met by providing community drop-off locations instead of individual containers. These drop-offs could be at solid waste facilities or operations or other locations. Paragraph (a)(2)(D) should be added that states:

Amendment:

Section xxx30.1 (a)(2)

(D) For areas without curbside service, in lieu of separate containers for each generator, drop-off locations can be established for organic wastes.

4. Section xxx30.1 (a)(3)

The proposed explicit labeling requirements for containers in section xxx30.1 (a)(3) are too prescriptive. Many jurisdictions have already implemented container label requirements for their programs at significant expense. This prescriptive list also limits a jurisdiction's efforts if a once prohibited material is added to their program, new labels would need to be prepared and installed at significant expense. Stick-on labels also have limited life on a container exposed to weather. Under this proposal, missing labels would be a violation.

Also, the proposed language under Article 3, Section 30.1, Sub-Section (3) of the draft regulations for SB 1383 will have a significant economic impact on cities and counties across the state. These requirements will require significant premature replacement of many curbside containers (waste and recycling containers), creating undue economic hardship on those cities and counties. A recent analysis for total replacement of containers in the City of Antioch estimated a minimum of \$4 M.

Recommendation: The regulations should allow for the normal attrition of waste containers and only require this labelling and color coding on purchases of new containers after a specific date. This would have the least impact on cities and counties, as they would be normally replacing these carts anyway at the normal end of life of each container.

Amendments:

Section xxx30.1 (a)

(a) Except as provided in section xxx30.2 a jurisdiction shall provide a source-separated organic waste collection service that complies with the following:

(1) The service shall be provided to every organic waste generator located within the territory subject to its jurisdiction.

(2) Every generator shall be provided a separate or split container, or containers, for the separate collection of organic waste.

(A) Organic waste shall be collected in an organics container that is expressly limited to the collection of organic waste. The organics container or containers shall, at a minimum, be intended for the collection of the following materials: food waste, soiled paper, green waste, landscape and pruning waste.

(B) Dry lumber, wood and fibers may be collected in organics containers or in a commingled recycling container as long as it will be sent to a facility that recycles each organic waste intended for collection in that container

(C) The disposal container shall only be intended for the collection of non-organic solid wastes and shall not be used for the collection of organic waste.

(3) After January 1, 2022 each new waste container purchased shall be a color that is distinct from the other containers or have a lid that is a color that is distinct from the lids of the other containers. The new waste containers added after January 1, 2022 shall include labels as follows:

(A) The label on the container or containers shall

1. List each type of material intended for collection in that container in writing

2. Include at least three graphic examples of material that can be accepted in the container

3. Include at least two graphic examples of materials that are prohibited from being placed in the container. The graphic example shall include a clear marker indicating that the specific materials are not accepted in the container.
- (B) The label on the disposal container shall include a statement that proper separation of waste is mandatory.
- (C) A jurisdiction or hauler may use educational material provided by CalRecycle, as appropriate to the jurisdiction, to comply with the labelling requirements of (A)-(C) of Paragraph (3).

5. Section xxx30.15 Contamination of Source-Separated Organic Waste – Hauler Requirements

Contamination is a significant hurdle in properly managing organics collection and processing. Contamination levels for effective composting and anaerobic digestion must be properly managed from generation, and through collection and processing. How a jurisdiction and collection program manage this issue should be flexible and based on local needs and organics processing capabilities that can handle different levels of contamination.

As mentioned above, we believe a robust education and outreach program, supported by CalRecycle, is the best means of achieving reduced contamination in our programs at the generator level. Reducing contamination at the origin of waste will reduce the concern of contamination throughout handling, processing and recycling the organics.

The regulatory language regarding how a hauler should inspect and report contamination at the curb is problematic and puts the hauler in the position of policing customers. Jurisdictions may choose to employ comparable methods in their own agreements, but this should not be mandated at the State level. Flexibility in program design will be key to meeting the goals of SB 1383. Educational outreach should commence well before the formal implementation occurs, and we would encourage the state to reconcile the various implementation challenges and dates that might be inconsistent with the timelines anticipated in SB 1383.

Recommendation: The regulations should not require a specific contamination threshold that will be virtually impossible to administer and enforce. Rather, allow local jurisdictions and the generators determine an acceptable level of contamination. Red tagging of contaminated containers is not a new requirement.

Amendment:

Section xxx30.15 Contamination of Source-Separated Organic Waste

- (a) It is the responsibility of a jurisdiction to ensure the proper sorting of organic waste into the appropriate reduce the presence of contaminants in organic waste containers, that are collected from the territory within their authority. Jurisdictions, or designated contractor, shall conduct audits of generators to establish compliance with xxx30.1. The Jurisdictions shall develop a plan for conducting audits, and at a minimum establish a metric for compliance and an appropriate frequency to represent volume of solid waste disposed in the community. Efforts to increase compliance will be through enhanced education.
- (1) For the purposes of this section, contamination may be measured by weight or volume.
- (b) A hauler, who, in the course of his or her duties, or during a random check for contamination, notices or identifies significant contamination of greater than 10 percent in an organics container that will prevent recycling of the organics may refuse to collect the container, or may dispose of the container.
- (1) A random check of at least five containers shall be conducted at least once per day. A hauler may check a container prior to collecting or accepting the materials contained in an organics container.
- (2) A hauler may identify contamination by a visual inspection of the contents of the container.
- (3) A jurisdiction shall not find that a hauler is out of compliance with its contractual obligations for disposing of or refusing to collect a contaminated container as authorized by this section.
- (c) A hauler shall inform the jurisdiction of contamination that is discovered pursuant to subdivision (b) or section 17409.5 of Title 14 of the CCR in the following manner:

- (1) If contamination is identified pursuant to subdivision (b), the hauler shall inform the jurisdiction in writing of the address or addresses of all generators with contaminated waste and all containers that were rejected or disposed of due to contamination.
- (2) If a hauler is informed of contamination in a load of organic waste delivered to a solid waste facility by the solid waste facility operator pursuant to section 17409.5, the hauler shall keep a record of the notice and shall notify the jurisdiction or jurisdictions of the addresses of all generators on the collection route.
- (3) The notices provided to the jurisdiction shall note the date the container or collection route was identified as contaminated, and shall be provided in writing prior to the next date of collection for the identifies route or containers.
- (d) A jurisdiction that is informed by a hauler or solid waste facility operator serving the jurisdiction that the organic waste collected in a container or on one of the operator's service routes is contaminated, shall:
 - (1) Conduct targeted education and outreach to each generator identified in the notice. The outreach shall include at least one written notice that is placed on the container. The written notice shall include information regarding the generator's requirement to recycle organic waste and the requirements to properly separate materials into the appropriate containers pursuant to section xxxx.50.1.
 - (2) Keep a record of the written notices received from a hauler or solid waste facility operator, and a copy of the notices provided to each generator as required by this section.
- (e) Nothing in this section limits or prohibits the authority of a jurisdiction to adopt contamination standards that are more stringent than the requirements of this section.

6. Section xxxx30.2 Mixed Waste Organic Collection Services

We are very concerned about the language that prohibits mixed-waste processing infrastructure from being built post 2020. There should be an opportunity for further analysis that would indicate that improved technologies or processes that may prove to be significantly more cost-effective and efficient. As proposed in paragraph (c), after January 1, 2022 if a Mixed Waste Processing Facility (MWPF) does not meet the specified requirements for a high diversion facility "at any time", the jurisdiction is required to begin implementing a source-separated collection service within a year and a half of the due date of an implementation schedule.

Recommendation 1: Operators of a MWPF should have the option to make operational improvements to the facilities that have been already heavily invested in and have the same year and a half to demonstrate compliance. In addition, there should be an allowance to find another High Diversion MWPF rather than mandate a switch to a source-separated program that requires significant cost to change an existing system. Many High Diversion MWPFs will be utilized by multiple jurisdictions. The failure to meet requirements by the High Diversion MWPF may not be related to the jurisdiction's mixed organics.

Amendment:

(c) If the mixed waste organic collection service provided by the jurisdiction does not meet the requirements of (a) and (b) at any time after January 1, 2022, then the jurisdiction shall begin implementing at least one of the following a source-separated collection service, work with the High Diversion Mixed Waste Processing Facility on compliance, or contract with a different High Diversion Mixed Waste Processing Facility. Compliance with this provision must be within a year and half of the due date of an implementation schedule.

Recommendation 2: Also, the Draft Proposed Regulations prohibit the transport of mixed organics collection containers to any other facility than a high diversion facility. This requirement is overly restrictive since it does not account for transfer of small loads of mixed organics at a transfer station to larger loads of mixed organics.

Amendment:

(b) A jurisdiction, or the hauler acting on behalf of a jurisdiction, shall not transport mixed organics solid waste to facilities, or operations, that are not High Diversion Mixed Waste Processing Facilities, except for locations where the mixed organics are consolidated for transfer to High Diversion Mixed Waste Processing Facilities.

7. Section xxx30.3 Waivers

Jurisdictions need the flexibility to design programs based on a jurisdiction's specific needs and resources. In the infancy of implementation, the jurisdiction should focus on and build upon the available infrastructure. For example, rural residents predominately self-haul their own wastes and it is not feasible to have residents meet the extensive compliance and reporting requirements of the proposed regulations. We support the ability of jurisdiction to be able to evaluate its resources and grant waivers where appropriate.

Recommendation: Extend the waiver provisions to allow a jurisdiction to design their programs to be economically feasible.

Amendment:

Section xxx30.3 Waivers and Reduced Levels of Requirements

(a) A jurisdiction may provide waivers from some or all of the requirements of this chapter in the following circumstances. The ~~department shall review waiver and may disapprove of waivers~~ jurisdiction shall specify a date at which time the waiver will be reevaluated.

- (1) Emergency Waiver. If a jurisdiction determines that any type of organic waste cannot feasibly be recycled for a limited time period due to emergency conditions, the jurisdiction may permit that type of organic waste to be deposited in landfill(s) for that limited time period. An emergency waiver may only be issued when there has been a proclamation of a state of emergency or local emergency, as those terms are defined in section 17210.2 of Title 14 of the CCR.
- (2) De Minimis Waiver. A jurisdiction may waive some or all of the requirements of this chapter that apply to a generator, if the generator provides documentation satisfactory to the jurisdiction that organic materials comprise, an average of, less than 10% by weight of solid waste taken to landfill(s) from that collection location.
- (3) Physical Space Waiver. A jurisdiction may waive some or all of the requirements of Sections xxx30.1, as appropriate, if a generator or property owner provides documentation from the hauler, licensed architects or engineers, or building officials that demonstrates that the organic waste generator or property owner does not have adequate space for separate organics containers.
- (4) Rural Waiver. A jurisdiction may waive or reduce levels of requirements within its boundaries, or for a portion thereof, due to small geographic size; low-population density; the lack of sufficient organic waste processing infrastructure, organic waste recycling facilities, and other nondisposal facilities and markets within a reasonable distance.
- (5) Facility Access or End-market Limitation Waiver. A jurisdiction may temporarily waive some or all the requirements that apply to a hauler or generator, if the documentation is provided satisfactory to the jurisdiction that there is not economically-feasible organic facility processing capacity or end-markets available, or that meet the following criteria:
 - (A) A processing facility shortage will be deemed to exist if the available organic waste processing or recycling, composting or approved alternative technology capacity available within a 50-mile radius of the jurisdiction is less than 75% of the amount of organic waste generated within that jurisdiction; or
 - (B) An end-market limitation will be deemed to exist if there is a lack of sufficient end-markets for the organic waste, or its byproducts, within a 100-mile radius of the jurisdiction.

D. Article 6 Regulations of Haulers

Article 6 appears to establish a registration program for the approval of haulers. While we are not opposed to an approval system that insures that only qualified haulers can participate in the organics waste collection program, we are concerned that the proposed regulations do not consider local franchise agreements and contracts.

Recommendation: Include an affirmative statement that approval may be in the form of a local franchise agreements or contract.

Amendment:

Section xxx60.1 Approval of Haulers.

- (a) A hauler providing residential, commercial, or industrial organic waste collection services shall obtain all local government licenses, permits, or written approval requirements from the applicable city or county in which such services are provided. Such written approval may be in the form of a local franchise agreement or contract and shall be contingent upon the hauler's demonstrated capability to comply with the standards and requirements of this division.
- (b) The hauler shall keep a record of the applicable documentation of that approval.
- ~~(c) A jurisdiction shall require compliance with the standards and requirements of this division as a condition of approval to collect organic waste from within the jurisdiction's territory.~~
- (d) Each jurisdiction shall maintain records of all persons holding written approval to provide organic waste collection services within its jurisdiction. The record shall include:
 - (1) Each issued document of approval.
 - (2) The name, office, address, telephone number and emergency telephone number if different of each such approved operator.
 - (3) The number and types of vehicles employed by such person providing such organic waste collection services.
 - (4) A notation indicating whether the hauler is providing source separated organics recycling services as allowed in section xxxx30.1 or mixed waste organics recycling services as allowed in xxxx30.2.
 - (5) For haulers collecting commingled recycling containers, a list of the materials that may be collected in the container and the facility that the material is transported to for processing or recycling.
- (e) A jurisdiction shall submit to CalRecycle a list of each hauler approved to collect organic waste within 30 days of the operative date of this section and within 30 days of a newly issued document of approval.
- (f) A person lawfully self-hauling waste in accordance with section xxxx70 is not subject to the requirements of this section.

E. Article 10 Enforcement

1. Section xxxx10.1

Jurisdictions are required to adopt ordinances, or otherwise enforceable policies and procedures that impose requirements on the various aspects of regulations including inspections and enforcement. The regulations should include requiring jurisdictions to address limitations on exposure to the regulated entities when their ability to comply is constrained by circumstances beyond their control. This is not to suggest that regulated entities' exposure is eliminated. The amount of that limitation would be determined by the local agency crafting the ordinance, policy or procedure, but at least the topic will be required to be addressed.

Recommendation: Include a provision that requires jurisdictions to address exposure limits in their ordinances, policies and procedures.

Amendment:

Section xxxx10.1. Scope of Jurisdiction Requirements.

- (a) By January 1, 2022, a jurisdiction shall adopt one or more ordinances, or otherwise enforceable policies and procedures that impose requirements that are equivalent to, or stricter than, to those required by this Chapter including, but not limited to the following:
 - (1) Use of source-separated organic waste collection service or mixed waste organic collection services pursuant to section xxx30.1 or xxxx30.2;
 - (2) Organic waste generator requirements in Article 5 of this Chapter, sections xxx50.1 through xxx50.4;
 - (3) Requirements on haulers in Article 6 of this Chapter, sections xxx60.1 through xxx60.2; and,
 - (4) CalGreen Building standards in section xxx70.1
 - (5) Edible Food requirements in Article 9 of this Chapter, sections xxx90.1 through xxx90.2.
- (b) A jurisdiction shall include in its ordinances, policies and procedures required by subsection (a), requirements for inspections and enforcement of the standards that are equivalent, or stricter, to those required by this Article. A jurisdiction is not required to assess penalties until January 1, 2024.
- (c) A jurisdiction shall include in its ordinances, or otherwise enforceable policies and procedures, consistent with subsection (a), a provision that limits the exposure of haulers or facilities to enforcement actions or penalties when a failure is directly attributable to, or substantially the result of, circumstances beyond the control of the regulated entity. Such circumstances shall include, but are not limited to, a lack of available organics recycling infrastructure, or a lack of available markets for products generated by organics recycling facilities.
- (d) A jurisdiction shall not include in its ordinances, or otherwise enforceable policies or procedures, consistent with subsection (a), a provision requiring a hauler or facility to indemnify the jurisdiction for the jurisdiction's failure to achieve SB 1383 compliance, when a failure is directly attributable to, or substantially the result of, circumstances beyond the control of the regulated entity. Such circumstances shall include, but are not limited to, a lack of available organics recycling infrastructure, or a lack of available markets for products generated by organics recycling facilities.
- (e) Nothing in this Article limits or restricts the power of any federal, state, or local agency to enforce any provision of law that it is authorized or required to enforce or administer, nor limit or restrict cities or counties from promulgating laws which are at least as strict as the regulations contained in this Chapter. However, no city or county may promulgate laws which are inconsistent with the provisions of this Chapter.

2. Section 10.3

Section xxxx10.3. Jurisdiction Inspection and Enforcement Requirements.

- (a) A jurisdiction shall adopt an inspection and enforcement plan for all regulated entities within its authority for which it is required by this Chapter to impose requirements.
- (b) The Plan shall:
 - (1) Include all ordinances, policies, or other requirements required by this Chapter, that are required to be enforced by the Plan.
 - (2) Include a provision that limits the exposure of haulers or facilities to enforcement actions or penalties when a failure is directly attributable to, or substantially the result of, circumstances beyond the control of the regulated entity. Such circumstances shall include, but are not limited to, a lack of available organics recycling infrastructure, or a lack of available markets for products generated by organics recycling facilities.

Section xxx10.3(b)

- (5) The enforcement procedures and potential penalties to be used for violations of local ordinances or policies adopted pursuant to this Chapter shall be equivalent to, or stricter than, those contained in Articles 10, 11 and 12 of this Chapter. Enforcement procedures and potential penalties, to the extent they are stricter than those contained in this Chapter, must be consistent with the contents of this Chapter including, but not limited to, Articles 10.1 and 10.3.

3. Section xxx10.4

Haulers seek to clarify that records retention by a local jurisdiction does not convert hauler proprietary information into a public record by that fact alone.

Section xxx10.4 Maintenance of Records.

- (a) A jurisdiction shall maintain a record of all inspections and enforcement actions taken pursuant to this Chapter.
(b) The records shall include, but not be limited to all inspections, notices, orders, penalties, reports, correspondence, and other documents pertaining to the entities inspected or subject to enforcement action.
(c) Records may be kept electronically, but shall be made available to the department in manner requested by the department.
(d) All records shall be retained by the jurisdiction for five years.
(e) Records pertaining to regulated entities, to the extent that they may include confidential, proprietary or trade secret information supplied by the regulated entity or derived from information supplied by the regulated entity, are not public records and do not become public records by reason of the fact that they are retained by the jurisdiction. All such records shall be destroyed or returned to the regulated entity after five years.

4. Section xxx10.5

Many jurisdictions have code enforcement policies that do not accept anonymous complaints, but do not reveal the complainant unless the issue is taken to court. Whenever a complaint is made against a regulated entity that it has violated the law, the entity is entitled to have an opportunity to confront its accuser, and to attempt to refute the charge, particularly where the sanction may include the loss of the right to do business, or the imposition of significant monetary penalties.

Section xxx10.5. Investigation of Complaints of Alleged Violations by a Jurisdiction

- (a) Any person having information alleging that a regulated entity is in violation of a local ordinance or policy adopted pursuant to this chapter, may file a complaint in writing to the jurisdiction. The complaint shall include the following:
(1) The name, address and telephone number of the person making the complaint, ~~however nothing in this chapter shall be construed to prevent the making of~~ The making of anonymous complaints by omitting the identity of the reporting party from the complaint (those in which the identity of the reporting party is not available) is not authorized by these regulations;

Given the quasi-criminal nature of all of this, it is vital that the applicable evidentiary standard be something more than a "preponderance of the evidence." We have not gone so far as to say the evidence must be "proof beyond a reasonable doubt" (which is the criminal standard). We have instead compromised at a "clear and convincing" evidentiary standard.

- (c) Upon receipt of a complaint, the jurisdiction shall:
(1) within 30 days, investigate the complaint if it determines that the allegations may indicate a violation, and determine whether its allegations, if true, would constitute a violation. The investigation shall be

conducted by the jurisdiction within the adopted time frame of its code enforcement policies, or within 30 days if no adopted policies exist.

(2) The jurisdiction shall make its determination on the basis of the substance of the allegations rather than on the basis of the complaint's technical compliance with this section based on clear and convincing evidence, and must find that it is highly and substantially more probable than not that a violation has occurred before it may undertake an enforcement procedure or impose penalties. The burden of establishing that a violation has occurred rests with the jurisdiction.

(3) The jurisdiction shall notify the person who submitted the complaint of the results of the jurisdiction investigation in writing.

(4) The jurisdiction shall keep records of the complaints and response available for review by the department or public. Any review by the public shall be limited to only that material which qualifies as a public record.

(d) Pending investigation by the jurisdiction, a regulated entity is presumed to be innocent of an alleged violation of a local ordinance or policy adopted pursuant to this Chapter.

(e) If a jurisdiction determines that a violation has occurred, it shall take enforcement action as required by this Chapter.

5. Section xxxx10.6

Section xxxx10.6 Enforcement by a Jurisdiction

(d) The jurisdiction may shall consider extensions to the compliance deadlines set forth in subsection (c) if it can make the following findings:

(1) The regulated entity is making timely progress toward compliance; and

(2) The operator's success or lack thereof in accomplishing specific tasks within the compliance deadline is due to:

(A) Despite the regulated entity's good faith effort to comply, a delay in compliance has been caused by extenuating circumstances outside entity's control. Examples of extenuating circumstances include acts of God such as inclement weather, earthquakes, and delays in obtaining discretionary permits or other government agency approvals, but where the operator's actions or failure to act was not the cause of the delay.

(B) Despite the entity's good faith effort, the correction requires a long term infrastructure or capacity change which requires a correspondingly longer length of time to achieve compliance.

F. Article 11. Enforcement Oversight by the Department

Amend Article 11, the Department's counterpart to Enforcement by a Jurisdiction (Article 10), with virtually every change we have proposed for Article 10. We seek the same criteria for enforcement against a regulated entity that is a hauler or a facility, regardless of whether it is the jurisdiction or the department doing the enforcement.

The term audit implies strict accuracy with meeting numbers, not program review of reaching towards goals. We believe that a version of "good faith effort" provisions are imperative to successful compliance with the SB 1383 regulations being developed. This approach has proven successful in determining compliance with the Integrated Waste Management Plan in nearly all jurisdictions across the state. While SB 1383 sets state targets, those targets can be achieved most efficiently and effectively through a state and local partnership.

Recommendation:

We urge CalRecycle to initiate this program with a "good faith effort" approach to foster participation and outreach and build on a familiar and successful framework.

Amendment:

Section xxx11.2. Department Inspections and ~~Audits~~ Reviews of Regulated Entities and Jurisdictions

- (a) The department may conduct ~~audits~~ reviews of a jurisdiction's program performance to assure compliance with this chapter.
- (b) The ~~audits~~ reviews shall include inspections of a random sampling of regulated entities, a review of the jurisdiction planning, programs and reporting and recordkeeping requirements and data reported in those reports and records.
- (c) Where a jurisdiction has authority over a regulated entity, the department shall notify the jurisdiction prior to conducting inspections within its jurisdiction and provide the period of time the jurisdiction will be under audit.
- (d) The department may conduct inspections in conjunction with the jurisdiction where a jurisdiction has authority over a regulated entity. The department shall conduct the types and numbers of inspections it determines necessary to evaluate a jurisdiction's compliance with this chapter or in order to ensure a regulated entity's compliance with this chapter. During an audit period, a jurisdiction shall provide, upon request, records required by the chapter. The results of the inspections under this section may be used for the purposes of assessing a jurisdiction's or a regulated entity's compliance with this chapter.
- (e) A summary of the ~~audit~~ program review findings shall be provided in writing within 90 days of the ~~audit~~ review end-date. The ~~audit~~ review report shall include a summary of inspection report findings of regulated entities inspected within the jurisdiction and document compliance or violations by the jurisdiction. The ~~audit~~ review report shall at a minimum state whether the jurisdiction is in compliance or violation of the following standards:
 - (1) Use of source-separated organic waste collection service or mixed waste organic collection services pursuant to section xxx30.1 or xxx30.2;
 - (2) Organic waste recycling education and outreach pursuant to section xxx40.1;
 - (3) Organic waste generator requirements in Article 5 of this Chapter, sections xxx50.1 through xxx50.4;
 - (4) Requirements on haulers in Article 6 of this Chapter, sections xxx60.1 through xxx60.2; and,
 - (5) CalGreen Building standards in section xxx70.1.
 - (6) Edible Food requirements in Article 9 of this Chapter, sections xxx90.1 through xxx90.2.
- (f) During a review pursuant to subdivision (a), the department shall determine whether the jurisdiction has made a good faith effort to implement its selected organic waste recycling program. For purposes of this section, "good faith effort" means all reasonable and feasible efforts by a jurisdiction to implement its organic waste recycling program. During its review, the department may include, but is not limited to, consideration of the following factors in its evaluation of a jurisdiction's good faith effort:
 - (1) The extent to which regulated entities have complied with this Chapter.
 - (2) The extent to which the jurisdiction is conducting education and outreach to businesses.
 - (3) The extent to which the jurisdiction is monitoring regulated entities and notifying those entities that are not in compliance.
 - (4) The appropriateness of waivers allowed by the jurisdiction.
 - (5) The availability of markets for collected organic waste recyclables.
 - (6) Budgetary constraints.
 - (7) In the case of a rural jurisdiction, the effects of small geographic size, low population density, or distance to markets.
 - (8) The availability, or lack thereof, of sufficient organic waste processing infrastructure, organic waste recycling facilities, and other nondisposal opportunities and markets.
 - (9) The extent to which the jurisdiction has taken steps that are under its control to remove barriers to siting and expanding organic waste recycling facilities.
- (g) Upon presentation of proper credentials, the Department, an authorized Department employee or agent, shall be allowed to enter a regulated entity during normal working hours to conduct inspections and investigations, to examine organic recycling activities and records pertaining to the regulated entity to determine compliance with this chapter; including but not limited to, allowing the review or copying, electronically or through mechanical methods (i.e. photocopy) of any paper or electronic records required by this chapter or other records, such as invoices, memoranda, books, papers, records, or memoranda.

- (1) This subdivision is not intended to permit an employee or agent of the department to enter a residential property.

G. Article 12. Penalties

Section xxx12.1. ~~Scope~~ Procedure for Imposing Civil Penalties.

- (a) The Department may impose administrative civil penalties authorized by PRC 42652.5 sections 41821.5 through 41821.8 of the Public Resources Code in accordance with the procedures set forth in this Article section.

****Delete the remainder of the proposed Penalties article and replace with the following to be consistent with AB 901 regulations****

- (b) Prior to initiating any enforcement proceeding, the Department shall notify a reporting entity in writing of any potential failure to comply with this Article and its implementing statute. The notification will include all of the following:
- (1) A description and dates of the potential compliance failures;
 - (2) A compliance deadline that allows for reasonable time to remedy; and
 - (3) Any potential penalties that may be assessed if the compliance deadline is not met.
 - (4) If the alleged violation or compliance failure is corrected by the deadline, no further enforcement will be pursued by the Department.
 - (5) If there are extenuating circumstances the Department can extend the compliance deadline.
- (c) Civil penalties may be imposed as set forth in Penalty Table I as follows:
- (1) The number of violations shall be multiplied by the number of days the business was in violation. The number of days the violation occurred will begin one day after the compliance deadline the Department issued in its written notification of a potential failure to comply to the reporting entity. If the infraction is not corrected per subsection (b) then the following table applies.

<u>Authority</u>	<u>Description of Violation</u>	<u>1st Offence</u>	<u>2nd Offence</u>	<u>3rd and Subsequent Offence</u>
<u>Public Resources Code 42652.5(a)(5)</u>	<u>Any person who fails to submit information as required by this Article on time.</u>	<u>\$500</u>	<u>\$1,000</u>	<u>\$5,000</u>
<u>Public Resources Code 42652.5(a)(5)</u>	<u>Any person who refuses to submit information required by this Article.</u>	<u>\$500</u>	<u>\$1,000</u>	<u>\$5,000</u>
<u>Public Resources Code 42652.5(a)(5)</u>	<u>Any person who knowingly or willfully files a false report or any person who alters, cancels, or obliterates entries in the records for the purpose of falsifying the</u>	<u>\$500-\$10,000</u>	<u>\$2,500 -\$10,000</u>	<u>\$2,500 -\$10,000</u>

	<u>records as required by this Article.</u>			
<u>Reserved for other offences?</u>				
<u>Reserved for other offences?</u>				
<u>Reserved for other offences?</u>				

(d) Once a potential penalty range from Penalty Table I is determined, the Department shall take the following factors into consideration in determining the total penalty amount to be requested in an Administrative Accusation:

- (1) Whether the violation(s) were intentional.
- (2) Whether the violation(s) demonstrate a chronic pattern of noncompliance with the regulations set forth in this Article.
- (3) Whether the violation(s) were due to circumstances beyond the reasonable control of the person or were unavoidable under the circumstances.
- (4) Whether the person acted in good faith to comply, including correcting the violations in a timely fashion.
- (5) Whether the violation(s) were voluntarily and promptly reported to appropriate authorities prior to the commencement of an investigation by the enforcement agency.
- (6) The circumstances, extent, and gravity of any violation(s).

(e) The Administrative Accusation may be served on the respondent by the following means:

- (1) Personal service.
- (2) Substitute service by using the same service procedures as described in section 415.20 of the Code of Civil Procedure.
- (3) Certified Mail: For respondents who are registered with the Department's electronic RDRS system, the mailing address(es) provided at the time of registration will be used. Proof of service of the Administrative Accusation shall be the certified mail receipts or registered mail receipts proving the accusation and accompanying materials were sent to respondent by certified mail or registered mail. For other respondents that have not provided addresses to the Department, certified mail or registered mail pursuant to the procedures indicated in the Administrative Procedure Act at section 11505(c) of the Government Code applies.

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

(g) Reports regarding jurisdiction of origin shall be based on the information provided to a reporting entity at the time the report is due. The Department shall not hold reporting entities liable for incomplete or inaccurate reports regarding jurisdiction of origin information provided by a hauler, if the reporting entity identifies the hauler that failed to provide data or provided incorrect data, as required by section 18815.3(l) of this Article.

H. Amendments to Existing Title 14 Regulations

We understand that contamination is a significant hurdle in properly managing organics collection. How a jurisdiction and collection program manage this issue should be flexible and adjustable based on local needs. We believe a robust education and outreach program, supported by CalRecycle, is the best means of achieving reduced contamination in our programs. As mentioned in a previous letter, education should occur long before the customer is placing their organics in the appropriate container.

The regulatory language regarding how a hauler should inspect and report contamination at the curb is problematic and puts the hauler in the position of policing customers. Jurisdictions may choose to employ comparable methods in their own agreements, but this should not be mandated at the State level. Flexibility in program design will be key to meeting the goals of SB 1383. Educational outreach should commence well before

the formal implementation occurs, and we would encourage the state to reconcile the various implementation challenges and dates that might be inconsistent with the timelines anticipated in SB 1383.

Recommendation: The regulations should not require a specific contamination threshold that will be virtually impossible to administer and enforce. For example, it was indicated during the June 21 and June 26 workshops that measuring contamination at transfer/processing facilities and organics recycling facilities that receive source-separated organics or organic waste that was separated for reuse at a prior facility will require load checking for feedstock contamination and reporting on the level of contamination.

A visual inspection, with no sorting or characterization of waste, should be sufficient for measuring contamination. In addition, the acceptable threshold for contamination should not be so precise that it cannot be determined by visual inspection.

The following sections from Title 14 include a variety of changes in contamination levels and load checking to verify contamination. We believe that the contamination measurements, load checking and record keeping requirements are redundant and excessive. We believe that a system based on a minimum of one monthly inspection per hauler and each material type will be adequate to provide a reasonably sampling to estimate contamination levels.

I. Article 6.0. Transfer/Processing Operations and Facilities Regulatory Requirements

Section 17402. Definitions.

(18.5) "Organic Waste" means solid wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green waste, landscape and pruning waste, applicable textiles and carpets, wood, lumber, fiber, biosolids, digestate and sludges. "Organic waste" means food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste. This definition will be amended as markets develop for other organic materials

(NOTE: The changes to this section conform with earlier changes to the definition of "Organic Waste".)

(18.6) "Source Separated Organic waste" (1) means organics that have been separated or kept separate from the solid waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace. Source separated organics contain no greater than 10 percent of contaminants by weight.

J. Article 6.2 Operating Standards.

Section 17409.5.1. Organics Diversion at Mixed Waste Processing Facilities.

(a) On and after January 1, ~~2022~~ 2025, at least 50-30 percent of the organic waste received from mixed waste collection services, calculated on a monthly basis, shall be removed from the mixed waste organic collection stream and sent for additional processing or recycling. To determine compliance with this subdivision, the operator shall:

(1) Establish a baseline monthly volume of organics in the incoming mixed waste organic collection stream by either:

(A) Conducting an operation or facility specific waste characterization study of the incoming mixed waste organic stream to determine a baseline amount of organics in the incoming mixed waste organic stream using current business methods; or,

(B) Utilizing the latest statewide waste characterization study prepared by the Department.

(b) On and after January 1, 2022, all of the source separated organic waste shall be sent for additional processing or recycling.

(c) On and after January 1, ~~2025~~ 2028, at least 75-50 percent of the organic waste received from mixed waste collection services shall be removed from the mixed waste organic collection stream and be sent for additional processing or recycling, calculated on a monthly basis. To determine compliance with this subdivision, the operator shall:

(1) Establish a baseline monthly volume of organics in the incoming mixed waste organic collection stream by either:

- (A) Conducting an operation or facility specific waste characterization study of the incoming mixed waste organic collection stream to determine a baseline amount of organics in the incoming mixed waste organic collection stream using current business methods; or,
- (B) Utilize the latest statewide waste characterization study prepared and published by the Department.

(d) On and after January 1, 2030, at least 75 percent of the organic waste received from mixed waste collection services shall be removed from the mixed waste organic collection stream and be sent for additional processing or recycling, calculated on a monthly basis.

(e) This section is not intended to apply to mixed waste processing efforts that are additive or supplemental to a source separated organics collection system or program. To the extent that a mixed waste processing facility processes mixed waste that does not originate from a mixed waste organic collection system, the foregoing operating standards and organic waste removal requirements shall not apply, and the facility has no obligation to remove a specified percentage of organic waste from the mixed waste stream it processes..

(d) Organics recovered after processing from the source separated organic waste stream and from the mixed waste organic collection stream shall not have more than 10 percent of contamination by volume prior to leaving the site.

(d) Organics recovered after processing from the source separated organic waste stream and from the mixed waste organic collection stream shall not have more than 10 percent of contamination by volume prior to leaving the site.

(e) (f) The operator shall maintain records demonstrating compliance with this section.

Section 17409.5.2 Measuring Organics in Residuals Removed from Mixed Waste Organic Collection Stream.

(a) The operator of an attended operation or facility that accepts a mixed waste organic collection stream shall, once per operating day, measure the amount of organics by volume in the residuals removed from the mixed waste organic collection stream after processing to determine a monthly average.

(b) The operator shall maintain records of measurements and the training of personnel in evaluating the amount of organics in the residual material removed from mixed waste organic collection stream. These records shall be maintained for three (3) years in the operating record and be available for review by the appropriate jurisdiction of origin, haulers, and other duly authorized regulatory agencies.

(c) The operator shall conduct a measurement in the presence of the EA when requested.

(d) The operator shall use the following protocol to measure the amount by volume of organics in the residuals removed from mixed waste organic collection stream:

(1) Take at least a one (1) cubic yard composite sample of the residuals removed from mixed waste organic collection stream during processing at the operation or facility:

(A) The composite sample shall be representative and random by taking samples either from various times during the operating day or from various locations within the pile.

(2) Separate the organics from the composite sample and determine the volume of the separated organics;

(3) Determine the percentage of organics in the residuals removed from the mixed waste organic collection stream by dividing the volume of separated organics by the total volume of the composite sample.

(4) Determine the monthly average of organics in the residuals removed from the mixed waste organics.

Section 17409.5.3 Measuring Contamination in Organics Recovered from Mixed Waste Organic Collection Stream.

(a) The operator of an attended operation or facility that accepts mixed waste organic collection streams shall, once every other month, measure the amount by volume of contamination in each organic material type recovered from the mixed waste organic collection stream and separated through processing at the operation or facility.

(b) The operator shall maintain records of measurements and the training of personnel in evaluating the amount of contamination in organics removed from mixed waste organic collection stream by volume. These records shall be maintained for three (3) years in the operating record and be available for review by the appropriate jurisdiction of origin, haulers, and other duly authorized regulatory agencies.

(c) The operator shall conduct a measurement in the presence of the EA when requested.

(d) The operator shall use the following protocol to measure the amount by volume of contamination in the organics recovered from mixed waste organic collection stream:

(1) Take at least a one (1) cubic yard composite sample of organics separated by organic material type following processing at the operation or facility;

(A) The composite sample shall be representative and random by taking samples either from various times during the operating day or from various locations within the pile.

(2) Separate the contaminants from the composite sample and determine the volume of the contaminants;

(3) Determine the percentage of contamination by dividing the volume of contamination by the total volume of the composite sample.

Section 17409.5.4. Source Separated Organics Handling.

(a) Source-separated organics handling shall be kept separate from other solid waste streams.

(b) Source-separated organic waste and organic waste removed from a mixed waste organic collection service for recovery shall be:

(1) Stored away from other activity areas in specified, clearly identifiable areas as described in the Facility Plan or Transfer/Processing Report; and,

(2) Removed from the site consistent with Section 17410.1 and either:

(A) Transported only to another solid waste facility or operation for additional processing, composting, in-vessel digestion, or other recycling as specified in section (xxxxx); or,

(B) Used in a manner approved by local, state, and federal agencies having appropriate jurisdiction; or,

(C) Sent for disposal.

Section 17409.5.5. Loadchecking – Contamination in Source Separated Organic Waste.

(a) The operator of an attended operation or facility that accepts source separated organics shall perform loadchecking to measure the amount by volume of contamination in source separated organic waste according to the following schedule:

(1) One (1) loadcheck shall be conducted for every 500 tons of source separated organic waste received per operating day. If the operator receives less than 500 tons for the operating day, a minimum of one (1) loadcheck shall be conducted for that operating day or the operator may request a greater or less frequency subject to approval by the EA.

(2) At least one loadcheck per month of each ~~hauler type and collection route~~ Source Sector as defined in Section 18815.2 (51).

(b) The operator shall maintain the following loadchecking records under this section:

(1) Records of the number of rejected or redirected loads and reasons for rejection or redirection.

(2) Records of received loads with contamination that exceeds an estimated 10 percent by volume.

(3) Records of notices provided to haulers and or jurisdictions pursuant to subdivision (e).

(4) Records of loadchecks and the training of personnel in evaluating the amount of contamination in source separated organic waste. These records shall be maintained for three (3) years in the operating record and be available for review by the appropriate jurisdiction of origin, haulers, and other duly authorized regulatory agencies.

(c) The operator shall conduct a loadcheck in the presence of the EA when requested.

Section 17409.5.6. Measuring Contamination Level in Organics Recovered from Source Separated Organic Waste.

(a) The operator of an attended operation or facility that accepts source separated organic waste shall measure, once per month, the amount by volume of contamination in each separated organic material type recovered from the source separated organic waste stream that have been separated through processing at the operation or facility:

(b) The operator shall maintain records of measurements and the training of personnel in evaluating the amount of contamination in organics recovered from source separated organic waste by volume. These records shall be maintained for three (3) years in the operating record and be available for review by the appropriate jurisdiction of origin, haulers, and other duly authorized regulatory agencies.

(c) The operator shall conduct a measurement in the presence of the EA when requested.

(d) The operator shall use the following protocol to measure the amount by volume of contamination in the organics recovered from source separated organic waste:

(1) Take at least a one (1) cubic yard composite sample of source separated organic waste separated by organic material type following processing at the operation or facility;

(A) The composite sample shall be representative and random by taking samples either from various times during the operating day or from various locations within the pile.

(2) Separate the contaminants from the composite sample and determine the volume of the contaminants;

(3) Determine the percentage of contamination in the organics recovered from source separated organic waste by dividing the volume of contamination by the total volume of the composite sample.

Section 17409.5.7 Measuring Organics in Residuals Removed from Source Separated Organic Waste.

(a) The operator of an attended operation or facility that accepts a source separated organic waste shall, once per operating day, measure the amount of organics by volume in the residuals removed from the source separated organic waste stream after processing to determine a monthly average.

(b) The operator shall maintain records of measurements and the training of personnel in evaluating the amount of organics in the residual material removed from source separated organic waste stream. These records shall be maintained for three (3) years in the operating record and be available for review by the appropriate jurisdiction of origin, haulers, and other duly authorized regulatory agencies.

(c) The operator shall conduct a measurement in the presence of the EA when requested.

(d) The operator shall use the following protocol to measure the amount by volume of organics in the residuals removed from source separated organic waste stream:

(1) Take at least a one (1) cubic yard composite sample of the residuals removed from source separated organic waste stream during processing at the operation or facility;

(A) The composite sample shall be representative and random by taking samples either from various times during the operating day or from various locations within the pile.

(2) Separate the organics from the composite sample and determine the volume of the separated organics;

(3) Determine the percentage of organics in the residuals removed from the source separated organic waste stream by dividing the volume of separated organics by the total volume of the composite sample.

(4) Determine the monthly average of organics in the residuals removed from the source separated organic waste.

K. Chapter 3.1 Composting Operations Regulatory Requirements

Article 5.0. Composting Operation and Facility Siting and Design Standards

Section 17867. General Operating Standards.

(a) All compostable materials handling operations and facilities shall meet the following requirements:

(1) All handling activities are prohibited from composting any material specified in section 17855.2 of this Chapter.

(2) All handling activities shall be conducted in a manner that minimizes odor impacts so as to not cause a nuisance.

(3) All handling activities shall be conducted in a manner that minimizes vectors, litter, hazards, nuisances, and noise impacts; and minimizes human contact with, inhalation, ingestion, and transportation of dust, particulates, and pathogenic organisms.

(4) Random load checks of feedstocks, additives, and amendments for contaminants shall be conducted. The operator of an attended compostable materials handling operation or facility shall perform loadchecking to measure the amount by volume of contamination according to the following schedule:

(A) One (1) loadcheck shall be conducted for every 500 tons of source separated organic waste received per operating day. If the operator receives less than 500 tons for the operating day, a minimum of one (1) loadcheck shall be conducted for that operating day or the operator may request a greater or less frequency subject to approval by the EA.

(B) At least one loadcheck per month of each hauler type and collection route Source Sector as defined in Section 18815.2.

(C) The operator shall conduct a loadcheck in the presence of the EA when requested.

Article 8. Composting Operation and Facility Records

Section 17869. General Record Keeping Requirements.

(e) The operator shall record the number of load checks performed, loads with contamination that exceeds 10 percent and loads rejected and the reasons for rejection.

L. Title 14. Natural Resources - Division 7. Department of Resources Recycling and Recovery

Chapter 3.2. In-Vessel Digestion Operations and Facilities Regulatory Requirements

Article 2.0. Siting and Design

Section 17896.25.1. Loadchecking – Contamination in Source Separated Organic Waste.

(a) The operator of an attended in-vessel digestion operation or facility shall perform loadchecking to measure the amount by volume of contamination according to the following schedule:

(1) One (1) loadcheck shall be conducted for every 500 tons of source separated organic waste received per operating day. If the operator receives less than 500 tons for the operating day, a minimum of one (1) loadcheck shall be conducted for that operating day or the operator may request a greater or less frequency subject to approval by the EA.

(2) At least one loadcheck per month of each hauler type and collection route.

(b) The operator shall maintain the following loadchecking records under this section:

(1) Records of the number of rejected or redirected loads and reasons for rejection or redirection.

(2) Records of received loads with contamination that exceeds 10 percent.

(3) Records of loadchecks and the training of personnel in evaluating the amount of contamination in source separated organic waste. These records shall be maintained for three (3) years in the operating record and be available for review by the appropriate jurisdiction of origin, haulers, and other duly authorized regulatory agencies.

(c) The operator shall conduct a loadcheck in the presence of the EA when requested.

M. Title 27. Environmental Protection - Division 2. Solid Waste

Chapter 3. Criteria for All Waste Management Units, Facilities, and Disposal Sites

Subchapter 4. Criteria for Landfills and Disposal Sites

1. Article 2: Alternative Daily Cover Material and Beneficial Reuse

§20700. CIWMB CalRecycle—Intermediate Cover. (T14:S17684)

(a) Compacted earthen material of at least twelve (12) inches shall be placed on all surfaces of the fill where no additional solid waste will be deposited within 180 days to control vectors, fires, odors, blowing litter, and scavenging.

(b) Alternative materials of alternative thickness (other than at least twelve inches of earthen material) for intermediate cover may be approved by the EA with concurrence by the CIWMB CalRecycle, if the owner or operator demonstrates that the alternative material and thickness control vectors, fires, odors, blowing litter, and scavenging without presenting a threat to human health and the environment.

(c) For waste classification, composition, and liquid percolation requirements of intermediate cover and alternative intermediate cover, refer to the SWRCB requirements set forth in s20705 of this article.

(d) Proposed use of alternative intermediate cover shall be subject to site specific demonstration to establish suitability as intermediate cover. Demonstration projects shall be approved by the EA with concurrence by the CIWMB CalRecycle.

§20700.5. CalRecycle—Long Term Intermediate Cover.

(a) Compacted earthen material at least 36 inches shall be placed on all surfaces of the fill where no additional solid waste will be deposited within 30 months to control methane emissions.

~~(b) For waste classification, composition, and liquid percolation requirements of intermediate cover, refer to the SWRCB requirements set forth in section 20705 of this article.~~

(NOTE: We have raised concerns about this requirement in each of the hearings. A strict intermediate cover standard for all facilities does not consider site specific considerations such as climate, slope, and individual facility construction standards. This requirement needs much more detailed analysis and discussion.)

O. Article 4. ~~CIWMB~~ CalRecycle—Controls

§20901. CalRecycle – Loadchecking–Contamination in Source Separated Organic Waste.

~~(a) The operator shall implement a loadchecking program to measure the amount of contamination in source separated organic waste by volume according to the following schedule:~~

~~(1) One (1) loadcheck shall be conducted for every 500 tons of source separated organic waste received per operating day. If the operator receives less than 500 tons for the operating day, a minimum of one (1) loadcheck shall be conducted for that operating day or the operator may request a greater or less frequency subject to approval by the EA;~~

~~(2) At least one loadcheck per month of each hauler type and collection route;~~

~~(b) The operator shall maintain the following loadchecking records under this section;~~

~~(1) Records of the number of rejected or redirected loads and reasons for rejection or redirection;~~

~~(2) Records of received loads with contamination that exceeds 10 percent;~~

~~(3) Records of notices provided to operators and or jurisdictions pursuant to section xxx30.15 of this Division.~~

~~(4) Records of loadchecks and the training of personnel in evaluating the amount of contamination in source separated organic waste. These records shall be maintained for three (3) years in the operating record and be available for review by the appropriate jurisdiction of origin, haulers, and other duly authorized regulatory agencies.~~

~~(c) The operator shall conduct a loadcheck in the presence of the EA when requested.~~

~~(d) The operator shall use the following protocol to measure the amount by volume of contamination in source separated organic waste:~~

~~(1) Take at least a one (1) cubic yard composite sample of the incoming source separated organic waste load;~~

~~(A) The composite sample shall be representative and random by taking samples from various times during the operating day or from various locations within the pile.~~

~~(2) Separate the contaminants from the composite sample and determine the volume of the contaminants;~~

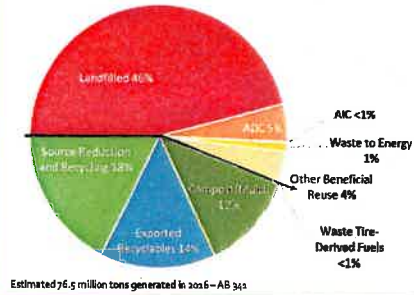
~~(3) Determine the percentage of contaminants in source separated organic waste by dividing the volume of contaminants by the total volume of the composite sample.~~

~~(e) The operator shall provide a written notice to the collection service operator that the load exceeds 10 percent of contamination by volume.~~

China's Import Restrictions and California



Export Markets and China's Import Restrictions



Roughly 1/3 of all recycled waste is exported



China's Policies Impacting Exports

- 2013: Green Fence
- 2017: National Sword
- Revision to National Sword

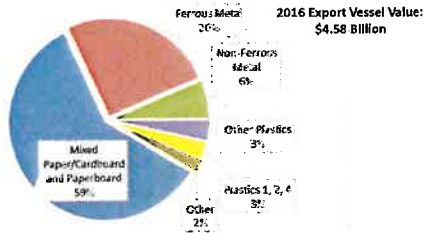


Wastes Banned from Import to China

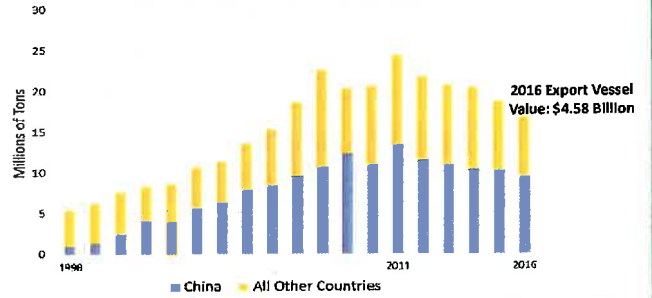
Catalogue of Solid Wastes Forbiddan to Import Into China by the End of 2017	
Type	Description of Solid Waste
Plastic	Waste and scrap of ethylene polymer
	Aluminum – plastic composite film
	Styrene scrap
	Waste and scrap of vinyl chloride polymer
	PET waste scrap and scrap, not including PET beverage bottle (brick)
	Waste PET drink bottle (brick)
	Other plastic waste scrap and scrap, not including scrap disk broken material
Paper	Scrap disk broken material
	Other recovered paper or paperboard (including unsorted waste and scrap)



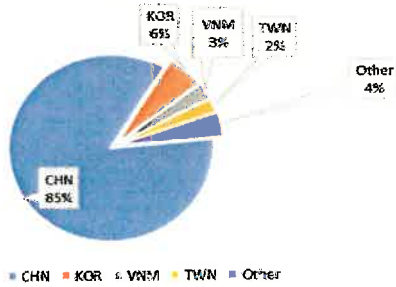
CA Recyclable Exports by Material ~15.0 Million Tons



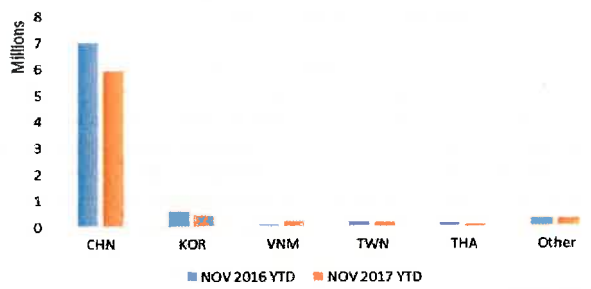
Recyclable Exports Data

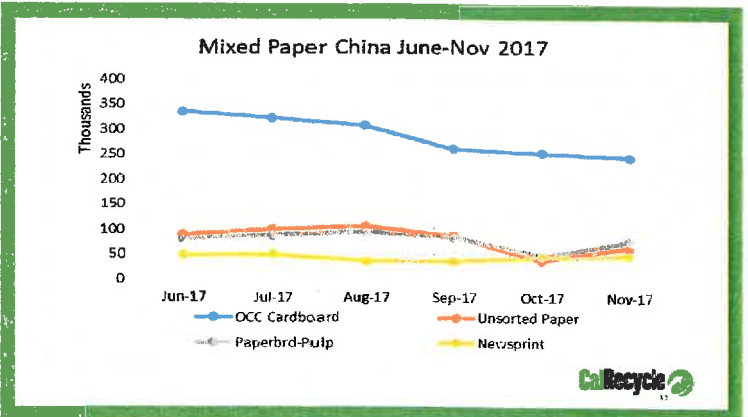
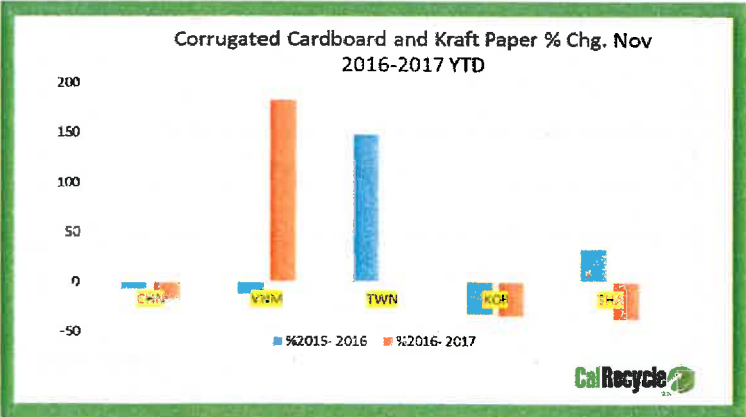
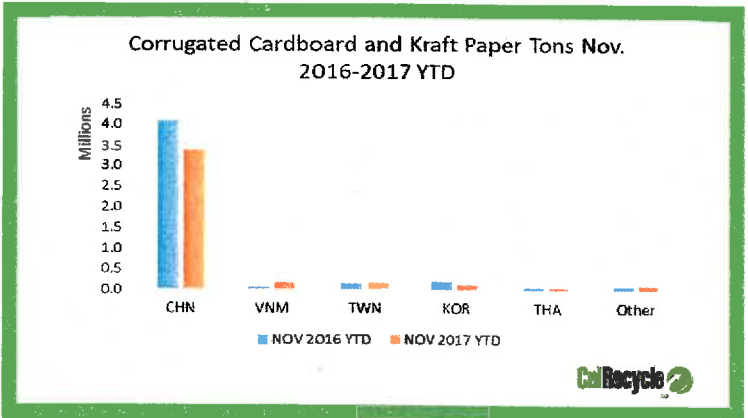
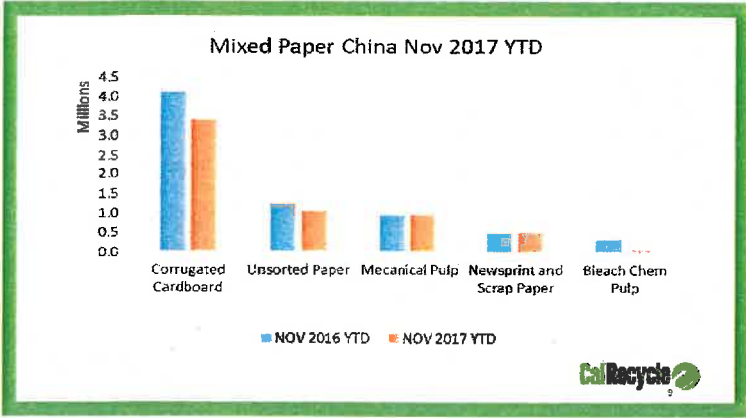


Mixed Paper 2017 YTD

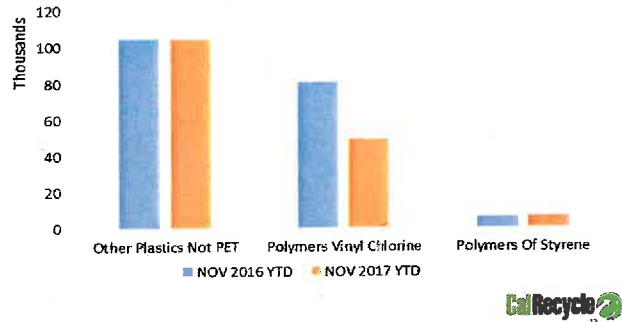


Mixed Paper 2016-2017 Nov YTD Tons





Other Plastics 3-7 Nov 2016-2017 YTD



Impact on United States and California

- Challenging to move materials to markets
- Processing facilities are storing materials on-site, or landfilling previously recycled items
- Facilities are attempting to reduce contamination during processing



National Response



- In December, the Institute of Scrap Recycling Industries (ISRI), the National Waste & Recycling Association (NWRA), and the Solid Waste Association of North America (SWANA) submitted comments to the WTO
 - More specificity in the guidelines
 - Impact on global recycling markets
 - Delay in implementation of any import regulations
- In January, China published the final standards unchanged
- US Senators sent a letter to the Chinese ambassador echoing industry comments



State Response

- Established webpage as clearinghouse for information
- Coordinating with local enforcement agencies on permit conditions for material storage
- Coordinating with jurisdictions to share examples of local actions
- Packaging reform
- SB 1383 regulation development



Local Response

- Encouraging waste prevention
- Addressing collection and contamination
- Improving processing



Market Development Opportunities

- Greenhouse Gas grant and loan programs
- Recycling Market Development loan program
- Partnerships with GO-Biz, Treasurer's Office, and tax incentive programs
- Require additional funding



THANK YOU

Website: <http://www.calrecycle.ca.gov/Markets/NationalSword/>
Contact: exports@calrecycle.ca.gov



CHINA'S NEW IMPORT STANDARDS AND THE IMPACT ON WASTE RECYCLING IN CALIFORNIA

February, 2018

BACKGROUND

California's landmark recycling law, AB 939, is nearly 30 years old. Convenient, low-cost curbside recycling programs currently serve the vast majority of residents in the state, and are available to most businesses as well. Hundreds of millions of tons of waste have been diverted from landfills since the law's inception, conserving scarce natural resources and providing a host of other environmental benefits---including GHG emissions reductions---in the process. Along the way, an expensive and highly sophisticated network of recycling and composting facilities was developed by private industry---with critical assistance from local government---to handle and process that portion of the waste stream that was formerly disposed in landfills. All of that may soon change.

NATIONAL SWORD

Waste recycling as we know it is now threatened as never before. Last year, China announced a change in its import policies that promised to have a profound impact on municipal AB 939 compliance efforts in California. Dubbed "National Sword," the policy establishes strict new contaminants thresholds applicable to certain grades of paper, and includes import bans on mixed paper and various grades of postconsumer plastics, among other things.

Had other markets been developed as part of AB 939, or in the 30 years since its enactment, China's decision would have been a mere inconvenience, but not much more. Instead, the law has mostly just assumed that adequate markets for recovered materials would always be around.

China had been California's largest recycling customer for many years. It voluntarily supplied the market component that has been missing from AB 939 since its adoption. Domestic (California) markets were never developed. The few paper mills that once operated in the state have mostly disappeared. As a result, California has been exporting its recyclables for decades. Until this year, some 85% of California's mixed paper and OCC (cardboard) was sent to China. The rest went to other Asian countries such as Korea and Vietnam. National Sword is the unequivocal signal that China no longer wants it.

In 2016, California's exports of recyclables amounted to 15 million tons, and according to CalRecycle, some 62% of exported material went to China in 2016. Those numbers decreased substantially in 2017 as the import restrictions announced by China began to be implemented. Just 6 weeks into the new year, we have now reached the point of an actual crisis: trash continues to be processed and recyclable materials continue to be collected and recovered, but they now have no willing buyer and thus, no home.

A PERFECT STORM

In response, waste facility operators are now going to extraordinary lengths to try to improve the quality of recovered materials. Sort lines are running at greatly reduced speed to enable the removal of more contaminants. Additional employees have been added to sort lines. Materials are now often processed, and then reprocessed a second time. Many sorting systems have been converted from "negative sort" (where contaminants are sorted out) to "positive sort," (where sorters pull out the recyclables, not the contaminants). These efforts, while improving material quality somewhat, are far less efficient, and the expense of implementing them is falling almost entirely on the backs of facility owners. Because they tend to be rate regulated, facility owners cannot pass the cost on to their customers without municipal approval.

The rest of the Asian export market cannot absorb all of the material that formerly went to China. In the best case scenario, the loss of China as a market for this material means that it must be sold at a substantial discount, or more typically at a loss, just to get it moved offsite. In the worst case scenario---which is what waste processors report they are now experiencing---they cannot find a home for the material, and must stockpile it until the situation improves and new markets are found.

California recyclers have long operated at the mercy of a volatile, international recycling market. They are familiar with and plan for the occasional, significant drop in commodities prices, and are poised to weather most of these fluctuations in pricing. What is happening today is completely different. The market has largely disappeared, with no sign that it will return anytime soon, if ever.

Stockpiling material is a short-term solution at best, and each processing facility or MRF ("materials recovery facility") is limited by its footprint, its design, or by its operating permit in terms of how much material it may store onsite. Some have resorted to warehousing plastics and other recyclables offsite, but locations that are suitable for this purpose are very limited in urban areas, and not all materials can be safely stored for long periods of time.

Experts tell us that we are years away from developing sustainable domestic markets for these materials. Put another way, a permanent solution remains several years down the road. In the interim, we are experiencing a literal flood of recyclable materials that must be managed properly if public health is to be properly safeguarded.

OPTIONS

What is the answer? MRFs cannot store recyclable materials indefinitely, or in unlimited amounts. It may mean that local government-imposed recycling requirements embodied in franchise agreements should be reconsidered or amended. After all, if ever there were an "Uncontrollable Circumstance," this surely qualifies; no single waste recycling enterprise is equipped to influence global recycling markets in any meaningful way. It may also mean that California should consider, as the State of Oregon is now doing, a temporary suspension of efforts to enforce AB 939 diversion requirements against local governments, in order to give them the flexibility to work with haulers

and processors to safely manage these materials. All options, including the option of disposing of the material in a sanitary landfill, should be on the table.

Regulators like to use the term "imminent and substantial threat" to describe the public health threat level that will often trigger enforcement actions, or the imposition of sanctions or penalties. The same phrase might just as well be applied to the situation that now confronts waste haulers and facility operators, who are literally running out of options in terms of how to safely deal with this flood of materials that have no home. It is an economic crisis to be sure. But it is also much more: public health will be very directly compromised if this material is not safely managed.

We do not mention the temporary landfill option lightly. Nobody stands to suffer more than waste recyclers if materials are diverted away from the very recycling infrastructure which they financed and built. Nevertheless, the sheer magnitude of the crisis requires that this step now be considered, at least as a temporary measure.

Outside of the waste industry itself, news of these events have been rather scarcely reported. This brief summary is intended to alert lawmakers to the crisis our members are now living with every day, and to begin the conversation on how best to remedy it. Time is of the essence. We urgently seek your input, ideas, and recommendations. Thank you for making time to consider this message.

This brief analysis and summary of the impacts of National Sword was prepared by the following waste recycling trade associations and companies, whose members include local, regional and national firms offering comprehensive waste recycling services to communities throughout California:

CALIFORNIA REFUSE RECYCLING COUNCIL

INLAND EMPIRE DISPOSAL ASSOCIATION

KERN REFUSE DISPOSAL, INC

LOS ANGELES COUNTY WASTE MANAGEMENT ASSOCIATION

SAN DIEGO COUNTY DISPOSAL ASSOCIATION

SANTA BARBARA COUNTY DISPOSAL ASSOCIATION

SOLID WASTE ASSOCIATION OF ORANGE COUNTY

TULARE COUNTY REFUSE ASSOCIATION

VENTURA COUNTY WASTE DISPOSAL ASSOCIATION

SECTION 1

Amend Section 41780 of the Public Resources Code as follows:

[Section 41780(a) establishes the AB 939 25% and 50% diversion requirements; Section 41850 authorizes the imposition of administrative civil penalties of up to \$10,000 per day for a jurisdiction's failure to implement its SRRE or HHWE]

Add new 41780(c): The storage of recyclable materials in amounts that exceed the design capacity or permitted capacity of a solid waste facility can represent a potential threat to public health and safety. Notwithstanding subsection (a), a jurisdiction may temporarily arrange, either directly or through its authorized recycling agent, for the disposal of recyclable material if necessary in order for a facility to operate within its design or permit storage limits.

Where the need to dispose of excess recyclable materials arises due to a lack of available markets, and is not the result of the jurisdiction's failure to undertake commercially reasonable efforts to find a market for the material, the jurisdiction will, to that extent, incur no liability under Section 41850 for the resulting reduction in the quantity of solid waste diverted by the jurisdiction.

SECTION 2

Amend Section 41825 of the Public Resources Code as follows:

[Section 41825(d) (3) lists the factors the department is to consider in determining whether to issue a compliance order]

Add new 41825(d)(3)(C): Whether the absence or loss of a market for materials diverted from solid waste facilities necessitated the disposal of such materials as a temporary measure to avoid the public health threat associated with storing recyclable materials in amounts that exceed the permitted or design capacity of a solid waste facility.

[Section 41825(e)(4) lists the criteria for a determination that a jurisdiction has made a "good faith effort"]

Add new 41825(e)(4)(I): The extent to which the lack of an available market for one or more recyclable materials is the result of circumstances beyond the reasonable control of the jurisdiction, and prevented the jurisdiction from fully implementing its diversion programs.



Mr. John Shea
C&S Waste Solutions of Lassen County, LLC
P.O. Box 360
Susanville, CA 96130

February 14, 2018

RE: MRF Recycle Markets and Production Costs

Dear Mr. Shea,

As you are aware, over the last six months, Asian recycle markets have been slowly eliminating US recycle material either by product type or acceptable contamination levels. China, the largest destination for US recycle material, has been in the forefront of this material elimination. Pacific Recycling Solutions, Inc. (PRS), along with all West Coast MRF's, has been dependent on the Chinese market to purchase our processed tonnage of plastics, cardboard and paper. With the Chinese market now banning some plastics and requiring contamination of 0.5% or less, we are having to look elsewhere for markets able to handle the volumes we produce. This is having a devastating effect on PRS's ability to cover the costs of processing incoming material. For example: the cardboard market ended 2017 at \$149.00 per ton and as of this week it is \$70.00 (a 53% drop), and the mixed paper market has gone from \$25.00 per ton to \$(15.00) (a 160% drop). Cardboard and paper make up more than 55% of our MRF's production output. To add insult to injury, the tip fee we pay to get our MRF glass to the final processor has increased from \$12.00 per ton in 2013 to \$51.81 per ton beginning 02/01/18. MRF glass makes up 23.50% of our production output. Contamination in our incoming stream has also been on the rise, costing PRS additional disposal fees on every load.

Due to the enormity of this situation and the lasting financial affects it will have, PRS has no choice but to put a tip fee in place for all incoming material. The battle to find new markets for our material will continue until we have the infrastructure in our own Country to turn the recycled material produced into commercially viable end products. The PRS tip fee is be determined by the composition of MRF material output and its related market value vs.



cost covered operations. The tip fee formula also comes with a material payment piece should the markets recover, or new viable markets be found. The material composition market value grid along with the tip fee schedules for December 2017 and January 2018 can be found on the following page. The material values and throughput composition will be updated monthly to determine the current tip fee.

Although this situation has been in the works for a while, we have done our best to stay away from implementing a tip fee. As we spoke in December, we must proceed and will begin invoicing for inbound material on December 01, 2017. We do hope you understand and continue to support our MRF as well as California's recycle goals.

Sincerely,

David Carroll

David Carroll
President
Pacific Recycling Solutions, Inc.

**DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY**

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P.O. BOX 4025, SACRAMENTO, CALIFORNIA 95812

NOTICE OF PROPOSED RULEMAKING

- Title 14** **Natural Resources**
Division 7 **Department of Resources Recycling and Recovery**
Chapter 3 **Minimum Standards for Solid Waste Handling and Disposal**
Article 5.6 **Nonhazardous Petroleum Contaminated Soil Operations and Facilities**
 Regulatory Requirements
Section **17365**
- Title 14** **Natural Resources**
Division 7 **Department of Resources Recycling and Recovery**
Chapter 3 **Minimum Standards for Solid Waste Handling and Disposal**
Article 5.7 **Hazardous Waste Disposal Facilities Disposing Nonhazardous,**
 Nonputrescible, Industrial Solid Waste Regulatory Requirements
Section **17370.2**
- Title 14** **Natural Resources**
Division 7 **Department of Resources Recycling and Recovery**
Chapter 3 **Minimum Standards for Solid Waste Handling and Disposal**
Article 5.8 **Nonhazardous Ash Regulatory Tier Requirements**
Section **17379.0**
- Title 14** **Natural Resources**
Division 7 **Department of Resources Recycling and Recovery**
Chapter 3 **Minimum Standards for Solid Waste Handling and Disposal**
Article 5.9 **Construction and Demolition and Inert Debris Transfer/Processing**
 Regulatory Requirements
Sections **17383.3, 17383.4, 17383.5, 17383.6, 17383.7, and 17383.8**
- Title 14** **Natural Resources**
Division 7 **Department of Resources Recycling and Recovery**
Chapter 3 **Minimum Standards for Solid Waste Handling and Disposal**
Article 5.95 **Construction and Demolition Waste and Inert Debris Disposal Regulatory**
 Requirements
Sections **17388.4, 17388.5, and 17389**
- Title 14** **Natural Resources**
Division 7 **Department of Resources Recycling and Recovery**
Chapter 3 **Minimum Standards for Solid Waste Handling and Disposal**
Article 6.3 **Record Keeping Requirements**
Section **17414**

Title 14 Natural Resources
 Division 7 Department of Resources Recycling and Recovery
 Chapter 3.1 Composting operations Regulatory Requirements
 Article 8 Composting Operation and Facility Records
 Section 17869

Title 14 Natural Resources
 Division 7 Department of Resources Recycling and Recovery
 Chapter 3.2 In-Vessel Digestion Operations and Facilities Regulatory Requirements
 Article 4 Record Keeping Requirements
 Section 17896.45

Title 14 Natural Resources
 Division 7 Department of Resources Recycling and Recovery
 Chapter 9 Planning Guidelines and Procedures for Preparing and Revising
 Countywide and Regional Agency Integrated Waste Management Plans
 Article 9 Annual Report Regulations
 Sections 18794.0, 18794.1, and 18794.2

Title 14: Natural Resources
 Division 7: Department of Resources Recycling and Recovery
 Chapter 9. Planning Guidelines and Procedures for Preparing, Revising, and
 Amending Countywide or Regional Integrated Waste
 Management Plans
 Article 9.2. Disposal Reporting System
 Sections 18800-18814.11

Title 14 Natural Resources
 Division 7 Department of Resources Recycling and Recovery
 Chapter 9 Planning Guidelines and Procedures for Preparing, Revising, and
 Amending Countywide or Regional Integrated Waste
 Management Plans
 Article 9.25 Recycling and Disposal Reporting System
 Sections 18815.1-18815.13

Title 27 Environmental Protection
 Division 2 Solid Waste
 Chapter 3 Criteria for all Waste Management Units, Facilities, and Disposal Sites
 Subchapter 4 Criteria for Landfills and Disposal Sites
 Article 1 CIWMB—Operating Criteria
 Section 20510

Title 27 Environmental Protection
 Division 2 Solid Waste
 Chapter 3 Criteria for all Waste Management Units, Facilities, and Disposal Sites
 Subchapter 4 Criteria for Landfills and Disposal Sites
 Article 2 Alternative Daily Cover Material and Beneficial Reuse
 Sections 20686 and 20690

PROPOSED REGULATORY ACTION

The Department of Resources Recycling and Recovery (Department) proposes to replace Article 9.2 of Division 7, Chapter 9 of Title 14 of the California Code of Regulations with a new Article 9.25 in order to implement the new reporting requirements created by Assembly Bill 901 (Gordon, Chapter 746, Statutes of 2015) (AB 901). The Department also proposes to amend references in sections of Title 14 and 27 to Article 9.2 by replacing them with references to the new Article 9.25.

PUBLIC HEARING

A public hearing to receive public comments has been scheduled for March 14, 2018. The hearing will be held at the:

Joe Serna Jr., Cal EPA Building
Coastal Hearing Room
1001 I Street, 2nd Floor
Sacramento, CA 95814

The hearing will begin at **2:00 p.m. on March 14, 2018**, and will conclude after all testimony is given. The Department requests that persons making oral comments also submit a written copy of their testimony at the hearing. The hearing room is wheel chair accessible. If you have any questions, please contact AB901.Reporting@calrecycle.ca.gov.

WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit written comments relevant to the proposed regulations to the Department. **The written comment period for this closes at 11:59 p.m. on March 14 2018.** The Department will also accept written comments during the public hearing, described above. Please submit your written comments to:

Jane Mantey, Ph.D.
801 K Street, 17th Floor
Sacramento, CA 95814
FAX: (916) 319-7482
EMAIL: AB901.Reporting@CalRecycle.ca.gov

AUTHORITY AND REFERENCES

Public Resources Code sections 40502 and 41821(c) provide authority for this regulation. The following is a list of references cited in this proposed regulation: Public Resources Code: 41821.5, 41821.6, 41821.7, 41821.8, and 41821.9.

INFORMATIVE DIGEST

The California Department of Resources Recycling and Recovery (the Department) currently tracks the amount of waste disposed per jurisdiction to help determine compliance with the 50 percent diversion mandate established by Assembly Bill 939 (Sher, Chapter 1095, Statutes of 1989). The Department developed the Disposal Reporting System (DRS) as the tool to track disposal.

Since the passage of AB 939, California has moved away from its disposal-dominated approach to waste management and developed an infrastructure for collecting, sorting, and processing recyclable materials. With this foundation in place, California has enacted a number of new statewide waste management and recycling goals. These include 75 percent recycling and mandatory commercial recycling (AB 341, Chesbro, Chapter 476, Statutes of 2011), mandatory commercial organics recycling (AB 1826, Chesbro, Chapter 727, Statutes of 2014), and short-lived climate pollutants reductions from landfills (SB 1383, Lara, Chapter 395, Statutes of 2016). It has been challenging to measure statewide compliance with these laws using DRS, due to the lack of a formal reporting system on recycling, complete and timely data on disposal, and enforcement tools.

The State Legislature passed AB 901 in order to address these issues. AB 901, Recycling And Disposal Reporting System (RDRS), dramatically improves the Department's and local jurisdictions' ability to achieve and measure legislatively mandated goals and programs by expanding reporting to include data on recycling and composting, and creating an enforcement mechanism. The proposed regulations implement the mandates of AB 901 in order to accomplish three important goals.

First, the proposed regulations improve the Department's understanding of material flows within the State's recycling infrastructure. The data collected enables the Department to estimate total recycling and composting, and track progress towards statewide solid waste and recycling goals and programs.

Second, the data collected under the proposed regulations will augment the Department's ability to respond to changes in the recycling marketplace and more sensibly manage discards to create new jobs and products. Analysis of the data will increase the Department's ability to improve operational efficiencies and target state resources to enhance the recycling infrastructure.

Third, the proposed regulations improve the Department's enforcement procedures to require accurate and timely reporting. Additional tools will enhance and expand the ability of local jurisdictions and the Department to verify the accuracy of reported information regarding the State's recycling infrastructure.

POLICY STATEMENT OVERVIEW

AB 901 was signed by Governor Brown in 2015 and became effective on January 1, 2016. AB 901 was codified in Public Resources Code sections 41821.5-41821.8. AB

901 changes how disposal and recycling is reported to the Department. Waste, recycling, and compost facilities, as well as exporters, brokers, and transporters of recyclables or compost will be required to submit information directly to the Department on the types, quantities, and destinations of materials that are disposed of, sold, or transferred inside or outside of the state. The Department also gains enforcement authority to collect this information.

The data acquired by AB 901 the proposed regulations will inform the Department's understanding of material flows within the state's recycling infrastructure; allow the Department to better estimate total recycling and composting; and assist the Department to track progress towards several state goals and programs, including the 75% recycling goal, mandatory commercial recycling, and organics diversion programs. This information will allow the Department to implement various improvements in areas such as increased responsiveness to changes in the recycling landscape, operational efficiencies, and targeting of state resources to recycling infrastructure.

PLAIN ENGLISH REQUIREMENTS

Department staff prepared the proposed regulations pursuant to the standard of clarity provided in Government Code Section 11349 and the plain English requirements of Government Code sections 11342.580 and 11346.2(a)(1). These proposed regulations are considered non-technical and are written to be easily understood by those parties that will use them.

FEDERAL LAW OR REGULATIONS MANDATE

Federal law or regulations do not contain comparable requirements.

CONSISTENCY WITH STATE REGULATIONS

After conducting an evaluation of any regulations relating to this area, the Department has found that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The proposed regulations amend all instances where existing regulations would be made inconsistent with the new diversion and disposal reporting regulations by updating current references to disposal reporting system that the proposed regulations will replace.

MANDATE ON STATE AGENCIES, LOCAL AGENCIES, OR SCHOOL DISTRICTS

The Department has determined that the proposed regulations do not impose a mandate on state agencies, local agencies, or school districts.

The Department has further determined that the proposed regulations do not impact: 1) any costs to local government, which must be reimbursed pursuant to Section 6 of Article XIII B of the California Constitution and Part 7 (commencing with Section 17500) of Division 4 of the Government Code; 2) any savings or other impacts such as revenue changes to other state agencies; and 3) any additional federal funding or reduction in federal funding to the state. The proposed regulations may result in a cost savings to local governments because counties will no longer be required to collect disposal

information from facilities and report that information to the Department. However, there may be a cost to locally owned waste, recycling, and compost facilities due to the reporting requirements under the AB 901 and the proposed regulations.

FISCAL IMPACT

Costs to any local agency or school district requiring reimbursement: As described above, the Department has concluded that the proposed regulations do not impose any costs to local agencies or school districts requiring reimbursement pursuant to Section 6 of Article XIII B of the California Constitution and Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

Costs or savings to any state agency: Implementation of the proposed regulations would result in costs to the Department. It is estimated that \$99,274 will be needed for one limited term position in the first year, and \$198,548 for two limited term positions in the second year, for enforcement implementation. There are no direct savings to the state due to the proposed regulations.

Non-discretionary cost or savings imposed upon local agencies: There will be a cost to publicly owned facilities and/or operations to comply with the proposed regulations. Staff estimates the cost to publicly owned facilities and/or operations to be:

1 st year	2 nd year	3 rd year
\$ 2,135,000	\$ 1,554,000	\$ 1,554,000

There is an estimated savings to counties due to the implementation of the proposed regulations. Counties will no longer be required to collect, compile, and submit disposal information to the Department. Staff estimates the combined savings to all counties to be approximately \$1,136,000 annually.

Cost or saving in federal funding to the state: None

EFFECT ON HOUSING COSTS

The Department has made a determination that the proposed regulations will not have a significant effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES, INCLUDING ABILITY TO COMPETE

Although the proposed regulations will directly affect businesses statewide, including small businesses, staff conclude that the proposed regulations will not have a significant adverse economic impact on businesses and would not affect the ability of California businesses to compete with businesses in other states. Furthermore, staff have found that a number of other states already require the reporting of recycling and disposal information.

STATEMENT OF THE RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

Creation/Elimination of Jobs within California

There may be the creation of a small number of jobs within California. Some businesses may choose to hire full or part time employees to fulfill the reporting requirements laid out in the proposed regulations. Others may be able to complete reporting requirements within current hours worked, with existing resources. It is unlikely that any jobs will be eliminated because of the proposed regulations.

Creation of New Businesses/Elimination of Existing Businesses in California

It is unlikely that any new businesses will likely be created because of the proposed regulations, or that any businesses will be eliminated because of the proposed regulations due to the estimated per facility cost to comply.

Expansion of Businesses Currently Doing Businesses within the State

It is unlikely that the proposed regulations will cause the expansion of any businesses currently doing business within the state since the goal of the proposed regulations is to set up a system for facilities to report on materials currently being disposed, recycled, or composted.

Benefits of the Proposed Action

The proposed regulations will benefit the health and welfare of California residents, worker safety, and the state's environment because the proposed regulations will result in the collection of disposal, recycling, and composting information from reporting entities. This information will help the Department evaluate California's recycling infrastructure and help guide strategies to achieve the statewide 75% recycling goal. The proposed regulations also outline the framework for enforcement on reporting entities that do not meet reporting requirements. Added enforcement procedures will result in more complete and timely reporting of information to the Department.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

The proposed regulations will require reporting entities to submit disposal and recycling information directly to CalRecycle on the types, quantities, and destinations of materials that are disposed of, sold, or transferred inside or outside of the state. There is a range of representative businesses subject to this rulemaking action depending on the type of facility or reporting entity. CalRecycle staff estimate the average cost per facility in the first 12 months, due to the proposed regulations, will be approximately \$2,150.

BUSINESS REPORT

CalRecycle has found that the reporting requirements of the proposed regulatory action, which apply to businesses, are necessary for the health, safety, and welfare of the people of the State of California.

EFFECT ON SMALL BUSINESS

CalRecycle has determined, pursuant to California Code of Regulations, Title 1, section 4, that the proposed regulatory action would affect small businesses. However, the Department has also determine the proposed regulations will not have a significant, statewide adverse impact on small businesses and will not impede the ability of small businesses to compete in other states.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative considered by the Department, or that was otherwise identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law than the proposed action.

CONTACT PERSON

Inquiries concerning the substance of the proposed action may be directed to:

Jane Mantey, Ph.D.
801 K Street, 17th Floor
Sacramento, CA 95814
PHONE: (916) 322-1866
FAX: (916) 319-7482
EMAIL: Jane.Mantey@CalRecycle.ca.gov

Back-up contact person to whom inquiries concerning the proposed action may be directed:

John Sitts
801 K Street, 17th Floor
Sacramento, CA 95814
PHONE: (916) 341-6232
FAX: (916) 319-7199
EMAIL: John.Sitts@CalRecycle.ca.gov

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF THE PROPOSED REGULATIONS

The Department will have the entire rulemaking file and all information that provides the basis for the proposed regulation available for inspection and copying throughout the rulemaking process at the following address: 801 K Street, Sacramento, CA 95814. As of the date this notice is published in the Notice Register, the rulemaking file consists of this Notice, the proposed text of the regulation, the economic and fiscal impact statement, and the Initial Statement of Reasons. Copies may be obtained by contacting

the persons listed above. For more timely access to the proposed text of the regulations, and in the interest of waste prevention, interested parties are encouraged to access the Department's Internet webpage at www.calrecycle.ca.gov/Laws/Rulemaking/Reporting/. Additionally, the Final Statement of Reasons will be available at the above listed Internet address, or you may contact the people named above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications, which are sufficiently related to the originally proposed text, it will make the modified text, with changes clearly indicated, available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for the modified text should be made to the contact persons named above. The Department will transmit any modified text to all persons who testify at the public hearing; all persons who submit written comments at the public hearing; all persons whose comments are received during the comments period; and all persons who request notification of the availability of such changes. The Department will accept written comments on the modified regulation for at least 15 days after the date on which they are made available.

Mary Pitto

From: cpsc-associates-listserv@googlegroups.com on behalf of Joanne Brasch
<joanne@calpsc.org>
Sent: Tuesday, February 13, 2018 4:37 PM
To: Joanne Brasch
Subject: CPSC Carpet update 2-2018

February 13, 2018



CPSC
**California Product
Stewardship Council** SM

Carpet Stewardship Update

Carpet recycling in California will change in 2018. The new carpet recycling bill ([AB 1158- Chu](#)) that Governor Brown signed in October 2017 made significant changes to program goals and structure. Information in this newsletter highlights the work of the new carpet advisory committee, next steps, and news from the industry.

CA Carpet Stewardship Advisory Committee



Above: The Carpet Stewardship Advisory Committee at their February 7th meeting

Assembly Bill 1158 (Carpet Recycling, Chu, 2017), required CalRecycle to appoint an Advisory Committee to provide recommendations on carpet stewardship plans, plan amendments, and annual reports. All documents, including meeting agendas and minutes, are available on the [official Advisory Committee web page](#). Below is some interesting information used by the committee to make the final comments and recommendations letter which was finalized and sent February 12, 2018:

1. [Letter from Assemblymember Chu on definition of "recyclability"](#)
2. [CalRecycle response to question on differential assessments](#)
3. [Final comment letter from the Committee](#) to CalRecycle and CARE

Timeline:

- March 16th- deadline for CARE to resubmit plan to CalRecycle with a letter responding to each recommendation from the committee
- May 15th- CalRecycle public hearing to discuss staff recommendations on approval of the CARE plan

2018 Carpet Legislation

- [CA Assembly Bill 2097 \(Acosta- R\)](#) This bill would change the date by which the annual demonstration and the annual report are required to be completed from July 1 of each year to September 1 of each year.
- [New York Senate Bill 07147 \(Kavanagh- D\)](#) Establishes a carpet stewardship program; requires manufacturers to coordinate with wholesalers, retailers and installers to recycle old carpets; provides penalties for noncompliance

Carpet Procurement Standards for California

In 2014, the Department of General Services (DGS) and CalRecycle [published a report](#) to the Governor and Legislature calling for changes to the state procurement standards for carpet in response to the original Carpet Stewardship Bill ([AB 2398](#)). AB 2398 (2010) law required DGS to revise relevant procurement rules to ensure that post-consumer carpet that is removed from state buildings is managed in a

manner consistent with the purpose of the carpet stewardship laws.

The passage of AB 1158 requires DGS to additionally ensure that carpet purchased by a state agency contains a minimum amount of post-consumer content that would be determined by DGS and published in the State Contracting Manual by July 1, 2018.

In Fall 2017, DGS conducted a survey of carpet mills and manufacturers and the department is now using that information to evaluate options to improve sustainability of carpet purchases in California. We hope to see more from DGS on the final procurement standard development very soon!

News on Carpet

NEW PARTNERSHIPS
FOR A CIRCULAR
ECONOMY

AQUAFIL 
synthetic fibres and polymers

 **genomatica**
sustainable chemicals

1. [Aquafil partnering with Genomatica](#), Floor Daily 1/2018

2. [Don't sweep it under the Carpet](#), Chemical Watch 2/2018
3. [Carpet Recycling UK: landfill diversion of carpet waste rises to 42%](#), Resource 2/2018
4. [Carpet: A perfect Storm](#), Floor Covering Weekly 2/5/18
5. [Carpets add to wildfires' toxic air pollution](#), SF Chronicle 1/5/18
6. [Carpet causes controversy at woodland school](#), Daily Democrat 12/27/17

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California Product Stewardship Council SM

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California Product Stewardship Council
1822 21st Street, Suite 100
Sacramento, CA 95811**

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Mary Pitto

From: cpsc-pharmaceuticals-listserv@googlegroups.com on behalf of Heidi Sanborn
<Heidi@calpsc.org>
Sent: Friday, March 02, 2018 9:54 AM
To: Heidi Sanborn
Subject: Pictures of Sharps and Meds at Alameda Waste Characterization

Dear Sharps and Pharma Listservs:

The pictures below were taken February 23 during a waste characterization study - the origin of the load was Newark, CA but we don't know the actual business name. They found plenty of sharps during the sort that were for both animals and humans as well - these are merely the most spectacular photos. In the course of sorting commercial waste for the Alameda waste characterization study, the team had to reject several loads due to sharps. We thought you might be interested in these pictures which show both needles and medicines thrown in the trash from businesses. This is what our waste workers are dealing with every day and I hope we can all agree it's not right to expose them to this. We need to do a lot more to protect them from improperly disposed medical waste. Heidi

Heidi Sanborn | Executive Director



CPSC
California Product
Stewardship Council

O: (916) 706-3420 | C: (916) 217-1109

heidi@calpsc.org









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To post to this group, send email to cpsc-pharmaceuticals-listserv@googlegroups.com.

For more options, visit <https://groups.google.com/d/optout>.

REQUEST FOR APPROVAL

To: Scott Smithline
Director

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

Request Date: December 19, 2017

Decision Subject: Director Appointment of Carpet Stewardship Program Advisory Committee Members

Action By: December 28, 2017

Summary of Request:

The Product Stewardship for Carpet Law (Chapter 681, Statutes of 2010), as amended by Assembly Bill 1158 (Chu, Carpet Recycling, 2017), requires the Director of the Department of Resources Recycling and Recovery (CalRecycle) to appoint an Advisory Committee to provide comments and recommendations to a carpet stewardship organization or manufacturer on carpet stewardship plans, plan amendments, and annual reports. This Request for Approval presents staff recommendations for appointments to the Carpet Stewardship Program Advisory Committee.

Recommendation:

Staff recommend that the director appoint the individuals identified within this Request for Approval to serve as members of the Carpet Stewardship Program Advisory Committee per the Product Stewardship for Carpets Law.

Action:

To enable more efficient and manageable meetings while maintaining the balance of the statutorily required stakeholder categories, I have elected to appoint a smaller group to the Carpet Stewardship Program Advisory Committee. Taking into consideration comments received at the December 19, 2017 public meeting and to ensure broad representation of carpet manufacturers, I am also appointing one additional member who represents carpet manufacturers. Although smaller in number than the original staff recommendation, several appointees' experience and knowledge cover multiple stakeholder categories, and therefore offer thorough representation of the statutorily mandated categories. I hereby appoint the individuals identified below to serve as members of the Carpet Stewardship Program Advisory Committee per the Product Stewardship for Carpet Law. I also direct staff to post the Advisory Committee members on CalRecycle's website and to formally notify the appointees, as well as Carpet America Recovery Effort (CARE), of the appointments. Due to the timeline defined by AB 1158, it is my expectation that the Advisory Committee will promptly organize, appoint a chair(s), develop operational guidelines and share those with CalRecycle. Notwithstanding the smaller size of the Advisory Committee, I strongly recommend that the Advisory Committee implement an independent third-party facilitator, in order to ensure efficient process and timely communication.

Director Appointees to Carpet Stewardship Program Advisory Committee

1. Brent Whitener, Humboldt Waste Management Authority
2. Doug Kobold, Sacramento County Department of Waste Management and Recycling

3. Douglas Williams, Los Angeles Fiber Co.
4. Eric Nelson, Interface
5. Franco Rossi, Aquafil USA
6. Gail Brice, XT Green
7. Howard Sapper, Carpet Manufacturers Warehouse
8. Joanne Brasch, California Product Stewardship Council
9. Joe Yarbrough, The Carpet and Rug Institute
10. John Davis, Mojave Desert and Mountain Recycling Integrated Waste Management Joint Powers Authority
11. Kelly McBee, Californians Against Waste
12. Rachel Palopoli, Planet Recycling
13. Steve Belong, Carpet, Linoleum & Soft Tile Workers Local Union No. 12 District Council 16
14. Wes Nelson, GreenWaste Carpet Recycling
15. Speaker of the Assembly Appointee
16. Senate Committee on Rules Appointee

Dated: December 28, 2017



Scott Smithline
Director

Background Information:

Assembly Bill (AB) 2398 (Chapter 681, Statutes of 2010) established the first mandatory carpet stewardship program in the country (Public Resources Code [PRC] §42970), with the purpose 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. Under the law, carpet manufacturers, either independently or via a carpet stewardship organization, must prepare and submit a carpet recycling plan for CalRecycle approval; implement approved plans; pay a quarterly fee to CalRecycle for CalRecycle's costs to administer and enforce its responsibilities under the law; and report annually on program performance. CalRecycle must review and approve, disapprove, or conditionally approve carpet stewardship plans and amendments; post lists of carpet manufacturers participating under a stewardship plan; and review annual reports to evaluate compliance with the law.

In October 2017, AB 1158 (Carpet Recycling, Chapter 794, Statutes of 2017) was signed into law, which makes changes to the Product Stewardship for Carpets Law that will become effective January 1, 2018. Some of the key elements of AB 1158 include: the establishment of a recycling rate goal of 24% by January 1, 2020; the authority for CalRecycle to establish additional recycling rate and program goals and request information in order to evaluate the effectiveness of the program; the requirement that post-consumer carpet removed from state buildings be managed in a manner consistent with the law and revisions to state procurement manuals to require post-consumer content for carpet purchases; and other changes.

Relative to this Request for Approval, AB 1158 requires the director of CalRecycle to appoint members to an Advisory Committee to make recommendations on carpet stewardship plans, plan amendments, and annual reports. The law provides the following direction regarding the Advisory Committee composition and duties:

Composition of Advisory Committee

PRC §42972.1(a) specifies that the Advisory Committee may be composed of, among others, individuals in the environmental community, the solid waste industry, and local government, public or private representatives involved in the collection, processing and recycling of carpet, and other interested parties. The director shall appoint one member who represents carpet manufacturers and at least one member who is a representative of either the Southern California Resilient Floor and Decorative Covering Crafts Joint Apprenticeship and Training Committee or the Northern California Floor Covering Finishing Trade Institute Joint Apprenticeship Training Committee. The Speaker of the Assembly and the Senate Committee on Rules shall each appoint one additional member to the Advisory Committee.

Duties of Advisory Committee

Pursuant to PRC §42972.1, the Advisory Committee shall:

- Receive a copy of carpet stewardship plans and amendments to plans no less than 30 days before a carpet stewardship organization or manufacturer submits a plan or amendment to the department.
- Receive a copy of carpet stewardship annual reports no less than 30 days before a carpet stewardship organization or manufacturer submits the annual report to the department.
- Provide comments and recommendations to carpet stewardship organizations or manufacturers and to the department based on review of the materials. To the extent feasible, recommendations

shall be incorporated into the carpet stewardship plan, amendments to the plan, or annual report before submitted to the department.

- A member of the Advisory Committee shall serve without compensation, but shall be reimbursed for actual and necessary travel and other expenses incurred in the performance of his or her official duties.

Analysis:

Carpet Stewardship Program Advisory Committee Selection Process

At its October 17, 2017 monthly public meeting, CalRecycle announced that applications for the Carpet Stewardship Program Advisory Committee would be accepted through November 10, 2017. CalRecycle received 24 applications from individuals generally representing the following stakeholder categories¹ recommended in statute:

- Environmental community
- Solid waste industry
- Local government
- Public or private representatives involved in the collection, processing, and recycling of carpet
- Other interested parties
- Carpet manufacturer
- Joint Apprenticeship Training Committee (Southern or Northern California)

Applicants that did not clearly represent a statutorily-defined stakeholder category were evaluated as “other interested parties” (e.g., individuals representing consultant groups, retail businesses, former representatives involved in the collection/recycling industry, and similar groups).

Relative to the broad statutory guidance provided in PRC §42972.1, applicants were evaluated based on the information provided in their applications; skills and experience relative to the statutory duties; geographic spread/representation; and balanced representation of categories identified in statute.

Other considerations included, but were not limited to, whether or not the applicants possess experience serving on other advisory groups/committees; technical or general knowledge and experience in the California carpet recycling/solid waste/materials management industry; and/or knowledge of extended producer responsibility laws or similar systems.

In addition, staff carefully considered applicants who have direct decision-making authority within CARE. In the interest of fostering the independent nature of the Advisory Committee, staff are not recommending such applicants be appointed to the Carpet Stewardship Program Advisory Committee. An exception was made in the manufacturer category.

Staff recommend the director appoint the following individuals to the Carpet Stewardship Program Advisory Committee pursuant to Section 42972.1 of the Public Resources Code.

¹ Some applicants fit into multiple stakeholder categories.

Staff Recommendation of Carpet Stewardship Program Advisory Committee Members:

1. Brent Whitener, Humboldt Waste Management Authority
2. Carter Hallock, ReThink Green
3. Doug Kobold, Sacramento County Department of Waste Management and Recycling
4. Douglas Mancosh, Fiber Commercial Technologies/Fiberon/BB&S Treated Lumber of New England
5. Douglas Williams, Los Angeles Fiber Co.
6. Eric Nelson, Interface
7. Franco Rossi, Aquafil USA
8. Gail Brice, XT Green
9. Howard Sapper, Carpet Manufacturers Warehouse
10. Joanne Brasch, California Product Stewardship Council
11. John Davis, Mojave Desert and Mountain Recycling Integrated Waste Management Joint Powers Authority
12. Kelly McBee, Californians Against Waste
13. Mike Tinney, Tinney Associates
14. Rachel Palopoli, Planet Recycling
15. Rachel Ross, Tehama County Solid Waste Management Authority
16. Steve Belong, Carpet Linoleum and Soft Tile Workers Local Union No. 12, District Council 16
17. Wes Nelson, GreenWaste Carpet Recycling
18. Speaker of the Assembly Appointee
19. Senate Committee on Rules Appointee

Mary Pitto

From: California Carpet Stewardship Program <info@carpetrecovery.ccsend.com> on behalf of California Carpet Stewardship Program <bjensen@carpetrecovery.org>
Sent: Thursday, December 21, 2017 8:46 AM
To: Mary Pitto
Subject: Dec News: Grant Update; Advisory Committee Nominated

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



California Carpet Stewardship Program December 2017 Update



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

Grant Cycle 2A/B Q&A Published

Following a webinar for grant applicants on December 6, CARE has published answers to all questions and comments received on Cycle 2A Capital Improvement and Cycle 2B Product Development/Testing grants. See the [grants webpage](#) for the Q&A document, the grant solicitations and the December 6 presentation. Applications are due February 28.

[Read more here.](#)

CalRecycle Announces Proposed Advisory Committee Members

At the December 19 public meeting, CalRecycle released its recommendations for members of the new California Carpet Advisory Committee: [see here for the full list of names](#). The Committee was formed as a result of the passage of AB 1158, and will meet for the first time in January. CARE will submit its revised 5 Year Plan to the Committee for feedback on January 8. The California Council on Carpet Recycling will disband as of December 31. CARE expresses deep gratitude to all the members of the Council who gave their time and expertise to the Program.

At the same meeting, CalRecycle confirmed that civil penalties will be pursued against CARE, following the finding that the California Carpet Stewardship Program's 2016 Annual Report was out of compliance with the requirements of the carpet recycling law (AB 2398). However, details have not been finalized.

Soil Testing Underway

CARE is working to find new ways to incorporate recycled carpeting material into products and processes. In December, UC Davis Professor Peter Green and his research team toured the CLEAR facility in Lincoln, CA in preparation for the upcoming test of Post Consumer Carpet Calcium Carbonate (PC4) as a soil amendment. CARE market development consultant Mike Tinney hosted the tour.



Mike with Dr. Peter Green with team at the CLEAR facility

Email Mike for more information on the soil testing program.

Retailer Mailing Is On Its Way

All California carpet retailers will be receiving an end-of-year mailing from CARE. In addition to an update on Program progress in 2017, retailers will receive a poster and window cling to inform customers about carpet recycling.

If you do not receive the mailing or would like more copies, please contact CA@CarpetRecovery.org.



Retailer Poster

STAY CONNECTED:

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Carpet America Recovery Effort, 100 S. Hamilton Dr., Dalton, GA 30720

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Sent by bjensen@carpetrecovery.org

Mary Pitto

From: California Carpet Stewardship Program <info@carpetrecovery.ccsend.com> on behalf of California Carpet Stewardship Program <bjensen@carpetrecovery.org>
Sent: Wednesday, January 24, 2018 8:52 AM
To: Mary Pitto
Subject: Jan. News: Advisory Committee Meets; Grant Deadline Approaches

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California Carpet Stewardship Program January 2018 Update



California Carpet Stewardship Program

An Initiative of CARE: Carpet America Recovery Effort

Advisory Committee Holds Inaugural Meeting

The first meeting of the newly-formed California Carpet Stewardship Program Advisory Committee took place on January 11 in Sacramento. CARE Executive Director Bob Peoples and California Program Director Jacy Bolden attended. The Committee is required to operate under the Bagley Keene Act, and all meetings are open to the public; see the [CalRecycle website](#) for all notices of future meetings and calls. The Committee elected Rachel Palopoli of Planet Recycling as Chair.

The Committee received the draft CARE 5 Year Plan ahead of the meeting, and will be returning comments by early February. CARE will review the comments and respond, and plans to submit the final Plan to CalRecycle on March 16 as requested.

The Committee was formed as a result of the passage of [AB 1158](#), the law enacted in 2017 that modifies AB 2398. Advisory Committee activities are documented on [CalRecycle's website](#).

Cycle 2A/B Grant Applications Due February 28

Applications for Cycle 2A Capital Improvement and Cycle 2B Product Development/Testing grants are due on February 28. See the [grants webpage](#) for the grant solicitations and a Q&A document. Cycle 2A Capital Improvement grant projects must increase the quantity (pounds) of California-generated post-consumer carpet reused, recycled and/or utilized in the manufacturing of Tier 2 recycled products during 2018. Cycle 2B grants will support product testing, research and development, and similar market development activities to improve and

enhance post-consumer carpet (PCC) recycling and utilization of recycled content product manufacturing.

[Learn more.](#)

Drop-off Sites Mapped

There are currently 44 CARE-supported drop-off sites in the state. CARE supports drop-off sites by providing:

- A container for collection,
- Third party hauling to bring carpet material to recyclers,
- Promotional materials for local government and the hosting facility, and
- Technical assistance from CARE staff.



Drop-off Site Map

To see if there is a CARE sponsored drop-off site in your county, visit the [drop-off site map here](#). If you would like to set up a carpet recycling drop-off site, please contact CA@carpetrecovery.org.

Perc Pineda to Keynote CARE Conference

Perc Pineda, Chief Economist of the Plastics Industry Association ([PLASTICS](#)) will keynote the [CARE Annual Conference](#) on May 9 in Orlando at the Orlando Convention Center.

[Register here](#) and see [hotel information here](#).



Perc Pineda

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Sent by bjensen@carpetrecovery.org

Mary Pitto

From: California Carpet Stewardship Program <info@carpetrecovery.ccsend.com> on behalf of California Carpet Stewardship Program <bjensen@carpetrecovery.org>
Sent: Tuesday, February 13, 2018 10:10 AM
To: Mary Pitto
Subject: Feb. News: New Micro Grants Offered; Product Testing; Tile Collection Subsidy...

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California Carpet Stewardship Program February 2018 Update



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

New Cycle of Micro-Grants Announced

CARE's California Carpet Stewardship Program is requesting comments by February 20 on a [draft solicitation](#) for a second round of the Micro Grants Program for Collection/Reuse (Cycle 2M). The goal of the grants is to promote the additional collection and reuse of California post-consumer carpet (PCC). Cycle 2M funds will be awarded for infrastructure projects and/or purchase of equipment that support the proper collection and/or reuse of California PCC under a new or established California-based program.

The grantees from Cycle 1M are [profiled here](#).

A total of \$75,000 is allocated for the Cycle 2M (2018/19) Micro Grants Program for Collection/Reuse. Maximum grant awards will be limited to \$15,000 for each grant awarded under this program. See the [draft solicitation](#) for details on eligible applicants and projects.

Priority program applications are due no later than April 6, 2018 and projects must reach completion by the middle of 2019. Applications will be accepted and reviewed on a continuous basis through 2018, dependent upon available funding following the priority application period.

All comments on the Cycle 2M Micro Grants for Collection/Reuse Solicitation should be emailed to [Abbie Beane](#), CARE Grants Manager, by the February 20, 2018 deadline. Answers



*A CARE Micro Grant enabled
Napa Recycling to construct this
weather cover to keep collected
carpet dry.*

to comments and questions will be posted on the CARE grants webpage by March 16, 2018. Comments may be incorporated into the final Cycle 2M solicitation, scheduled to be posted on February 28, 2019.

NOTE: Funds cannot be released until the new Plan is approved by CalRecycle, which is anticipated in late May.

See the [Cycle 2M solicitation here](#) and the [California Program Grants page here](#).

Reminder: Cycle 2A/B Grant Applications Due February 28

Applications for Cycle 2A Capital Improvement and Cycle 2B Product Development/Testing grants are due on February 28. See the [grants webpage](#) for the grant solicitations and a Q&A document. Cycle 2A Capital Improvement grant projects must increase the quantity (pounds) of California-generated post-consumer carpet reused, recycled and/or utilized in the manufacturing of Tier 2 recycled products during 2018. Cycle 2B grants will support product testing, research and development, and similar market development activities to improve and enhance post-consumer carpet (PCC) recycling and utilization of recycled content product manufacturing.

[Learn more.](#)

New Carpet Tile Collection Subsidies Available for CSEs

Effective January 1, 2018, CARE launched the second in a series of three new pilot subsidies designed to support program goals. This new **Carpet Tile Collection Subsidy** aims to encourage the collection and reuse or recycling of carpet tile, a component of the carpet waste stream with high recyclability. Collector/Sorter Entrepreneurs (CSEs) participating under the CARE program are eligible to receive 5 cents per pound of post-consumer carpet tile collected, sorted and shipped, sold or donated for reuse or recycling. This new subsidy is available to CSEs in addition to existing carpet tile reuse and recycling subsidies already in place. Participants were noticed about new pilot subsidies in Q4 2017. Learn [more here](#) about all three pilot subsidies or email [Brennen Jensen](#) for more information or eligibility requirements.

Product Testing for Civil Engineering Enters Second Phase

As part of its ongoing commitment to developing uses for recycled carpet material, CARE has committed \$250,000 to complete Phase Two of a product testing project that will further test post-consumer PET carpet fiber for use in civil engineering applications. The work will be conducted by GHD, Inc. and Humboldt State University.

Phase One included testing of physical properties of post-consumer PET carpet as well as testing quality of water in contact with post-consumer carpet over time periods between two and six months. Phase Two will consist of two pilot projects with the City of Arcata. One will focus on storm-water infiltration applications and the second on septic systems. Concurrently an additional pilot project using [GeoHay](#) products for storm water containment will be conducted.

The Phase One case study can be [read here](#).

For further information please email [Mike Tinney](#), CARE Business Development Consultant.

Installer Outreach Continues Across the State

CARE outreach team members are meeting installers across California to spread the word about carpet recycling opportunities. Supported by coffee and doughnuts, the CARE team sets up at installer supply stores to let installers know about local drop-off sites that recycle, while surveying installers on what they currently do with carpet. In 2017, some 1,260 installers were reached in 63 tabling events.

Installers are encouraged to view [CARE's video](#) on preparing carpet for recycling, available in English and Spanish.



Tabling at the Tom Duffy supply store in Bakersfield

Advisory Committee Meets to Form Recommendations on Plan

The California Carpet Stewardship Advisory Committee has met several times this year, including a two-day in-person meeting on February 7-8. The Committee submitted their input on CARE's 5 Year Plan on February 12, and CARE will work to incorporate and/or respond to the recommendations. The Committee's meetings are open to the public; for dates, agendas and further information, consult the [CalRecycle website](#).

Product Development: Bio-Based Caprolactam To Be Produced

Nylon yarn producer [Aquafil](#) and bioengineering company [Genomatica](#) have announced a multi-year agreement to create plant-based caprolactam, a development that could greatly increase the sustainability of carpet. Petroleum-based caprolactam is the starting material for all nylon 6 carpet produced today.

[Read more here.](#)

Reminder: Register for the CARE Conference

The 16th [CARE Annual Conference](#) takes place May 9 in Orlando at the Orlando Convention Center, in partnership with Re|Focus and the Agricultural Plastics Recycling Conference.

[Register here](#) and see [hotel information here](#).

STAY CONNECTED:

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Sent by bjensen@carpetrecovery.org

Consideration of California Paint Stewardship Program Year 5 Annual Report

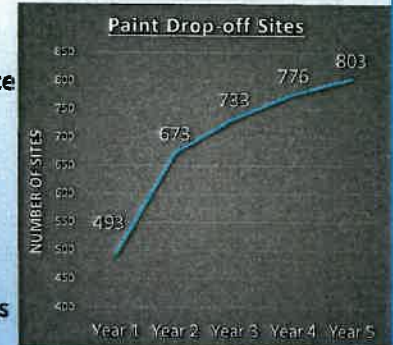
January 23, 2018

Allyson Williams
Allyson.Williams@CalRecycle.ca.gov
 (916) 341-6219



Program Convenience

- 803 Drop-off Sites**
 ↑ from 776 sites
- 98.5% w/in 15 Miles of Site**
 ↑ from 98%
- 115 Municipal Sites**
 ↑ from 111 sites
- 313 HHW Events**
 ↑ from 247 events
- 313 Large Volume Pick-ups**
 ↑ from 210 LVP's



Collection & Recovery Rate

- ↑ Collection**
3,464,149 gallons
 11% increase
 54% municipal



- ↑ Recovery Rate (collection/sales)**
 5% in year 5 (4.5% in year 4)



Paint Management

		Year 3	Year 4	Year 5
Latex	Reused	3%	4%	5%
	Recycled	72%	66%	66%
	ADC/Ground Cover	<1%	<1%	<1%
	Concrete Products	5%	5%	5%
	Energy Recovery	15%	19%	18%
	Disposal	5%	6%	6%
Oil-Based	Reused	2%	2%	3%
	Energy Recovery	41%	43%	42%
	Incineration	57%	55%	55%



Financing Mechanism

↑ **Total Expenses = \$32M**

\$9.36 per gallon

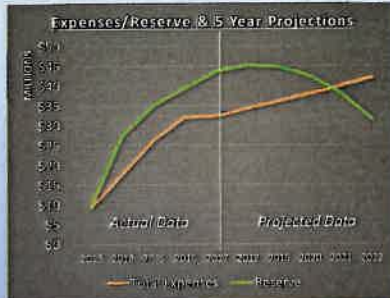
↓ From **\$10.29** in 2016

\$3.8M for outreach

↓ From **\$5.2M** in 2016

↑ **Reserve = \$43M**

Exceeds target balance



Recommendations

Compliant, build upon progress in 2018

- Incentivize highest and best use
- Increase performance and convenience of sites
- Develop cost efficiencies
- Decrease reserve balance



PaintCare Contacts

PaintCare Webpage:

www.paintcare.org/california/



PaintCare Hotline: (855) 724-6809

info@paintcare.org

Jeremy Jones, West Coast Program Manager:

(415) 590-0259, jjones@paint.org



For more information...

- CalRecycle Paint Team:
paint@calrecycle.ca.gov
- CalRecycle Paint Listserv:
www.calrecycle.ca.gov/listservs/
- Public Notice:
www.calrecycle.ca.gov/Actions/PublicNoticeDetail.aspx?id=2750&aiid=2058



Mary Pitto


From: Mattress Recycling Council <ispa@sleepproducts.ccsend.com> on behalf of Mattress Recycling Council <info@mattressrecyclingcouncil.org>
Sent: Friday, December 01, 2017 12:03 PM
To: Mary Pitto
Subject: December Program Update

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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

Dec. 1, 2017

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IN THE COMMUNITY:
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COLLECTION SITES:
[Updated Publicity Kits for Site and Event Hosts](#)

[Verify Your Locator Listing](#)



We appreciate all of those who help make mattress recycling possible. Thank you for helping the Bye Bye Mattress Program be successful and continue to improve.

MRC NEWS: Holiday Hours

During the holiday season MRC's Customer Service and Technical Support will have limited hours or closures on the following dates:

Limited Hours
Dec. 27-29 and Jan. 2

California Illegally
Dumped Mattress
Collection Initiative

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>
Nov. 1-30	Dec. 30
Dec. 1-31	Jan. 30
Jan 1-31	Mar. 2
Feb. 1-28	Mar. 30

Submit Reports &
Payments via
MRCreporting.org

PUBLICITY TOOLKITS

During this time email support@mattressrecyclingcouncil.org or call 1-888-646-6815.

Closed

Dec. 25-26 and Jan. 1

MRC's Customer Service and Technical Support will fully resume normal hours on Jan. 3, 2018.

MRC NEWS: In First Year of California Program MRC Collected Nearly 1 Million Mattresses, Annual Report Now Available

CalRecycle accepted MRC's [2016 Annual Report](#). Highlights from the first year of the Program include:

- MRC received 955,059 units and diverted 29,090,484 pounds of material from disposal.
- By year end, MRC had established 122 collection sites and 50 collection events. MRC's contracted recyclers also operated 11 recycling facilities.
- MRC created an initiative to compensate participating local governments, solid waste facilities, or solid waste operations for managing illegally dumped mattresses, and to collect baseline data to measure the impact of these efforts on reducing the impact of illegal mattress dumping in the state. During its first year, this initiative collected 23,794 illegally dumped units from 40 participants located throughout 29 counties.

The 2017 Annual Report will be submitted to the state on July, 1 2018.

MATTRESS INDUSTRY: New Customer Education Materials to Debut in 2018

Thanks to your feedback, we've been improving the in-store posters for each state. Changes include:

- Additional detail about what the fee is used for and what happens when the mattress is recycled.
- Confirmation of whether or not sales tax is applied to the fee (this varies by state).



Rhode Island Poster

Collection Site Hosts:

Find press releases, flyers, site signage and more!

[Site Host Toolkit](#)

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](#)

[Leandro](#)

[Cleaner Earth Company](#)

[Cristal Materials - LA](#)

[Cristal Materials -](#)

[Commerce](#)

[DR3 Oakland](#)

[DR3 Woodland](#)

[Goodwill of Silicon](#)

[Valley](#)

[R5 Recycling](#)

CONNECTICUT & RHODE ISLAND

Businesses should contact our Northeast Program Coordinator [Kate Caddy](#) for arrangements.

[Park City Green-CT](#)

[Ace Mattress Recycling-RI](#)

[Express Mattress Recyclers-RI](#)

- Reassurance that any mattress can be dropped off or recycled through the Program regardless of date of purchase.
- Clearing up confusion that MRC or Bye Bye Mattress picks up old mattresses from individual homes by emphasizing that the customer either drops off directly at a location or asks their retailer if they take old mattresses back.
- Updated fees reflected (California & Rhode Island versions only).

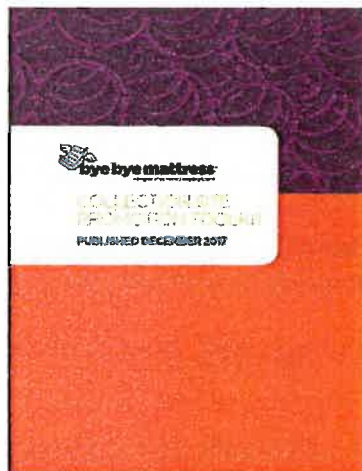
The information cards are also being updated to match the look of the poster and we are working to make new cards and posters available to all states by 2018.

Visit www.MattressRecyclingCouncil.org/Resources to view and download the artwork specific to your state.

COLLECTION SITES & EVENTS: Updated Publicity Toolkits To Be Released in December

We can help you promote your collection site or your next collection event. Updated toolkits will be launched by Dec. 15 and available in the resources section of MattressRecyclingCouncil.org.

Here's a preview of what will be available:



Collection Sites:

- Recycling locator listing
- Signage
- Press release
- Radio script
- Newspaper ad



Collection Events

- Recycling locator listing
- Event day/way finding signage
- Flyer or poster
- Media alert

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



Check out the latest issue at sleepsavvymagazine.com

Subscriptions are FREE!

- Content for your newsletter, website or social media
- How to use our Public Service Announcement
- Radio script
- Newspaper ad
- Content for your newsletter, website or social media
- How to use our Public Service Announcement

NEW! We've also included a reference sheet to help your staff explain the Program or answer common questions from the public.

Contact [MRC's Marketing & Communications Department](#) with questions or for more details.

MATTRESS INDUSTRY: Reminder of New Mailing Address for Recycling Fee Payments

Please note that the address to which to send payments (collected recycling fees) by check has changed. The new PO Box for Mattress Recycling Council is:

**PO Box 223594
Chantilly, VA 20153-3594**

For payment questions, please contact us at 1-888-646-6815, or support@mattressrecyclingcouncil.org.

MATTRESS INDUSTRY: Submit Outstanding Reports

The year is coming to a close, so please make sure you have submitted all outstanding reports and payments.

See the [MRC Guidelines](#) for how to check and resolve outstanding reports and payments.

Per our [Fee Policy](#), penalties and fines may apply.

COLLECTION LOCATIONS: Join the California Illegally Dumped Mattress Collection Initiative

The California Illegally Dumped Mattress Collection Initiative continues to grow. More than 90 California sites have joined the initiative, and so far more than **26,000 units have been collected in 2017.**

This initiative allows agencies responsible for the collection of illegally dumped mattresses from public spaces and rights-of-

way to receive payment from MRC for the collection of illegally dumped mattresses. MRC has allotted \$750,000 to fund this effort for 2017.

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](#).



COLLECTION LOCATIONS: Is Your Listing Accurate in Our Locator?



To ensure we have the latest details about your location, please [complete this form](#).

UPCOMING EVENTS

Northeast Furniture & Accessories Market

Jan. 7-8, 2018

New Jersey Convention Center

Edison, NJ

[Event website](#)

Stop by MRC's booth to meet the Northeast Program Coordinator Kate Caddy and Retailer Liaison Paris Gholston. They can help with questions about registration, reporting, remitting and recycling.

2018 Connecticut Recycling Conference

Jan. 17, 2018

The Aqua Turf Club

Plantsville, CT

[Event website](#)

The CT Recyclers Conference is the singular event each year where municipalities, state officials, the business community and non-profit organizations in Connecticut come together in one setting to have a dialogue about the best ways to achieve our mutual goal of a 60% recycling rate statewide.

Stop by MRC's booth to meet with Kate Caddy.

Las Vegas Market - Winter

Jan. 28 - Feb. 1, 2018

World Market Center

Las Vegas, NV

[Event website](#)

Find us in HFA's Retailer Resource Center - B1050.

ISPA EXPO

March 14-16, 2018

Charlotte Convention Center

Charlotte, NC

[Event website](#)

Your colleagues, your clients, your competition, your prospects--mattress industry leaders and innovators from all corners of the globe--will converge at ISPA EXPO to gain a competitive edge, get inspired and do business. And you are invited to join them. You can't beat EXPO's three action-packed days of unparalleled networking, informative presentations and efficient one-stop shopping. Discover ISPA EXPO's powerful potential and register today!

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

Guerneville Transfer Station
Guerneville, CA 95446

Pacific Manufacturing & Distributing
Oxnard, CA 93033
Free drop-off for retailers & public!

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

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Mary Pitto

From: Mattress Recycling Council <ispa@sleepproducts.ccsend.com> on behalf of Mattress Recycling Council <info@mattressrecyclingcouncil.org>
Sent: Tuesday, January 16, 2018 12:04 PM
To: Mary Pitto
Subject: January 2018 Program Update

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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.

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MRC Program Update



Mattress Recycling Council

January 16, 2018

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[Best Practices for Bed Bug Management](#)

[Calif.-Based Renovators Must Report to CalRecycle](#)

IN THE COMMUNITY:
[Upcoming Events](#)

[New Collection Sites](#)

COLLECTION SITES:
[Free Workshop on Bed Bug Management](#)



We're looking forward to working with you to collect another million mattresses for recycling in 2018! Thanks for helping MRC's Bye Bye Mattress Program be successful.

MATTRESS INDUSTRY: Find Us at Winter Las Vegas Market

MRC leadership and staff will be available at the Winter Las Vegas Market Jan. 28-Feb. 1 to answer questions related to recycling, the fee or the reporting and payment obligations.

1

119

CA Solid Waste
Facilities and Recyclers
Must Report to
CalRecycle by May 1

Locator Listings
Enhancements

California Event
Guidelines Updated

Feb. 15 Deadline for
Illegally Dumped
Mattress Data

In Every Issue

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

FOR RETAILERS

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Online Order Form

Samples:
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Customer Q & A
Spanish

Request artwork or
logos

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<u>Collection Period</u>	<u>Due</u>
Dec. 1-31	Jan. 30
Jan 1-31	Mar. 2
Feb. 1-28	Mar. 30

**Home Furnishing Association's
Retailer Resource Center
Building B, B-1050
Space 25**



Pick up new consumer education materials and information to share with your sales associates or clients about the fee and recycling.

FREE WORKSHOP: Best Practices for Bed Bug Management

Anyone that handles discarded mattresses is encouraged to attend in-person or join the online meeting.

Tues. February 27, 2018
1:30-3:30pm Eastern
Connecticut DEEP Auditorium
79 Elm Street
Hartford, CT 06106

Or join via webinar - [reserve your seat here.](#)

This free workshop is designed for the waste, reuse, resale, rental and recycling industries. Learn about self protection, identification, and appropriate management for bed bugs in industry settings. Certificate provided upon completion for those attending in-person.

Presenters include Dr. Gale Ridge, entomologist with Connecticut Agricultural Experiment Station and Chair of the Connecticut Coalition Against Bed Bugs; and MRC's Kate Caddy.

Contact kcaddy@mattressrecyclingcouncil.org or 517-279-7336.

California Solid Waste Facilities, Recyclers and Renovators Must Report to CalRecycle Each Year *CalRecycle May Contact You Soon; Data Due May 1*

As required by California's law, solid waste facilities, recyclers and renovators are required to report annual data to CalRecycle by May 1 of each year. This means 2017 data will be due on May 1, 2018.

CalRecycle will be reaching out to these facilities with further details. To receive notifications and reminders directly from

Submit Reports & Payments via MRCreporting.org

***NEW
For 2018***

PUBLICITY TOOLKITS

Collection Site Hosts:

Find press releases, flyers, site signage and more!

[Site Host Toolkit](#)

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 Leandro](#)

[Cleaner Earth Company](#)

[Cristal Materials - LA](#)
[Cristal Materials - Commerce](#)

[DR3 Oakland](#)

[DR3 Woodland](#)

[Goodwill of Silicon Valley](#)

CalRecycle, sign up for the [Mattress Product Stewardship Listserv](#).

If you are contracted with MRC, your Program Coordinator can provide you with some of the data that is requested. MRC does not report this data to CalRecycle on your behalf.

Refer to [Public Resources Code \(PRC\) § 42991](#) and [California Code of Regulations \(CCR\), Title 14, §§ 18965-18967](#) for the specific reporting requirements.

Please contact mattresses@calrecycle.ca.gov with any questions

COLLECTION LOCATIONS: California Event Guidelines Updated

MRC has issued new guidelines for California collection events. These changes allow MRC to use collection events more effectively in the state and dedicate the resources to communities that are lacking collection site infrastructure or reasonable access to a recycler.



The changes include:

- limiting requests to one event per year (some exceptions apply)
- instituting a 60-days' notice requirement.

With these changes, communities interested in working with MRC to provide mattress collection during spring cleaning, Earth Day or other neighborhood beautification projects should be requesting their event dates now.

[View the updated collection event information here.](#)

COLLECTION LOCATIONS: California Illegally Dumped Mattress Collection Initiative Deadline



Those participating in the MRC's California Illegally Dumped Mattress Collection Initiative must report their 2017 data by Feb. 15, 2018 in order to receive payment.

R5 Recycling

CONNECTICUT & RHODE ISLAND

Businesses should contact our Northeast Program Coordinator **Kate Caddy** for arrangements.

Park City Green-CT

Ace Mattress Recycling-RI

Express Mattress Recyclers-RI

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



Check out the latest issue at sleepsavvymagazine.com

Subscriptions are FREE!

If interested in participating in the program for 2018 or looking for more information and eligibility requirements, check out <https://connect.re-trac.com/registration/mrc-idp> or contact [Mark Patti](#).

COLLECTION LOCATIONS: Locator Listing Enhancement

We're enhancing the locator listings with the option to have a residency restriction statement immediately visible from both the listing and map pin views.



Example from map pin view

This statement will appear below your site name, but above your address. Options will include "For City Residents Only," "For County Residents Only," and "For State Residents Only."

If you would like your listing to be updated, please [complete this form](#).

WE'RE HIRING!

Our California team is expanding and adding an additional Program Coordinator in Southern California. [View the full job description here](#).

Send resumes to opportunities@mattressrecyclingcouncil.org

UPCOMING EVENTS

Las Vegas Market - Winter

Jan. 28 - Feb. 1, 2018

World Market Center

Las Vegas, NV

[Event website](#)

Find us in HFA's Retailer Resource Center - B1050.

Regional Conference on Sustainable Development

Feb. 7, 2018

Grace Farms
New Canaan, CT
[Event Website](#)

Join Grace Farms Foundation and Live Green

Connecticut for the first annual Regional Convening for Sustainable Development (RCSD). Thought leaders from around the world will discuss wide-ranging strategies for sustainable development, with regional case studies demonstrating how some of those strategies have been implemented locally. Learn how we can come together to make Connecticut a leader in community-driven sustainable development.

ISPA EXPO

March 14-16, 2018
Charlotte Convention Center
Charlotte, NC
[Event website](#)

Your colleagues, your clients, your competition, your prospects--mattress industry leaders and innovators from all corners of the globe--will converge at ISPA EXPO to gain a competitive edge, get inspired and do business. And you are invited to join them. You can't beat EXPO's three action-packed days of unparalleled networking, informative presentations and efficient one-stop shopping. Discover ISPA EXPO's powerful potential and register today!

NCRA's 23rd Annual Recycling Update

March 20, 2018
[Event Website](#)

Terry McDonald of DR3 Mattress Recycling and Saint Vincent de Paul Lane County is among the featured speakers. Early Registration opens on January 22.

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:

[Connecticut](#)

[California](#)

Groton Transfer Station
Groton, CT 06340

**Greater Valley Conservation
Corps - Stockton Yard**
Stockton, CA 95206

**Helendale Community
Services District Thrift Store**
Helendale, CA 92342

Mojave Landfill
Mojave, CA 93501

Palomar Transfer Station
Carlsbad, CA 92008

**Recology Butte Colusa Oroville
Transfer Station**
Oroville, CA 95965

**Recology Maxwell Transfer
Station**
Maxwell, CA 96955

Ridgecrest Landfill
Ridgecrest, CA 93555

The Salvation Army Oakland
Oakland, CA 94607

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](mailto:mpitto@rcrcnet.org)

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Sent by info@mattressrecyclingcouncil.org in collaboration with

Constant Contact 

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From: Mattress Recycling Council <ispa@sleepproducts.ccsend.com> on behalf of Mattress Recycling Council <info@mattressrecyclingcouncil.org>
Sent: Thursday, February 15, 2018 12:26 PM
To: Mary Pitto
Subject: February 2018 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

February 15, 2018

[\[HOME \]](#) [\[ABOUT \]](#) [\[CONTACT \]](#)



In This Issue

MRC NEWS:
[Working with Alameda County](#)

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[Connecticut Recyclers Coalition Recap](#)

[We're hiring!](#)

FOR MATTRESS INDUSTRY:
[Best Practices for Bed Bug Management](#)

[Calif.-Based Renovators Must Report to CalRecycle by May 1](#)

IN THE COMMUNITY:
[Upcoming Events](#)

[New Collection Sites](#)

MRC NEWS: Working with Alameda County To Address Illegal Dumping

MRC is proud to collaborate with Alameda County Supervisor Nate Miley's Office, California Highway Patrol, Alameda County Sheriff's Office and Deputy Sheriffs' Activities League to produce a Public Service Announcement Video that raises awareness of the Bye Bye Mattress Program and deters illegal dumping. The 30-second spot features deputies who are called to the scene of an illegal dumping incident near a youth soccer field. The deputies reinforce illegal dumping is a crime that impacts the community and then provides information regarding upcoming collection events.

MRC offers publicity assistance to all of it's [collection sites](#) and [collection events](#). Check out the recently updated toolkits to see what we can provide you.

MRC NEWS: MRC Creating New Video PSA

Sandman is back! This time he's reminding you that illegally dumping your mattress or landfilling it is a nightmare. He wouldn't dream of doing such a thing when there are so many places to drop it off for free and get it recycled.

COLLECTION SITES:

[Free Workshop on Bed Bug Management](#)

[CA Solid Waste Facilities and Recyclers Must Report to CalRecycle by May 1](#)

[Locator Listings Enhancements](#)

[California Event Guidelines Updated](#)

[Feb. 15 Deadline for Illegally Dumped Mattress Data](#)

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

MRC will also be able to personalize the final seconds of the spot with your city or county or company logo and mention specific sites or upcoming events.

Production begins in March and the 30-second spot will be available in the Media Center in the Spring. Check out a snapshot from the video below.



FREE WORKSHOP: Best Practices for Bed Bug Management

Anyone that handles discarded mattresses is encouraged to attend in-person or join the online meeting.

Tues. February 27, 2018

1:30-3:30pm Eastern

Connecticut DEEP Auditorium

79 Elm Street

Hartford, CT 06106

Or join via webinar - [reserve your seat here](#).

This free workshop is designed for the waste, reuse, resale, rental and recycling industries. Learn about self protection, identification, and appropriate management for bed bugs in industry settings. Certificate provided upon completion for those attending in-person.

Presenters include Dr. Gale Ridge, entomologist with Connecticut Agricultural Experiment Station and Chair of the Connecticut Coalition Against Bed Bugs; and MRC's Kate Caddy.

Contact kcaddy@mattressrecyclingcouncil.org or 571-279-7336.

MRC NEWS: Connecticut Recyclers Coalition Recap

Collection Period	Due
Jan 1-31	Mar 2
Feb 1-28	Mar 30
Mar 1-31	Apr 30

Submit Reports & Payments via MRCreporting.org

***NEW
For 2018***

PUBLICITY TOOLKITS

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

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 Leandro](#)

[Cleaner Earth Company](#)

[Cristal Materials - LA](#)
[Cristal Materials - Commerce](#)

[DR3 Oakland](#)

[DR3 Woodland](#)

Kate Caddy, MRC's Northeast Program Coordinator, attended the Connecticut Recyclers Coalition Conference. Kate represented MRC with a booth at the event, and was able to interact with other professionals in the recycling community. They discussed recycling issues facing Connecticut and ways to come together to meet the common goal of increasing the recycling rates in the state. Stay involved and informed of upcoming events by visiting the Connecticut Recyclers Coalition website.



Kate Caddy, MRC's Northeast Program Coordinator.

CalRecycle Webinar Explains Reporting Process for Solid Waste Facilities, Recyclers & Renovators

In case you missed it - recording to be made available soon

As required by California's law, solid waste facilities, recyclers and renovators are required to report annual data to CalRecycle by May 1 of each year. This means 2017 data will be due on May 1, 2018.

CalRecycle conducted a short training webinar on this annual reporting requirement and reporting process. Topics included: an overview of the definition of who is required to report, what the reporting requirements are, how to utilize the Mattress Recovery and Recycling Program database, and tools available to assist reporting entities.

[Goodwill of Silicon Valley](#)

[R5 Recycling](#)

CONNECTICUT & RHODE ISLAND

*Businesses should contact our Northeast Program Coordinator **Kate Caddy** for arrangements.*

[Park City Green-CT](#)

[Ace Mattress Recycling-RI](#)

[Express Mattress Recyclers-RI](#)

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Check out the latest issue at sleepsavvymagazine.com

Subscriptions are FREE!

A recording will be available on [CalRecycle's website soon](#).

To receive notifications and reminders directly from CalRecycle regarding this reporting requirement, sign up for the [Mattress Product Stewardship Listserv](#).

Please contact mattresses@calrecycle.ca.gov with any questions.

COLLECTION LOCATIONS: California Event Guidelines Updated

MRC has issued new guidelines for California collection events. These changes allow MRC to use collection events more effectively in the state and dedicate the resources to communities that are lacking collection site infrastructure or reasonable access to a recycler.



The changes include:

- limiting requests to one event per year (some exceptions apply)
- instituting a 60-days' notice requirement.

With these changes, communities interested in working with MRC to provide mattress collection during spring cleaning, Earth Day or other neighborhood beautification projects should be requesting their event dates now.

[View the updated collection event information here.](#)

COLLECTION LOCATIONS: California Illegally Dumped Mattress Collection Initiative data



Today is the last day for those participating in the MRC's California Illegally Dumped Mattress Collection Initiative to report their 2017 data. In order to receive payment all data must be submitted by the end of **today**.

If interested in participating in the program for 2018 or looking for more information and eligibility requirements, check out <https://connect.re-trac.com/registration/mrc-idp> or contact [Mark Patti](#).

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Our California team is expanding and adding an additional Program Coordinator in Southern California.

[View the full job description here.](#)

Send resumes to opportunities@mattressrecyclingcouncil.org.

UPCOMING EVENTS

What's In What's Out Recycling Event

March 4, 2018

1-3pm

Edmund Town Hall

Newtown, CT

CT Housatonic Resources Recovery Authority is hosting a recycling event as part of their What's In What's Out Campaign to educate the public about what can be recycled. MRC will have a booth. Check out this event and say hi!

ISPA EXPO

March 14-16, 2018

Charlotte Convention Center

Charlotte, NC

Event website

Your colleagues, your clients, your competition, your prospects--mattress industry leaders and innovators from all corners of the globe--will converge at ISPA EXPO to gain a competitive edge, get inspired and do business. And you are invited to join them. You can't beat EXPO's three action-packed days of unparalleled networking, informative presentations and efficient one-stop shopping. Discover ISPA EXPO's powerful potential and register today!

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March 20, 2018

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Here are some recent additions to our locator directory:

California

Sacramento Valley Mattress Inc.

Sacramento, CA 95820

**This location accepts from business and residents free*

Greater Valley Conservation Corps

Sonora, CA 95370

**This location accepts from business and residents free*

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

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Try it free today



Del Norte Solid Waste Management Authority

1700 State Street, Crescent City, CA 95531

Phone (707) 465-1100 Fax (707) 465-1300

www.recycledelnorte.ca.gov

The Authority's mission is the management of Del Norte County solid waste and recyclable material in an environmentally sound, cost effective, efficient and safe manner while ensuring 100% regulatory compliance with law.

01 March 2018

Assemblymember Richard Bloom
P.O. Box 942849
Sacramento, CA 94249-0050

SUBJECT: A Review of the Mattress Recycling Council's activities in Del Norte County

Dear Assemblymember Bloom:

Our understanding of the intent of the Mattress Recycling Program was that customers could have access to free daily mattress disposal, supported by fees collected when a new mattress is purchased. In addition, some funds were to be made available for cleanup of illegally dumped mattresses. As long as the Mattress Recycling Council (MRC) is allowed to set a single statewide fee and omit mattress recycling services in communities that do not appear profitable, neither of these two objectives will be met in rural communities like Del Norte County.

As Director of the Del Norte Solid Waste Management Authority, a rural joint powers authority of the City of Crescent City and the County of Del Norte, I welcome and appreciate this opportunity to share our agency's experience of the Mattress Recycling Council's activities. I have asked Karen Lang of the firm Shaw / Yoder / Antwih, who serve as legislative advocates for Del Norte County, to read these comments on our behalf as I was unable to travel to Sacramento at this time.

Both transportation and disposal costs are higher in our rural area. All materials bound for disposal from the Del Norte County Transfer Station are transported over 110 miles to a landfill in Oregon. For comparison, the per-ton disposal fee around Sacramento is between \$30 and \$72 per ton, whereas in Del Norte County our current disposal fee is \$148.50 per ton. At the Del Norte County Transfer Station, we dispose of mattresses or box springs for a \$10.07 handling fee plus the charge for the weight of each mattress. At the small volume transfer stations in Gasquet and Klamath, the weight charge is included and the disposal charge for mattresses is \$15.17 each.

From the outset of the MRC program, there was a mismatch between the statewide fee and the service fees in our existing agreements, and we have repeatedly communicated these issues to MRC staff. Our agency and facilities could accept mattresses for no charge from the public (as required under SB 254) only if our contractors and agency were willing to take a loss

A Joint Powers Authority of
the City of Crescent City and County of Del Norte

Printed on minimum
30% post-consumer



100% recycled paper

for each mattress received, or if MRC was willing to pay more than they were receiving per mattress in our County.

To their credit, MRC staff proposed periodic one-day collection events for mattresses in Del Norte, for which MRC provides trailers and shipping and pay transfer station operations costs associated with loading mattresses on that day. During these MRC events, Del Norte residents can bring up to four mattresses or box springs for no charge. For each 'free' mattress event, MRC pays our operations contractor (Hambro/WSG or HWSG) an amount per mattress that is less than the amount HWSG would receive on a daily basis. So holding 'free' events reduces HWSG's (and our agency's) revenue, and creates an incentive for customers to hold onto their mattresses for the next event.

Based on our County's proportion of California's population, our staff estimates that approximately 2700 mattresses were sold in Del Norte last year, yielding revenues of over \$28,000 to the Mattress Recycling Council from Del Norte County. In return for this revenue, MRC helped support three days of mattress collection events in Del Norte County in 2017, managing 950 mattresses and box springs – about one third of our annual total.

So we could look at our situation this way: In 2017, MRC was allowed to collect about \$29.50 per mattress they supported recycling in Del Norte County because they were unwilling to pay our pre-existing daily costs of about \$15 per mattress. Nonetheless, every customer who purchased a new mattress in Del Norte paid for these collection events – whether or not they could bring their mattress during one of those three days. We conclude that the value of the advance recycling fees collected from our community substantially exceeds the value of the 'free mattress recycling' services currently supported by MRC in Del Norte County.

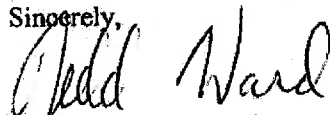
Until MRC sustains a location for low-cost or free mattress disposal in Del Norte County, any MRC financial support for the collection and disposal of mattresses that have been illegally dumped will be too little, too late.

In their efforts to control expenses, MRC may not want to pay the amounts in a local agency's contracts. Nevertheless, to balance the privilege of collecting advance recycling fees on mattresses in every County, MRC should be obliged to provide at least one location for daily mattress recycling dropoff in each County. As long as such compliance is under MRC's discretion, operation costs will continue to exceed MRC's willingness to pay in many situations. Our agency finds it unacceptable that MRC is allowed to set - and even reduce - their statewide advance recycling fee while concurrently having multi-million dollar account balances and claiming MRC somehow cannot afford to support provide at least one location for daily mattress recycling in each County.

Mattress-generated revenues collected in underserved Counties like ours could instead be directed to the public agency providing daily mattress disposal or recycling services in that area. For example, if our agency received the MRC revenues collected in Del Norte County, we could reduce our per-mattress price to about \$5.30 per mattress. That could well do more in the next few years to reduce the blight associated with illegally dumped mattresses in Del Norte County than MRC's current programs.

The rallying cry of 'no taxation without representation' goes way back in our nation. To us it means too many fees for too little service - and no obligation to respond to critics. Allowing MRC to set and modify their fees, selectively omit services, and yet not be responsive to the mattress advisory committee are each and all forms of taxation without representation. That was unfair to the British Colonies in 1775, and it is equally unfair to rural California in 2018.

Sincerely,


Ted Ward, M.S. - Director

CalRecycle 
NEWS RELEASE

OFFICE OF PUBLIC AFFAIRS

Media Contact: Lance Klug
 (916) 341-6293 | lance.klug@calrecycle.ca.gov

January 29, 2018
FOR IMMEDIATE RELEASE
 Release #2018-02

California Fights Climate Change by Feeding the Hungry
\$9.4 Million Awarded to 31 Projects that Feed Californians, Reduce Food Waste

SACRAMENTO – The California Department of Resources Recycling and Recovery has announced the first award recipients for its new [Food Waste Prevention and Rescue Grant Program](#). As part of California’s comprehensive strategy to combat climate change, CalRecycle awarded \$9.4 million to 31 projects throughout the state that:

- Decrease the estimated 6 million tons of food waste landfilled in California each year, and
- Increase the state’s capacity to collect, transport, store, and distribute more food for the roughly 1 in 8 Californians who are food insecure.

When sent to landfills, food and other organic waste decomposes and generates methane, a potent greenhouse gas with a heat-trapping effect at least [86 times greater](#) than carbon dioxide over a 20-year span.

“Bolstering California’s food recovery infrastructure will help feed communities in need, create new jobs, and result in significant greenhouse gas reductions,” CalRecycle Director Scott Smithline said. “Our hope is that these programs will inspire similar efforts throughout California.”



CalRecycle’s Food Waste Prevention and Rescue Grant Program is part of [California Climate Investments](#), a statewide initiative that puts billions of Cap-and-Trade dollars to work reducing greenhouse gas emissions, strengthening the economy, and improving public health and the environment—particularly in disadvantaged communities.

To be eligible for grant funding, projects must be located in California; result in permanent, annual, and measurable reductions in greenhouse gas emissions; and increase the quantity of California-generated food materials prevented, reduced, or rescued from disposal. Note: Many of the following grant recipients serve multiple counties.

Applicant	County	Award
Alameda County Waste Management Authority	Alameda	\$500,000
Associated Students, Inc.	Los Angeles	\$65,340
City of Riverside	Riverside	\$209,736
City of Santa Monica	Los Angeles	\$100,000
Cityteam-Oakland	Alameda	\$96,429
Food Bank Coalition of SLO County	San Luis Obispo	\$100,000
Food Bank for Monterey County	Monterey	\$475,072
Food Finders, Inc.	Los Angeles	\$100,000
Food Forward	Los Angeles	\$500,000
Jesus Provides Our Daily Bread dba Jesus Center	Butte	\$499,789
Joint Venture Silicon Valley Network	Santa Clara	\$313,000
Los Angeles Regional Food Bank	Los Angeles	\$386,960
ProduceGood	San Diego	\$100,000

Re-plate, Inc.	Alameda	\$299,100
San Diego Food System Alliance, a Fiscal Project of Leah's Pantry	San Diego	\$500,000
St. Francis Center	Los Angeles	\$100,000
The Midnight Mission	Los Angeles	\$100,000
University of California, Merced	Merced	\$100,000
*Waste Not OC Coalition, a Fiscal Project of OneOC	Orange	\$339,574
White Pony Express	Contra Costa	\$115,000
Total (FY 2016-2017 Funds)		\$5,000,000

14%

Applicant	County	Award
City of Culver City	Los Angeles	\$497,144
City of Richmond	Contra Costa	\$327,500
Desert Manna	San Bernardino	\$470,450
El Dorado County	El Dorado	\$277,140
Fresno Metropolitan Ministry	Fresno	\$500,000
Imperial Valley Food Bank	Imperial	\$500,000
Kern County	Kern	\$191,963
Los Angeles Conservation Corps	Los Angeles	\$375,206
Peninsula Food Runners	San Francisco	\$200,000
Strong Food/L.A. Kitchen, Inc.	Los Angeles	\$389,387
Ventura County	Ventura	\$499,293
*Waste Not OC Coalition, a Fiscal Project of OneOC	Orange	\$160,426
Total (FY 2017-2018 Funds)		\$4,388,509

17.7%

*Project funded with combination of FY 2016-17 and FY 2017-18 allocations

Eligible applicants for CalRecycle's Food Waste Prevention and Rescue Grant Program include cities, counties, and other local agencies; businesses; California universities and colleges; nonprofit organizations; and qualifying Indian Tribes. Applicants may submit cooperative or regional applications with no more than four participants to achieve food recovery projections.

Find out more about CalRecycle's [California Climate Investments grants and loans](#) and read stories from [other grant recipients](#) about how they're putting [Cap-and-Trade dollars to work](#) for California's economy, environment, and the health of our communities.



[Website](#) | [CalRecycle Blog](#) | [News Releases](#) | [Public Meetings](#) | [Climate Investments](#) | [Organics](#) | [Bottles and Cans](#)

CalRecycle provides oversight of California solid waste handling and recycling programs to protect human health, develop sustainable solutions that conserve resources, and reduce greenhouse gases that contribute to climate change.

Mary Pitto

From: hhwie@yahoogroups.com on behalf of annabel.farrall@calrecycle.ca.gov [hhwie] <hhwie-noreply@yahoogroups.com>
Sent: Tuesday, February 06, 2018 12:37 PM
To: hhwie@yahoogroups.com
Subject: [hhwie] Now Open: Household Hazardous Waste Grant Program (HD30) Construction Project Application

30th Cycle (FY 2018/19)

This is the Notice of Funds Available (NOFA) for the **Household Hazardous Waste (HHW) Grant Program** which provides grants made available by CalRecycle to help local governments establish or expand HHW collection programs. California cities, counties, and local agencies, including Indian reservations with responsibility for HHW management are eligible to apply.

The current 30th cycle for construction projects is now available, please use the following link to obtain information on the FY 2018/19 NOFA:

<http://www.calrecycle.ca.gov/HomeHazWaste/Grants/30thCycle/default.htm>.

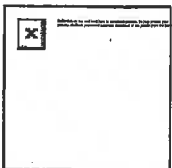
If you have any questions, after reading the instructions, please respond in writing during the Question & Answer period through February 20, 2018 to grants@CalRecycle.ca.gov

Reminder: During the application and review period all questions from applicants/participants concerning the grant must be placed through the Q & A email: grants@CalRecycle.ca.gov

Thank you for your attention.

Posted by: annabel.farrall@calrecycle.ca.gov

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VISIT YOUR GROUP

Mary Pitto

From: Grants@CalRecycle <grants@CalRecycle.ca.gov>
Sent: Thursday, February 15, 2018 4:52 PM
Cc: Farrall, Annabel@CalRecycle; Batavia, Ashraf@CalRecycle; Baker, Barbara@CalRecycle; Hayashida, Jill@CalRecycle; Dickinson, Linda@CalRecycle; Fong, Matthew@CalRecycle; Kwon, When@CalRecycle; Kikumoto, Laurie@CalRecycle; Lin, Jeffrey@CalRecycle; Biring, Baljot@CalRecycle; Wang, Emily@CalRecycle
Subject: Now Open: Household Hazardous Waste Grant Program (HD31) Small Projects Application

Now Open: Household Hazardous Waste Grant Program (HD31) Small Projects Application 31th Cycle (FY 2018/19)

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Reminder: During the application and review period all questions from applicants/participants concerning the grant must be placed through the Q & A email: grants@CalRecycle.ca.gov

Thank you for your attention.

Monthly Public Meeting

CalRecycle

10:00 A.M., December 19, 2017

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. PROGRAM AND ISSUE UPDATES

Action Items

No actions at this time

Information Items

Nothing to report at this time

D. 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

Nothing to report at this time

E. 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

F. 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

1. State Agency and Large State Facility AB 75 Diversion Program Compliance -- 2015/2016 Biennial Report Review Findings
Department Staff Contact: Robin.Williams@CalRecycle.ca.gov
[Public Notice](#)

Information Items

Nothing to report at this time

G. 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 Rubberized Pavement Grant Program (Tire Recycling Management Fund, Fiscal Year 2017–18)
Department Staff Contact: Loreto.Tamondong@CalRecycle.ca.gov
[Public Notice](#)
2. Awards for the Tire-Derived Aggregate Grant Program (Tire Recycling Management Fund, Fiscal Year 2017–18)
Department Staff Contact: Loreto.Tamondong@CalRecycle.ca.gov
[Public Notice](#)
3. Awards for the Tire Incentive Program (Tire Recycling Management Fund, Fiscal Year 2017–18)
Department Staff Contact: Noel.Davis@CalRecycle.ca.gov
[Public Notice](#)

H. 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. Central Processing Facility – Contra Costa County, Modified Solid Waste Facilities Permit, Action Needed December 31, 2017
Department Staff Contact: Beatrice.Poroli@Calrecycle.ca.gov
[Public Notice](#)
2. Moreno Valley Solid Waste Recycling and Transfer Facility – Riverside County, Revised Solid Waste Facilities Permit, Action Needed January 13, 2018
Department Staff Contact: Jeffrey.Esquivel@CalRecycle.ca.gov
[Public Notice](#)
3. Royal Recycling and Transfer – Los Angeles County, New Solid Waste Facilities Permit, Action Needed January 13, 2018
Department Staff Contact: Benjamin.Escotto@CalRecycle.ca.gov
[Public Notice](#)

4. Newby Island Compost Facility – Santa Clara County, Revised Solid Waste Facilities Permit, Action Needed January 29, 2018
Department Staff Contact: Eric.Kiruja@CalRecycle.ca.gov
[Public Notice](#)
5. El Corazon Compost Facility – San Diego County, Modified Solid Waste Facilities Permit, Action Needed January 29, 2018
Department Staff Contact: Patrick.Snider@CalRecycle.ca.gov
[Public Notice](#)
6. Lakin Tires West. Inc. Building #3 – Los Angeles County, Major Waste Tire Facility Permit, Action Needed March 18, 2018
Department Staff Contact: Jeff.Hackett@CalRecycle.ca.gov
[Public Notice](#)

Information Items

Nothing to report at this time

I. 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. Director Appointment of Carpet Stewardship Program Advisory Committee Members
Department Staff Contact: Allyson.Williams@CalRecycle.Ca.Gov
[Public Notice](#)

Information Items

1. Workshop to Discuss Eligibility, Scoring Criteria, and Evaluation Process for CalRecycle's Greenhouse Gas Reduction Fund Grant Program Appropriation for FY 2017-18
December 19, 2017 1:00PM – 4:00PM ([Sacramento](#))
Department Staff Contact: Michelle.Martin@CalRecycle.ca.gov

J. 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

K. 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/>.

Monthly Public Meeting

CalRecycle

10:00 A.M., January 23, 2018

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*

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C. PROGRAM AND ISSUE UPDATES

Action Items

No actions at this time

Information Items

1. China's National Sword Policy and Impacts on California
Department Staff Contact: Zoe.Heller@CalRecycle.ca.gov
2. Preview of 2018 Waste Characterization Study and Discussion of Potential Material Types
Department Staff Contact: Nancy.Carr@CalRecycle.ca.gov
3. Third Quarter Disposal Reporting System and Quarterly Station Notification Updates
Department Staff Contact: Eileen.Nathaniel@CalRecycle.ca.gov

D. 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. Beverage Container Recycling Program Update
Department Staff Contact: James.Nachbaur@CalRecycle.ca.gov

E. 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

1. Regulations Amending the Covered Electronic Waste Recycling Program and Finalizing Existing Emergency Regulations Relative to Designated Approved Collectors
Department Staff Contact: Jason.Smyth@CalRecycle.ca.gov
[Public Notice](#)

Information Items

Nothing to report at this time

F. 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. Approval To Initiate A Recycling Market Development Zone Designation Cycle For 2018
Department Staff Contact: Frank.Severson@Calrecycle.ca.gov
[Public Notice](#)
2. Five-Year Review Report For The Countywide Integrated Waste Management Plan For The County Of San Diego
Department Staff Contact: Arlene.Iwahiro@calrecycle.ca.gov
[Public Notice](#)

G. GRANT AND LOAN PROGRAMS

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

Action Items

1. Food Waste Prevention and Rescue Grant Program Awards for FY 2016/17 and Allocation, Eligibility, Scoring Criteria, Evaluation Process, and Awards for FY 2017/18 (Greenhouse Gas Reduction Fund, FY's 2016/17 and 2017/18)
Department Staff Contact: Alex.Byrne@CalRecycle.ca.gov
[Public Notice](#)
2. Allocations, Eligibility, Scoring Criteria, and Evaluation Process for the Organics Grant Program (Greenhouse Gas Reduction Fund, FY 2017/18)
Department Staff Contact: Alex.Byrne@CalRecycle.ca.gov
[Public Notice](#)
3. Eligibility Criteria and Evaluation Process for the Rubberized Pavement Grant Program (Tire Recycling Management Fund, FY's 2018/19 and 2019/20)
Department Staff Contact: Loreto.Tamondong@CalRecycle.ca.gov
[Public Notice](#)

4. Eligibility, Scoring Criteria, and Evaluation Process for the Household Hazardous Waste Grant Program (Integrated Waste Management Account, FY 2018/19)
Department Staff Contact: Annabel.Farrall@CalRecycle.ca.gov
[Public Notice](#)
5. Eligibility Criteria and Evaluation Process for the Local Government Waste Tire Cleanup Grant Program (Tire Recycling Management Fund, FY 2018/19)
Department Staff Contact: Cathy.Aggergaard@CalRecycle.ca.gov
[Public Notice](#)

Information Items

1. Awards for the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program (Farm and Ranch Solid Waste Management Cleanup and Abatement Account, FY 2017/18)
Department Staff Contact: Cathy.Aggergaard@CalRecycle.ca.gov
[Public Notice](#)
2. Recycling Market Development Zone Loan for Circular Polymers LLC (Recycling Market Development Revolving Loan Subaccount, FY 2017/18)
Department Staff Contact: Adam.St.Clair@CalRecycle.ca.gov
[Public Notice](#)
3. Recycling Market Development Zone Loan for Princess Paper, Inc. (Recycling Market Development Revolving Loan Subaccount, FY 2017/18)
Department Staff Contact: Bruce.Quigly@CalRecycle.ca.gov
[Public Notice](#)

H. 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. Eastern Regional Material Recovery Facility - Placer County, Revised Solid Waste Facilities Permit, Action Needed February 4, 2018
Department Staff Contact: John.Loane@CalRecycle.ca.gov
[Public Notice](#)
2. Kern Valley Recycling & Transfer Station – Kern County, Modified Solid Waste Facilities Permit, Action Needed February 6, 2018
Department Staff Contact: Christine.Karl@Calrecycle.ca.gov
[Public Notice](#)
3. Innovative Waste Control – City of Vernon, Modified Solid Waste Facilities Permit, Action Needed February 9, 2017
Department Staff Contact: Megan.Emslander@CalRecycle.ca.gov
[Public Notice](#)
4. El Corazon Compost Facility – San Diego County, Modified Solid Waste Facilities Permit, Action Needed February 13, 2018
Department Staff Contact: Patrick.Snider@CalRecycle.ca.gov
[Public Notice](#)

5. Central Processing Facility – Contra Costa County, Modified Solid Waste Facilities Permit, Action Needed February 16, 2018
Department Staff Contact: Beatrice.Poroli@Calrecycle.ca.gov
[Public Notice](#)

6. RCO Inc. – Los Angeles County, Major Waste Tire Facilities Permit, Action Needed July 10, 2018
Department Staff Contact: Joy.Isaacson@CalRecycle.ca.gov
[Public Notice](#)

Information Items

1. Waste Tire Enforcement Report
Department Staff Contact: Krysty.Emery@CalRecycle.ca.gov

I. 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. Adoption of the 2018 Rulemaking Calendar
Action Needed by January 25, 2018
Department Staff Contact: Elliot.Block@CalRecycle.ca.gov
[Public Notice](#)
2. Consideration of California Paint Stewardship Program Year 5 Annual Report
Department Staff Contact: Allyson.Williams@CalRecycle.ca.gov
[Public Notice](#)

Information Items

1. Covered Electronic Waste Stakeholder Workshop: Recycling Payment Rates
February 12, 10:00AM – 12:00PM ([Sacramento](#))
Department Staff Contact: Ana-Maria.Stoian-Chu@calrecycle.ca.gov

J. 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

1. Approval of Scope of Work and Humboldt State University Sponsored Programs Foundation as Contractor for the Evaluation of Water Quality Impacts of Zinc and Other Contaminants in Tire Derived Aggregate and Rubberized Asphalt Concrete Projects Contract (Tire Recycling Management Fund, FY 2018/19)
Department Staff Contact: Albert.Johnson@CalRecycle.ca.gov
[Public Notice](#)

K. 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

1. Approval of 2012-2015 Jurisdiction Review findings for the Source Reduction and Recycling Element (SRRE) and Recycling of Commercial Solid Waste (MCR) for the Following Jurisdictions: Adelanto, Lodi, Modesto
Department Staff Contact: Mark.Umfress@CalRecycle.ca.gov

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/>.



Monthly Public Meeting

CalRecycle

10:00 A.M., February 20, 2018

Cal/EPA Building – Sierra Hearing Room

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*

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C. PROGRAM AND ISSUE UPDATES

Action Items

No actions at this time

Information Items

Nothing to report at this time

D. 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

Nothing to report at this time

E. 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

F. 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 San Bernardino
Department Staff Contact: Melissa.Vargas@Calrecycle.ca.gov
[Public Notice](#)
2. Five-Year Review Report For The Countywide Integrated Waste Management Plan For The County Of Nevada
Department Staff Contact: Alex.Souza@Calrecycle.ca.gov
[Public Notice](#)

G. GRANT AND LOAN PROGRAMS

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

Action Items

1. Eligibility Criteria and Evaluation Process for the Tire Incentive Program (Tire Recycling Management Fund, Fiscal Years 2018–19 and 2019–20)
Department Staff Contact: Calvin.Young@CalRecycle.ca.gov
[Public Notice](#)
2. Eligibility Criteria and Evaluation Process for the Local Conservation Corps Grant Program (Beverage Container Recycling Fund, Electronic Waste and Recovery and Recycling Account, California Tire Recycling Management Fund, and California Used Oil Recycling Fund, FY 2018–19)
Department Staff Contact: MaryKay.Schafer@CalRecycle.ca.gov
[Public Notice](#)

Information Items

Nothing to report at this time

H. 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. Central Processing Facility – Contra Costa County, Modified Solid Waste Facility Permit, Action Needed March 19, 2018
Department Staff Contact: Beatrice.Poroli@CalRecycle.ca.gov
[Public Notice](#)
2. Edom Hill Transfer Station – Riverside County, Modified Solid Waste Facility Permit, Action Needed March 19, 2019
Department Staff Contact: Megan.Emslander@CalRecycle.ca.gov
[Public Notice](#)

Information Items

Nothing to report at this time

I. 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. Reallocation of Tire Funds (Tire Recycling Management Fund, Fiscal Year 2017-18)
Department Staff Contact: Sally.French@CalRecycle.ca.gov
[Public Notice](#)

Information Items

1. Informal Rulemaking Stakeholder Workshop for SB 1383 Short-Lived Climate Pollutants (SLCP)
March 21, 2018 9:00Am – 4:00PM ([Sierra Hearing Room - Sacramento](#))
Department Staff Contacts: Marshalle.Graham@CalRecycle.ca.gov
Chris.Bria@CalRecycle.ca.gov
2. Informal Rulemaking Stakeholder Workshop for SB 1383 Short-Lived Climate Pollutants (SLCP)
March 22, 2018 9:00Am – 4:00PM ([Schulman Auditorium - Carlsbad](#))
Department Staff Contacts: Marshalle.Graham@CalRecycle.ca.gov
Chris.Bria@CalRecycle.ca.gov

J. 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

K. 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

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DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE)

2018 RULEMAKING CALENDAR

SCHEDULE A: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED DURING THE YEAR 2017

None

DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE)

2018 RULEMAKING CALENDAR

SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2017

Subject: Regulations to Implement SB 270 (Single Use Plastic Carryout Bags)	CCR Title & Sections Affected: 14 CCR 18975-18979, Chapter 12, Article 1.	Statute(s) Being Implemented: PRC 42280-42288				
Responsible Agency Unit:	Contact Person & Phone Number:	Projected Dates:				
SuMR	Wendy Harmon 916-341-6607	<table border="1"> <tr> <td>Notice Published: April 2018</td> <td>Public Hearing: June 2018</td> <td>Adoption by your agency: Oct 2018</td> <td>To OAL for review: Dec 2018</td> </tr> </table>	Notice Published: April 2018	Public Hearing: June 2018	Adoption by your agency: Oct 2018	To OAL for review: Dec 2018
Notice Published: April 2018	Public Hearing: June 2018	Adoption by your agency: Oct 2018	To OAL for review: Dec 2018			
<p>Report on the status of all uncompleted rulemaking described on previous calendars:</p> <p>On-going project</p>						

Subject: Regulations to Implement SB1383 (Organics Diversion Requirements on Jurisdictions and other entities)	CCR Title & Sections Affected: 14 CCR 18840 et seq., Chap. 9.3 14 CCR, Div. 7, Chap. 3	Statute(s) Being Implemented: PRC 42652.5				
Responsible Agency Unit:	Contact Person & Phone Number:	Projected Dates:				
LAMD	Hank Brady 916-341-6250	<table border="1"> <tr> <td>Notice Published: Jan 2018</td> <td>Public Hearing: Feb 2018</td> <td>Adoption by your agency: Aug 2018</td> <td>To OAL for review: Nov 2018</td> </tr> </table>	Notice Published: Jan 2018	Public Hearing: Feb 2018	Adoption by your agency: Aug 2018	To OAL for review: Nov 2018
Notice Published: Jan 2018	Public Hearing: Feb 2018	Adoption by your agency: Aug 2018	To OAL for review: Nov 2018			
<p>Report on the status of all uncompleted rulemaking described on previous calendars:</p> <p>On-going project</p>						

DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE)

2018 RULEMAKING CALENDAR

SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2017

Subject: Regulations to Implement AB 901 (Disposal and Diversion Reporting and Enforcement)	CCR Title & Sections Affected: 14 CCR 18800 et seq.	Statutes Being Implemented: PRC 41821.5-41821.8
Responsible Agency Unit: KIS	Contact Person & Phone Number: Jane Mantey 916-322-1866	Projected Dates: Hearing: Mar 2018 Adoption: Aug 2018 To OAL: Oct 2018
Report on the status of all uncompleted rulemaking described on previous calendars:		
On-going project		

Subject: Revisions to Architectural Paint Recovery Program (Determination of Eligible Products)	CCR Title & Sections Affected: 14 CCR 18950-18959	Statutes Being Implemented: PRC Sections 48700 et seq.
Responsible Agency Unit: MMLAD	Contact Person & Phone Number: Allyson Williams 916-341-6219	Projected Dates: Hearing: Oct 2018 Adoption: Nov 2018 To OAL: Dec 2018
Report on the status of all uncompleted rulemaking described on previous calendars:		
On-going Project		

**DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE)
2018 RULEMAKING CALENDAR**

SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2017

Subject: Electronic Waste Recycling Act – Revisions to Regulations for Covered Electronic Waste (CEW)	CCR Title & Sections Affected: 14, California Code of Regulations, Division 7, Chapter 8.2, Section 18660 et seq	Statutes Being Implemented: PRC Sections 42460 through 42486
Responsible Agency Unit: MMLAD, Electronic Waste Section	Contact Person & Phone Number: Andrew Hurst – (916) 323-2873	Projected Dates: Hearing: Oct 2018 Adoption: Nov 2018 To OAL: Dec 2018
Report on the status of all uncompleted rulemaking described on previous calendars:		
On-going Project		

Subject: Revisions to RMDZ Loan Regulations	CCR Title & Sections Affected: Title 14 CCR section 17900 et seq	Statutes Being Implemented: PRC Sections 42010 and 42024
Responsible Agency Unit: MMLAD	Contact Person & Phone Number: Jim LaTanner (916) 341-6497	Projected Dates: Hearing: Oct 2018 Adoption: Nov 2018 To OAL: Dec 2018
Report on the status of all uncompleted rulemaking described on previous calendars:		
On-going Project		

DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE)

2018 RULEMAKING CALENDAR

SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2017

Subject:	CCR Title & Sections Affected:	Statutes Being Implemented:
Revisions to Farm and Ranch Regulations	Title 14 CCR, Section 17990 et seq.	PRC Sections 48100 et seq.
Responsible Agency Unit:	Contact Person & Phone Number:	Projected Dates:
MMLAD	Jeff Lin 916-341-6461	Notice: Aug 2018
Report on the status of all uncompleted rulemaking described on previous calendars:		Hearing: Oct 2018
On-going Project		Adoption: Nov 2018
To OAL: Dec 2018		

Subject:	CCR Title & Sections Affected:	Statutes Being Implemented:
Regulations to Implement a Waste Tire Incentive Payment Program	14 CCR 18980 et seq., Chap. 12	PRC 42872 and 42872(g)
Responsible Agency Unit:	Contact Person & Phone Number:	Projected Dates:
MMLAD, FIRM	Michelle Martin (916) 341-6116	Notice: Jan 2018
Report on the status of all uncompleted rulemaking described on previous calendars:		Hearing: Mar 2018
New project		Adoption: Aug 2018
To OAL: Nov 2018		

DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE)

2018 RULEMAKING CALENDAR

SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2017

Subject: Segregated Rate	CCR Title & Sections Affected: 14 Sections 2000, 2401, 2420, 2425, 2501, 2525, 2535, 2530, 2540, and 2930.	Statutes Being Implemented: PRC Sections 14549.5 and 14572
Responsible Agency Unit: DOR	Contact Person & Phone Number: Cheryl DuBose (916) 323-0728	Projected Dates:
	Notice: Feb 2018	Hearing: If Requested
		Adoption: Aug 2018
		To OAL: Oct 2018
Report on the status of all uncompleted rulemaking described on previous calendars:		
On-going project		

Subject: DORIS Reporting	CCR Title & Sections Affected: 14 Sections 2090, 2095, 2105, 2240, 2310, 2425, 2516, 2518, 2519, 2530, and 2850	Statutes Being Implemented: PRC Section 14553
Responsible Agency Unit: DOR	Contact Person & Phone Number: Sharon Siozon (916) 322-1760	Projected Dates:
	Notice: Jan 2018	Hearing: If Requested
		Adoption: Jun 2018
		To OAL: Aug 2018
Report on the status of all uncompleted rulemaking described on previous calendars:		
On-going project		

DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE)

2018 RULEMAKING CALENDAR

SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2017

Subject: Prepayment Controls	CCR Title & Sections Affected: Title 14 CCR Sections 2000 et seq.	Statute(s) Being Implemented: PRC Sections 14500 et seq.				
Responsible Agency Unit: DOR	Contact Person & Phone Number: Cheryl DuBose (916) 323-0728	Projected Dates: <table border="1"> <tr> <td>Notice: Jun 2018</td> <td>Public Hearing: If Requested</td> <td>Adoption: Nov 2018</td> <td>To OAL: Jan 2019</td> </tr> </table>	Notice: Jun 2018	Public Hearing: If Requested	Adoption: Nov 2018	To OAL: Jan 2019
Notice: Jun 2018	Public Hearing: If Requested	Adoption: Nov 2018	To OAL: Jan 2019			
Report on the status of all uncompleted rulemaking described on previous calendars:						
On-going Project						

Subject: Notice of Violation/Informal Hearing	CCR Title & Sections Affected: Title 14 CCR Sections 2100, 2130	Statute(s) Being Implemented: PRC Sections 14500 et seq.				
Responsible Agency Unit: DOR	Contact Person & Phone Number: Sharon Siozon (916) 322-1760	Projected Dates: <table border="1"> <tr> <td>Notice Published: Feb 2018</td> <td>Public Hearing: If Requested</td> <td>Adoption by your agency: Aug 2018</td> <td>To OAL for review: Oct 2018</td> </tr> </table>	Notice Published: Feb 2018	Public Hearing: If Requested	Adoption by your agency: Aug 2018	To OAL for review: Oct 2018
Notice Published: Feb 2018	Public Hearing: If Requested	Adoption by your agency: Aug 2018	To OAL for review: Oct 2018			
Report on the status of all uncompleted rulemaking described on previous calendars:						
On-going project						

DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE)

2018 RULEMAKING CALENDAR

SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2017

Subject: Waste Tire Hauler and Storage Regs	CCR Title & Sections Affected: 14 CCR, Division 7, Chap. 3, and Chap. 6	Statutes Being Implemented: PRC Sections 40400, 40401, 40502, 42966, and 43020.
Responsible Agency Unit: WPCMD	Contact Person & Phone Number: Krysty Emery (916) 341-6684	Projected Dates: Notice: Feb 2018 Hearing: Mar 2018 Adoption: Oct 2018 To OAL: Dec 2018
Report on the status of all uncompleted rulemaking described on previous calendars: Revising Collection location requirements and other clean-up.		

Subject: Revisions to 14 CCR (Rigid Plastic Packaging Container Regulations)	CCR Title & Sections Affected: 14 CCR Div. 7, Chap.4, Art. 3	Statutes Being Implemented: PRC Sections 42300 et seq.
Responsible Agency Unit: WPCMD	Contact Person & Phone Number: Trevor O'Shaughnessy 916-341-6203	Projected Dates: Notice: Mar 2018 Hearing: Apr 2018 Adoption: Oct 2018 To OAL: Dec 2018
Report on the status of all uncompleted rulemaking described on previous calendars: On-going Project - cleanup and compliance formula correction		

DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE)

2018 RULEMAKING CALENDAR

SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2017

Subject: Revisions to Research Development and Demonstration Permits Rule	CCR Title & Sections Affected: 27 CCR, 20070	Statutes Being Implemented: PRC Sections 40053, 40502, 43020, 43021, and 43209.1
Responsible Agency Unit: WPCMD	Contact Person & Phone Number: Kevin Taylor (916) 341-6582	Projected Dates:
	Notice: Jun 2018	Adoption: Oct 2018
	Hearing: Aug 2018	To OAL: Dec 2018
Report on the status of all uncompleted rulemaking described on previous calendars:		
On-going Project		

Subject: Odor at Landfills – Report of Disposal Site Information and Alternative Daily Cover Requirements	CCR Title & Sections Affected: 27 CCR, Div. 2, Chap. 3 and 4, Sections 21600 and 20690	Statutes Being Implemented: PRC Section 43020 and 43021
Responsible Agency Unit: WPCMD	Contact Person & Phone Number: Kevin Taylor – 341-6393	Projected Dates:
	Notice: Jan 2018	Adoption: Sep 2018
	Hearing: Mar 2018	To OAL: Dec 2018
Report on the status of all uncompleted rulemaking described on previous calendars:		
On-going. Revise the Report of Disposal Site Information content requirements and Alternative Daily Cover requirements to remove references to odor controls since odors from landfills are not within the authority of CalRecycle.		

DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE)

2018 RULEMAKING CALENDAR

SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2017

Subject: Procedural Rules for Conducting Hearings	CCR Title & Sections Affected: 27 CCR Div. 2, Subdiv. 1, (section numbers not determined yet) Title 14 (sections to be determined)	Statutes Being Implemented: PRC Sections 44305-44310, 45017, and 45030 – 45033, 42843-42852
Responsible Agency Unit: Legal	Contact Person & Phone Number: Elliot Block (916) 341-6080	Projected Dates: Notice: Jun 2018 Hearing: Aug 2018 Adoption: Sept 2018 To OAL: Nov 2018
Report on the status of all uncompleted rulemaking described on previous calendars: On-going Project		

Subject: Regulations to extend Processing Payment	CCR Title & Sections Affected: 14 Sections 2975	Statutes Being Implemented: PRC 14501(f) and (g), 14518.5, and 14575
Responsible Agency Unit: DOR	Contact Person & Phone Number: Sharon Siozon (916) 322-1760	Projected Dates: Notice: April 2018 Hearing: Jun 2018 Adoption: Aug 2018 To OAL: Oct 2018
Report on the status of all uncompleted rulemaking described on previous calendars: Making Emergency Regulations Permanent		



NEWS RELEASE

OFFICE OF PUBLIC AFFAIRS

For Immediate Release: February 20, 2018

Release #2018-05

Media Contact: [Lance Klug](#)

CalRecycle Backs Local Businesses to Increase Recycling: Local Economies Get a Green Boost from State-Local Partnership Program

SACRAMENTO – The California Department of Resources Recycling and Recovery has approved nearly \$4 million in new [Recycling Market Development Zone](#) loans for businesses to help increase carpet and paper recycling in the state. The local business investments in Los Angeles and Placer counties are expected to create at least 35 new jobs and divert an additional 17,000 tons of carpet and paper from California landfills each year.

“For the past 25 years, CalRecycle’s RMDZ loan program has been an important tool to help California develop more recycling infrastructure in our state,” CalRecycle Director Scott Smithline said. “Supporting these types of private infrastructure investments help insulate California from global market fluctuations—like we [currently see as a result of China’s National Sword policy](#)—while making progress toward achieving the state’s greenhouse gas reduction and 75 percent recycling goals.”

CalRecycle’s RMDZ program provides loans, technical assistance, and free product marketing to businesses that use materials from the waste stream to manufacture their products. Businesses must be located within [one of California’s 39 Recycling Market Development Zones](#). The following RMDZ loan projects are the first to receive funding in 2018:

Recipient	RMDZ	Amount	Project Description
Princess Paper, Inc.	Los Angeles County	\$1.925M	Purchase and install new equipment to expand a recycled paper manufacturing facility in Vernon. The facility produces facial tissue, napkins, bathroom tissue, and similar products from recycled paper. New diversion estimates: 2,200 tons per year (24 percent increase) New job estimates: Possible in future as sales increase
Circular Polymers LLC	Placer County	\$2M	Purchase and install new equipment to expand recycled carpet processing capacity at a facility in Lincoln. The facility separates waste carpet by fiber type, cuts or shreds it into smaller sizes, then deconstructs it to produce nylon fiber, PET plastic, polypropylene, and calcium carbonate residuals. Residuals are then sold to subsequent manufacturers. New diversion estimates: 14,716 tons per year (91 percent increase) New job estimates: 35

Both projects support the expansion of California’s organics recycling infrastructure, which the state must roughly double to comply with the organic waste disposal reduction targets mandated by [SB 1383\(Lara, Chapter 395, Statutes of 2016\)](#).

About CalRecycle’s RMDZ Program and Other Benefits for Businesses

CalRecycle provides financial and technical assistance to help reuse/recycling-based businesses develop and prosper in California; creating more jobs, reducing waste, and reducing greenhouse gas emissions that contribute to climate change.

Since the first RMDZ loans were granted in 1993, the RMDZ program has provided \$145 million in financing to more than 200 California businesses to keep valuable material out of landfills and support in-state markets for recyclable material. Collection of outstanding RMDZ loan principal and interest assists to fund new loans.

To create a new Recycling Market Development Zone, cities, counties, or a coalition of regional governments must:

- Submit completed materials, including application, CEQA documents, letters of support, and resolutions from the lead and participating agencies.
- Commit to provide resources and business incentives to complement those offered by CalRecycle.
 - Local government incentives vary by jurisdiction but may include relaxed zoning laws, streamlined local permitting processes, and reduced taxes and licensing fees.

CalRecycle also assists businesses by helping them locate recycled manufacturing materials; by making permitting referrals; by providing them with demographic, waste stream, and economic analytics; and by marketing their products on the [RecycleStore](#).



[Home Page](#) | [CalRecycle Blog](#) | [News Releases](#) | [Public Meetings](#) | [Climate Investments](#) | [Organics](#) | [Bottles and Cans](#)

CalRecycle provides oversight of California solid waste handling and recycling programs to protect human health, develop sustainable solutions that conserve resources, and reduce greenhouse gases that contribute to climate change.

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

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NEWS RELEASE

OFFICE OF PUBLIC AFFAIRS

For Immediate Release: February 13, 2018

Release #2018-04

Media Contact: [Lance Klug](#)

CalRecycle Adds Crews to Ventura County Wildfire Cleanup: First Ventura County Property Cleared for Rebuilding Following Thomas Fire

SACRAMENTO – The California Department of Resources Recycling and Recovery is now managing 41 private contractor crews to clear wildfire debris from affected properties in the City of Ventura and Ventura County. An additional four crews, consisting of three to five people each, began work late last week to help remove soil, ash, metal, concrete, and other debris from properties destroyed by December's 281,893-acre Thomas Fire.

"CalRecycle is proud to work alongside our state and local partners to help clear this wildfire debris and give the resilient communities of Ventura County the opportunity to move forward," CalRecycle Director Scott Smithline said. "At the end of this debris removal process, homeowners can be confident in knowing their properties are clean, safe, and ready for rebuilding."

Debris Removal Operations

Phase 1 – The California Department of Toxic Substances Control removes hazardous debris such as asbestos siding or pipe insulation; paints; batteries; flammable liquids; and other materials. [See the current progress here.](#)

Phase 2 – Following the removal of hazardous debris, CalRecycle contractors began the following operations to restore fire-damaged lots to pre-fire conditions:

- ➔ **Site Documentation, Assessments, and Analysis** – Began Jan. 11, 2018. Contractor crews measure and document foundation, structures, debris, utility infrastructure, and property-specific hazards. Any remaining asbestos-containing material is identified and removed. Crews obtain and evaluate background soil samples to establish cleanup goals for the project.
- ➔ **Debris Removal** – Began Jan. 19, 2018. Contractor crews remove metals and concrete for recycling, and ash and contaminated soil for disposal.
- ➔ **Confirmation Sampling** – Began Jan. 31, 2018. Contractor crews sample and analyze soil, compare results to program cleanup goals.
- ➔ **Erosion Control** – Began Feb. 2, 2018. Contractor crews implement storm water best management practices to control sediment runoff and promote vegetation growth.

At the conclusion of the debris cleanup program, CalRecycle will provide each property owner with a certificate that verifies the lot is clean and eligible to receive a building permit from the county. CalRecycle anticipates debris removal work to be completed in all areas in April 2018. Activities related to confirmation sampling and erosion control may continue into May 2018.

Current Ventura County Wildfire Debris Removal Status	
Right of Entry Forms Returned	669
Site Documentation/Assessments Complete	647

Debris Removal Complete	83
Confirmation Sampling Complete	21
Erosion Control Implemented	3
Final Inspection Completed	1

Debris removal programs are implemented under the leadership of the Governor's Office of Emergency Services (CalOES) and local governments. CalRecycle oversees and manages contractors and consultants to conduct the debris removal at no out-of-pocket cost to homeowners. Homeowners who wish to participate must return signed Right of Entry forms to their local governments. A central Debris Removal Operations Center has been established as a resource for impacted homeowners to return Right of Entry forms and get answers to any questions or concerns.

Debris Removal Operations Center
 290 Maple Court, Suite 120
 Ventura, CA 93003
 (805) 765-4259

Homeowners who wish to conduct their own cleanup may do so but should be aware of all safety and environmental standards and requirements. The City of Ventura and Ventura County have guidelines available for residents who wish to pursue this option. Commercial properties may be eligible for state-funded debris removal if damaged lots pose a direct threat to public health or the environment. Thus far, CalRecycle crews have been tasked with debris removal for the Hawaiian Village and Harbor View apartment complexes.

For more information about the debris cleanup program, visit venturacountyrecovers.org.



[Home Page](#) | [CalRecycle Blog](#) | [News Releases](#) | [Public Meetings](#) | [Climate Investments](#) | [Organics](#) | [Bottles and Cans](#)

CalRecycle provides oversight of California solid waste handling and recycling programs to protect human health, develop sustainable solutions that conserve resources, and reduce greenhouse gases that contribute to climate change.

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Mary Pitto

From: CalRecycle Electronic Waste Management ListServ <EWaste@calrecycle.ca.gov>
Sent: Wednesday, January 03, 2018 3:42 PM
To: Mary Pitto
Subject: California Electronic Waste Recycling – Stakeholder Webinar, Public Outreach Information, and Net Cost Reports

January 3, 2018

Dear Electronic Waste Stakeholder:

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

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In this issue:

WEBINAR OPPORTUNITY CONCERNING DESIGNATED APPROVED COLLECTOR REGULATIONS

ELECTRONIC WASTE COLLECTION PUBLIC OUTREACH INFORMATION

ANNUAL NET COST REPORTS DUE BY MARCH 1, 2018

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Webinar Opportunity Concerning Designated Approved Collector Regulations

Due to low turnout at the November 15 Designated Approved Collector informal rulemaking workshop, CalRecycle is considering offering a webinar mid-January pending sufficient interest levels. The webinar will be an opportunity for stakeholders to understand and discuss the proposed regulations presented at the November workshop. **Please direct your questions or RSVP with your scheduling availability the week of January 15 - 19 to Jason.Smyth@calrecycle.ca.gov.** If we do not receive sufficient interest in this opportunity, we will forego the webinar. The next step will be to enter formal rulemaking and the requisite 45 day public comment period.

Please visit CalRecycle's Designated Approved Collectors webpage for additional information about the Designation provision:

www.calrecycle.ca.gov/Electronics/Locals/Designations/default.htm

Electronic Waste Collection Public Outreach Information

During the recent holiday celebrations, numerous electronics upgrades occurred. Consequently, many e-waste collection opportunities will follow. In the spirit of sharing and as a friendly reminder, CalRecycle has outreach fliers in English and in Spanish available that help inform the public about the CEW Program's source documentation requirements that obligate Collectors to obtain the name and address of the person who used the discarded CEW.

Annual Net Cost Reports Due by March 1, 2018

CalRecycle posted a Public Notice detailing the requirement that approved collectors and recyclers in California's CEW recovery and recycling program shall calculate and submit Net Cost Reports for operations conducted in 2017. The notice can be found here:

www.calrecycle.ca.gov/Actions/PublicNoticeDetail.aspx?id=2247&aiid=2054

Net Cost Reports, required pursuant to Title 14 of the California Code of Regulations (CCR), section 18660.10, are intended to describe the costs and revenues associated with the handling of CEW within the scope of the CEW program. Online access to the forms, guidance document, and online portal are available to approved collectors and recyclers via CalRecycle's [Net Cost outreach](#) page. Program participants will receive an invitation from CalRecycle to submit their reports online in the coming days. Reports are due on or before March 1, 2018 and should not be confused with the separate, but equally important, [DTSC annual UWED handling and recycling report](#).

It is important for all program participants to note CalRecycle continues to seek supplemental cost and revenue information relating to the management of non-CRT CEW. We will be providing additional guidance to Recyclers this year to facilitate them taking advantage of the regulatory provision that "...an approved collector or an approved recycler may submit test results, studies or other information for CalRecycle to consider when the Standard Statewide Recovery Payment Rate and/or the Standard Statewide Combined Recovery and Recycling Payment Rate is reviewed and, if necessary, adjusted..." (Please see 14 CCR 18660.10(h)...)

More information about the Net Cost Report can be found at:

www.calrecycle.ca.gov/Electronics/Recovery/NetCost/default.htm

Other Resources

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

CEW Recycling Payment System Regulations: www.calrecycle.ca.gov/Electronics/RegInfo

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

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

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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:

- [2004 to Present](#)
- [Pre-2004](#)

If you would like to manage your subscription to this listserv, please visit www.calrecycle.ca.gov/listservs/MyAccount.aspx.

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

Mary Pitto

From: CalRecycle Electronic Waste Management ListServ <EWaste@calrecycle.ca.gov>
Sent: Friday, January 12, 2018 2:42 PM
To: Mary Pitto
Subject: California Electronic Waste Recycling Program Rulemaking Notification

January 12, 2018

Dear Electronic Waste Stakeholder:

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

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In this issue:

CEW PROGRAM RULEMAKING – REGULATIONS AMENDING THE COVERED ELECTRONIC WASTE RECYCLING PROGRAM AND FINALIZING EXISTING EMERGENCY REGULATIONS RELATIVE TO DESIGNATED APPROVED COLLECTORS

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CEW Program Rulemaking – Regulations Amending the Covered Electronic Waste Recycling Program and Finalizing Existing Emergency Regulations Relative to Designated Approved Collectors

The Department of Resources Recycling and Recovery (CalRecycle) is scheduled to consider an agenda item at its January 23, 2018 Monthly Public Meeting seeking approval to initiate the formal rulemaking process to finalize the current emergency rule package related to the Designated Approved Collector provision as well as modify and clarify other rules within the CEW recovery and recycling program.

A Public Notice containing additional information, including the proposed rules, is posted on the CalRecycle website at: <http://www.calrecycle.ca.gov/Actions/PublicNoticeDetail.aspx?id=2288&aiid=2095>

Information on the January 23, 2018 Monthly Public Meeting can be found at: <http://www.calrecycle.ca.gov/PublicMeeting/>

The proposed regulations will affect areas within Chapter 8.2 of Division 7 of Title 14 of the California Code of Regulations. They will serve as a vehicle to finalize the existing emergency regulation package adopted March 16, 2017 that addresses reform to the Designated Approved Collector provision and other related local government covered electronic waste collection activities.

CalRecycle will host a webinar discussion regarding the proposed regulations on January 16th from 10:30am to 12:00pm. Participants are asked to RSVP to Jason.Smyth@CalRecycle.ca.gov if interested in joining.

Additional details about the proposed regulations and webinar topics was presented at a CalRecycle informal stakeholder workshop on Nov 15, 2017.

Other Resources

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

CEW Recycling Payment System Regulations: www.calrecycle.ca.gov/Electronics/RegInfo

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

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

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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:

- [2004 to Present](#)
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If you would like to manage your subscription to this listserv, please visit www.calrecycle.ca.gov/listservs/MyAccount.aspx.

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

=====

Mary Pitto

From: CalRecycle Electronic Waste Management ListServ <EWaste@calrecycle.ca.gov>
Sent: Wednesday, January 31, 2018 2:12 PM
To: Mary Pitto
Subject: California Electronic Waste Recycling Program – Stakeholder Workshop

January 31, 2018

Dear Electronic Waste Stakeholder:

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

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In this issue:

STAKEHOLDER WORKSHOP – RECYCLING PAYMENT RATES

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Stakeholder Workshop February 12, 2018 – Recycling Payment Rates

The California Department of Resources Recycling and Recovery (CalRecycle) will host a stakeholder workshop on the morning of Monday, February 12, 2018 on the subject of recycling payment rates. The workshop will be held from 10:00 AM to 12:00 PM at the Cal/EPA Building, Coastal Hearing Room, 2nd floor, 1001 I Street, Sacramento, CA 95814.

This workshop will present and discuss proposed regulations intended to provide a structure for pursuing covered electronic waste (CEW) recycling payments rates for CRT CEW and non-CRT CEW. As specified in Public Resources Code (PRC) section 42478, CalRecycle shall establish a CEW recycling payment schedule to cover the average net cost for each major category of CEW recovered, processed and claimed. It is anticipated that the proposed regulations will be adopted under emergency authority (see PRC 42475.2).

The Public Notice for the workshop, along with an agenda and draft proposed regulations, can be found at: <http://www.calrecycle.ca.gov/Actions/PublicNoticeDetail.aspx?id=2317&aiid=2114>

Other Resources

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

CEW Recycling Payment System Regulations:
www.calrecycle.ca.gov/Electronics/RegInfo/default.htm

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

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

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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:

2004 to Present:

www.calrecycle.ca.gov/listservs/archive/?ListID=10

Pre-2004:

www.calrecycle.ca.gov/Electronics/Act2003/Stakeholder/Updates/

If you would like to manage your subscription to this listserv, please visit www.calrecycle.ca.gov/listservs/MyAccount.aspx.

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/>.



Edmund G. Brown Jr.
Governor

Matthew Rodriguez
Secretary for Environmental Protection

UNIFIED PROGRAM NEWSLETTER – DECEMBER 2017

IN THIS ISSUE:

Cal/EPA **New Federal Hazard Categories**

Title 27 Unified Program Regulations

CERS Tips and Tricks

Question - I tried setting up an account to recertify my property's HMBP electronically, but I am unable to gain access. It looks like a previous employee set up an account and would have to permit me access. However, this employee is no longer with the company and therefore cannot approve my access request. Please let me know how I can go about obtaining access to update our information.

SWRCB **Proposed Changes to Underground Storage Tank Regulations**
Travel Centers of America to Pay \$500,000 for Violating Consent Judgment

DTSC **RCRAInfo Industry Application (myRCRAid) Module**

OSF **Tanks in Underground Areas**

California Environmental Protection Agency

New Federal Hazard Categories

Effective December 28, 2017, CalEPA will replace the existing five (5) federal hazard categories available in California Environmental Reporting System (CERS) used for the completion of hazardous materials inventories as part of the annual Hazardous Materials Inventory submittal. These categories are replaced with twenty-four (24) new federal hazard categories adopted by the United States Environmental Protection Agency (U.S. EPA) as a result of changes to the Occupational Safety and Health Administration (OSHA) Hazard Communication Standard (HCS).

Starting January 1, 2018, all California regulated businesses must use the new federal hazard categories to prepare the Hazardous Materials Inventory submittal in CERS, and must complete the submittal in accordance with the due date required by the local Unified Program Agency (UPA). In addition, CalEPA will be emailing all active CERS Business Users guidance to assist in the 2018 Hazardous Materials Inventory submittal.

For details, visit: [Federal Hazard Class](#)

For questions, please contact:

- Your local UPA (Directory: <http://cersapps.calepa.ca.gov/Public/Directory>)
- CalEPA Unified Program, cupa@calepa.ca.gov
- Dan Firth, CalEPA CERS Coordinator, at daniel.firth@calepa.ca.gov

Title 27 Unified Program Regulations

The 45-day public comment period for the proposed Title 27 Unified Program regulations ended at 5:00 p.m. on December 18, 2017. A public hearing was held on December 18, 2017. CalEPA is currently reviewing the comments received and preparing responses for the rulemaking record. Based on the comments received and necessary revisions to the Initial Statement of Reasons, CalEPA anticipates an additional comment period (either 15-day or 45-day) will be necessary.

For questions, please email: cupa@calepa.ca.gov.

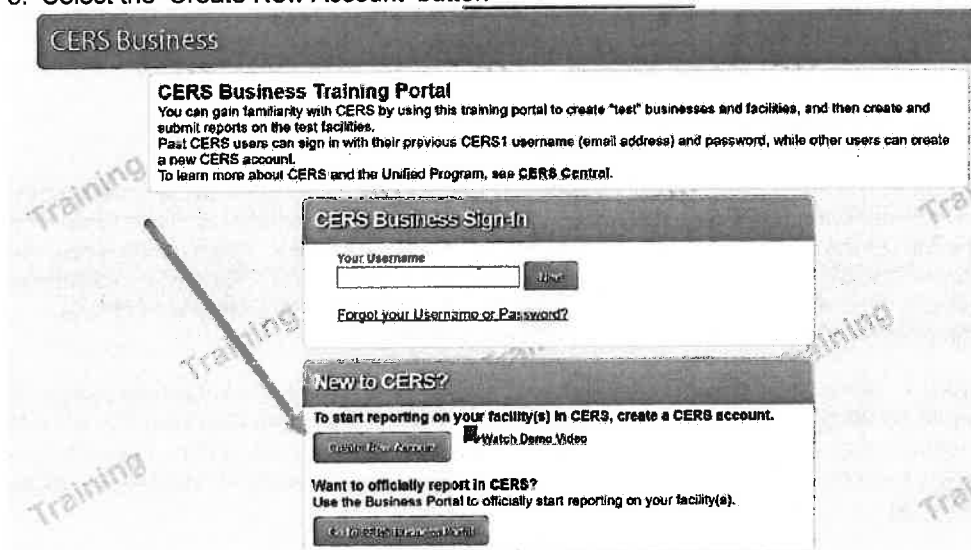
CERS Tips and Tricks

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

Question - I tried setting up an account to recertify my property's HMBP electronically, but I am unable to gain access. It looks like a previous employee set up an account and would have to permit me access. However, this employee is no longer with the company and therefore cannot approve my access request. Please let me know how I can go about obtaining access to update our information.

To report for your business in CERS, you will need to create a CERS business user/login account:

1. Open your web browser and navigate to the CERS Central page. (<http://cers.calepa.ca.gov>)
2. Select the 'Business Portal Sign In' button from the Home page.
3. Select the 'Create New Account' button



4. You will receive an email notification, from CERS, containing an Account Activation Link. Open the link provided in the email message to activate your CERS Business user account.

5. After signing in to your account, select the 'Add Facility' button from the Home page.

Select Your Business

Below is a list of the CERS Businesses (not facilities) associated with your CERS Account. Select one of the businesses below to view its facility(s)

Business Name	Headquarters (City, State)	Facilities	Users	Created On
<input type="button" value="Select"/> Peanut Auto Care	San Diego, CA	1	3	11/15/2012
<input type="button" value="Select"/> Cookie Company	Newcastle, CA	3	8	3/18/2015
<input type="button" value="Select"/> Dons Company	Newcastle, CA	1	1	5/8/2015

6. Use the search tool to locate the facility by its physical address.

Add New Facility: Provide Address

Provide Address

Please enter your facility's physical address below.

Address #

City # State ZipCode #

After requesting access, contact the CUPA/regulatory agency staff for approval of your access request. (Their staff can also remove the former account manager from the business in CERS, upon request.)

Please refer to Unified Program Regulator Directory page by selecting the icon Local Regulators or <http://cersapps.calepa.ca.gov/Public/Directory/> to locate Local Regulators contact information.

State Water Resources Control Board

Proposed Changes to Underground Storage Tank Regulations

The State Water Resources Control Board (State Water Board) proposes to amend California Code of Regulations, title 23, division 3, chapter 16 (commencing with section 2610) (California UST Regulations) to make the California UST Regulations at least as stringent as part 280 of 40 Code of Federal Regulations (Federal UST Regulations). These proposed amendments are administrative and technical in nature and impose new design and construction, monitoring, notification, testing, inspecting, recordkeeping, training, and reporting requirements. The proposed amendments also include more stringent requirements necessary to implement chapter 6.7 of division 20 of the Health and Safety Code and modifies certain existing California UST Regulations to be consistent with the Federal UST Regulations.

The 45-day public comment period for the proposed regulatory action begins on Friday, November 17, 2017 and closes on January 2, 2018 at 12:00 p.m. Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the State Water Board.

The proposed rulemaking package is available at:
https://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/fed_rec_regs.

If you have questions regarding this matter, please contact Cory Hootman at (916) 341-5668 or cory.hootman@waterboards.ca.gov.

Travel Centers of America to Pay \$500,000 for Violating Consent Judgment

Travel Centers of America and its affiliates (TA) agreed to pay a \$500,000 penalty for violating the terms of a February 20, 2014 Merced County Superior Court Consent Judgment related to violations of the UST regulations.

The 2014 judgment resolved violations alleged by the State Water Board against TA that began in 2005. The alleged violations included failure to perform required testing and monitoring, and failure to install leak prevention equipment at six UST facilities located in Kern and Merced counties operating as retail service stations and truck stops.

Under the terms of the 2014 judgment, TA paid \$1 million in civil penalties and an additional \$800,000 in reimbursement for the State Water Board's enforcement costs. TA received \$2 million in credit for environmental improvements that enhanced compliance at its facilities, and an additional \$1 million in penalties was suspended conditioned on TA maintaining compliance with the requirements of the judgment for five years.

Between March 2015 and May 2017, the State Water Board reviewed annual status reports submitted by TA under the 2014 judgment. During its review, the Board identified seven violations, which triggered imposition of the suspended penalty. These alleged violations included failure to timely repair secondary containment after testing failures, failure to have an approved overfill prevention system, failure to timely perform an enhanced leak detection test and failure to have a line leak detector on a pressurized product line.

The State Water Board reached a settlement agreement with TA regarding the alleged violations. TA will pay \$500,000 in suspended penalties to the Cleanup and Abatement Account, with the remaining \$500,000 suspended, conditioned on TA not violating any UST laws or the terms of the settlement for the rest of the original five-year period.

For more information on this and other enforcement actions, visit the Office of Enforcement's website at https://www.waterboards.ca.gov/water_issues/programs/enforcement/orders_actions.shtml

Department of Toxic Substances Control

RCRAInfo Industry Application (myRCRAid) Module

DTSC has created a new webpage to obtain a federal EPA ID number. U. S. EPA now has an online tool called the RCRAInfo Industry Application, or myRCRAid module, to help businesses get and update a permanent federal EPA ID number. DTSC highly encourages businesses to submit their RCRA Subtitle C Identification (AKA Form 8700-12) through the myRCRAid module. More information can be accessed at: <http://www.dtsc.ca.gov/IDManifest/myRCRAid.cfm>.

Office of the State Fire Marshal

Tanks in Underground Areas

With the approval of the building standards code proposals in August 2017 by the California Building Standards Commission, fire code piping requirements for tanks in underground areas become effective July 1, 2018. The full definition of a tank in an underground area, as amended by Senate Bill 612 (Jackson, Stats. 2015, Ch. 452), also becomes effective July 1, 2018.

For details of the requirements, the final express terms may be viewed online at the [California Building Standards Commission's website](#). Refer to the approved amendments to the 2016 California Fire Code

(Cal. Code Regs., Title 24, Part 9) under the Office of the State Fire Marshal section and then scroll down to Item 7 of the express terms.

The Unified Program Section is interested in your comments and suggestions regarding the monthly newsletter. Please provide comments and suggestions to cupa@calepa.ca.gov.

[Cal/EPA Unified Program Home Page](#)



Edmund G. Brown Jr.
Governor

Matthew Rodriguez
Secretary for Environmental Protection

UNIFIED PROGRAM NEWSLETTER – JANUARY 2018

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- State Water Board** **Underground Storage Tank Leak Prevention Semiannual Report**
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- DTSC** **Permit by Rule and Conditional Authorization Tier Permitting Facilities Must Adjust Closure Cost Estimates for Inflation by March 1, 2018**

California Environmental Protection Agency (CalEPA)

CalEPA's Upcoming Basic Inspector Academy (BIA)

The BIA is a free, three-day training class open to state, local, and tribal environmental enforcement staff. BIA gives environmental inspectors across California the core skills necessary to conduct thorough, effective inspections to implement environmental programs. The training is conducted by a team of instructors from the CalEPA boards, departments and office (BDOs), as well as a local environmental attorney. BIA helps to ensure all environmental agencies take consistent, effective, and coordinated compliance and enforcement actions. For information about the BIA and the schedule through June 2018, see the [BIA Flyer \(PDF\)](#). Inspectors must register through [CARB's training website](#).

CERS Bookmarks and Favorites

As 2018 begins, CalEPA would like to request all CERS users to update existing internet "favorites" and "bookmarks" weblinks for CERS Central and Unified Program webpages. As the website host has changed for these CalEPA internet resources, previously used internet "favorites" and "bookmarks" may link to webpages that are no longer available or to webpages that no longer contain accurate information. To ensure quick access to the correct webpages, please refresh internet "favorites" and "bookmarks" to reference the following weblinks:

CERS Central: <https://cers.calepa.ca.gov/>
Unified Program: <https://calepa.ca.gov/cupa/>

CERS Regulator and Business Account Management

CalEPA requests each Regulator and Business 'Lead User' to review and manage the 'People' associated with each CERS account. CalEPA recommends that each CERS user account be deleted if the user is no longer with the agency/organization or no longer has a need to access CERS. The following instructions are provided to assist "Lead Users" with the deletion of a CERS user account:

<p>Local Regulator Lead Users:</p> <ol style="list-style-type: none"> 1) Sign into the CERS Regulator Portal: https://cers.calepa.ca.gov/3 2) Select the Regulators tab 3) Review 'People' 4) Select the user account to be deleted. 5) Select 'Delete' 6) Select 'Confirm' 	
<p>Business Lead Users:</p> <ol style="list-style-type: none"> 1) Sign into the CERS Business Portal: https://cers.calepa.ca.gov/ 2) Select 'People/Users' icon 3) Select the user account to be deleted. 4) Select 'Delete' 5) Select 'Confirm' 	

State Water Resources Control Board (State Water Board)

Underground Storage Tank Leak Prevention Semiannual Report

The United States Environmental Protection Agency (US EPA) in collaboration with the State Water Board, has prepared the first *California Underground Storage Tank (UST) Leak Prevention: Semiannual Report (EPA Semiannual Report)* using data collected between January and June of 2017 from CERS and the California GeoTracker database. The use of electronic data sources such as CERS and Geotracker have enabled an increased scope and accuracy for the new EPA semiannual report.

This EPA Semiannual Report was prepared to help those involved in the operation and regulation of USTs gain a broader perspective of the UST Leak Prevention Program, and how having the best available information in CERS can be used to guide and improve California's UST Leak Prevention program. The EPA Semiannual Report can be found at: https://www.waterboards.ca.gov/ust/adm_notices/cal_ust_rpt_jan_jun2017.pdf

Proposed Changes to Underground Storage Tank Regulations

The State Water Board proposes to amend California Code of Regulations, title 23, division 3, chapter 16 (commencing with section 2610) (California UST Regulations) to make the California UST Regulations at least as stringent as part 280 of 40 Code of Federal Regulations (Federal UST Regulations). These proposed amendments are administrative and technical in nature and impose new design and construction, monitoring, notification, testing, inspecting, recordkeeping, training, and reporting requirements. The proposed amendments also include more stringent requirements which are necessary to implement chapter 6.7 of division 20 of the Health and Safety Code and modifies certain existing California UST Regulations to be consistent with the Federal UST Regulations.

The 45-day public comment period for the proposed Title 23 regulations ended on January 2, 2018. State Water Board staff is currently reviewing the comments received and preparing responses for the rulemaking record. Based on the comments received and necessary revisions to the proposed regulations or the Initial Statement of Reasons, an additional comment period (either 15-day or 45-day) may be necessary. The proposed rulemaking package is available at: https://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/fed_rec_regs. If you have questions regarding this matter, please contact Mr. Cory Hootman at (916) 341-5668 or cory.hootman@waterboards.ca.gov.

Department of Toxic Substances Control (DTSC)

Permit by Rule and Conditional Authorization Tier Permitting Facilities Must Adjust Closure Cost Estimates for Inflation by March 1, 2018

Financial assurance is required for tier permitting facilities that are under the permit by rule (PBR) and conditional authorization (CA) tiers. Closure cost estimates are required as part of the closure plans under PBR and CA. Adjusted closure costs are estimated by multiplying the current cost estimate and the estimated inflation factor.

The inflation factor in a closure plan's closure cost estimate and a facility's financial assurance mechanism should be calculated using the values provided by the U.S. Department of Commerce, Bureau of Economic Analysis (BEA) at: <https://www.bea.gov/iTable/iTable.cfm?reqid=19&step=2#reqid=19&step=3&isuri=1&1921=survey&1903=13>.

PBR and CA facilities are required to adjust closure cost estimates for inflation by March 1st of every year (California Code of Regulations, Title 22, Section 67450.13). Because the inflation factor for the full 2017 year will not be available until the end of March, 2018, DTSC recommends using a ratio of the third quarter inflation factor for the past two years to estimate the 2018 inflation factor.

As provided by the U.S. Department of Commerce, BEA in Line 27 of "Table 1.1.9. Implicit Price Deflators for Gross Domestic Product (A)(Q)" of "Section 1- Domestic Product and Income," the 3rd quarter inflation factor for 2017 is 113.692 and the 3rd quarter inflation factor for 2016 is 111.72. The estimated inflation factor for 2018 is 1.018, derived as follows:

Estimated inflation factor for 2018	=	3 rd quarter inflation factor for 2017	+	3 rd quarter inflation factor for 2016
1.018		113.692		111.721

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UNIFIED PROGRAM NEWSLETTER – FEBRUARY 2018

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| State Water Board | UST Lining and Repair - Notification Request
Contractors Performing Internal Inspections or Repairs on
Underground Storage Tanks |
| DTSC | Hazardous Waste Emergency Permits
Generator Improvement Rule |
| CalFIRE | Tanks in Underground Areas |

California Environmental Protection Agency (CalEPA)

The following Frequently Asked Questions (FAQs) documents providing reporting guidance for periodic and remote hazardous waste generators are available on the California Environmental Reporting System (CERS) Resources page at:

- Questions related to sites that use a Temporary EPA ID or that rarely, but routinely, generate hazardous waste.
<https://cers.calepa.ca.gov/wp-content/uploads/sites/61/2018/01/Hazwaste-Periodic-Waste-Generation.pdf>
- Are remote hazardous waste sites that comply with applicable rules required to answer "Yes" to the Business Activities Question: "Does your facility generate hazardous waste"
<https://cers.calepa.ca.gov/wp-content/uploads/sites/61/2018/01/Hazwaste-Remote-Waste-Generation.pdf>
- Should a CUPA mark "Yes" on the CERS Regulator Portal Facility Summary Page under the title "Remote Site" for hazardous waste remote sites where waste is produced
<https://cers.calepa.ca.gov/wp-content/uploads/sites/61/2018/01/Hazwaste-Remote-Generation.pdf>

State Water Resources Control Board (State Water Board)

UST Lining and Repair – Notification Request

The State Water Board has seen a dramatic increase in the number of UST entries for primary repairs and linings. To better understand the root cause of the increase in repairs and lining, the State Water Board has made multiple requests that tank lining companies notify the State Water Board prior to performing UST linings. The response to these requests has been underwhelming.

The State Water Board is requesting UPAs to notify the State Water Board prior to expected UST entries. The request for notification allows the State Water Board to follow the process and collect

relevant information to assist in proper updates to the regulations. The State Water Board has revised the previously issued Tank Lining Notification and request the *Underground Storage Tank Entry Notification* form be used for all UST entries, including lining, periodic inspections and repairs. The revised document can be found here:

https://www.waterboards.ca.gov/ust/adm_notices/cupa_ust_entry_notification.pdf

The State Water Board is also finding that UST owners or operators are not adequately demonstrating the structural integrity of the USTs prior to lining or repairing. Some of the problems observed by the State Water Board are:

- Lining installed without structural integrity testing performed by a California State Licensed Engineer.
- UPAs not being presented with structural certifications prior to repair or lining.
- UPAs not reviewing structural certifications prior to authorizing repair or lining.
- Lining and repairs being performed without UPA notification or permits.
- Improper contractor licenses being utilized to perform tank entries.

For questions or notifications regarding notification of UST lining, repair or entry, please contact Mr. Tom Henderson at (916) 319-9128 or tom.henderson@waterboards.ca.gov.

Contractors Performing Internal Inspections or Repairs on Underground Storage Tanks

The State Water Board has directed contractors performing underground storage tank internal inspections, repairs or linings to submit a *UST internal inspection Form* to the State Water Board within 14 days of completion of the inspection. Letters were sent to all known UST inspection contractors by certified mail in November 2017. The contractor submittal does not relieve the UST owner or operator of demonstrating structural integrity to the UPA prior to repairing, upgrading, or certifying the UST for continued use. The contractor Underground Storage Tank Internal Inspection Form can be obtained here: https://www.waterboards.ca.gov/ust/docs/underground_internal_inspection.pdf

For contractors with questions regarding UST internal inspections, please contact Mr. Tom Henderson at (916) 319-9128 or tom.henderson@waterboards.ca.gov.

Department of Toxic Substances Control (DTSC)

Hazardous Waste Emergency Permits

A Hazardous Waste emergency permit is a temporary authorization from DTSC for the management of hazardous waste, which poses an imminent and substantial endangerment to human health or the environment. The determination of whether or not an emergency permit should be issued is made on a case-by-case basis. The effective time duration for emergency permits varies, but cannot exceed 90 days. Emergency permits cannot be renewed. There are no fees required to request or conduct activities under an emergency permit. Emergency permit determinations must comply with the California Environmental Quality Act (CEQA). Additional information and emergency permits issued by DTSC, beginning July 2017, can be found at:

http://www.dtsc.ca.gov/HazardousWaste/Permits/Emerg_permit.cfm

Generator Improvement Rule

On May 30, 2017, the United States Environmental Protection Agency's (US EPA's) Hazardous Waste Generator Improvement Rule (GIR) went into effect. Since California is an authorized state, the GIR does not take effect in California until DTSC adopts the US EPA rule, or parts thereof, via the California rulemaking process. DTSC is required to adopt those provisions within the rule that are more stringent. DTSC will provide periodic updates regarding progress with the adoption of the US EPA rulemaking process through the DTSC Website: http://dtsc.ca.gov/hazardouswaste/generator_improvement_rule.cfm

and at the DTSC e-list. To sign up to receive the DTSC Regulator e-list, please visit: <http://www.dtsc.ca.gov/ContactDTSC/ELists.cfm>.

CalFIRE – Office of the State Fire Marshal

Tanks in Underground Areas

With the approval of the building standards code proposals in August 2017 by the California Building Standards Commission, fire code piping requirements for tanks in underground areas become effective July 1, 2018. The full definition of a tank in an underground area, as amended by Senate Bill 612 (Jackson, Stats. 2015, Ch. 452), also becomes effective July 1, 2018.

Details of the requirements may be viewed online at the California Building Standards Commission's website: <http://www.bsc.ca.gov/codes.aspx>. Refer to the supplement document listed under Part 9 – California Fire Code. The bulk of the requirements are found in Chapter 57 (Flammable and Combustible Liquids) with a few additions or amendments to Chapters 2 (Definitions) and 23 (Motor Fuel-Dispensing Facilities and Repair Garages).

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Agenda Item IX

ARTICLES OF INTEREST

MRWMD unveils new MRF

On February 24, 2018 the Monterey Regional Waste Management District (MRWMD) unveiled its new \$24 million Materials Recovery Facility (MRF). More than 500 community members toured the new facility during two grand opening events. The MRF is the centerpiece of the District's publicly-owned infrastructure for recycling and reuse and this is the first time in the MRWMD's 67 year history that single stream recyclables will be processed at the public facility.

THIS IS BIG. The MRF supports local communities in compliance with State recycling requirements and helps achieve the 75% recycling goal that the district aims to meet by 2020. The construction and demolition material processing performed will ensure compliance with the CalGreen 65% diversion requirement for new construction and demolition projects and the new facility dramatically expands MRWMD's capacity to divert materials from disposal. Key among the upgrades is the ability for the MRF to receive and process source separated recyclables, construction and demolition materials, and mixed commercial materials.

"We are delighted with how this part of the project has come together" said Tim Flanagan, General Manager and proud CRRA member. "Having the public see and understand how they can contribute to meet the District's recycling goals is a powerful motivator."

Congratulations, Tim and team! We see and recognize your good work!



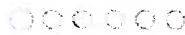
Published Feb. 1, 2018 at 09:41PM

Ask the Miner: recycling is more complicated than you think



A front-end loader operated by Waste Management equipment operator Mayson Boyd carries recycling to a semi truck-trailer to be taken to Waste Management's Materials Recycling Facility in Lodi. Garbage from drop-offs and residential pick-up can be seen in the upper right corner. (Maggie Beck / Union Democrat)

Buy photo



QUESTION: What happens to the recycling that gets picked up curbside by Burns Refuse? Is it picked up by a separate truck than the garbage truck? (I've only seen one truck.) And as for the large mixed recycling dumpster bins at the Recycling Center, does that material actually get sorted at its destination, or does it end up in a landfill somewhere? Basically, just how effective is the recycling system in Sonora?

ANSWER: Stacy Burns, secretary at Burns Refuse, said recycling is picked up separately by a recycling truck and taken to the Cal Sierra transfer station, operated by Waste Management on Industrial Drive. From there, a truck takes the recycling to be sorted at a Waste Management facility in Lodi.

That's the easy answer. The truth is recycling is not so easy. And it begins with customers making the right choices about what they put in their recycling cart.

“You'd be surprised at some of the stuff people throw out in recycling,” said Joe Cadelago, a Waste Management public sector manager.

Like dirty diapers. Or bowling balls. Old furniture. Propane tanks. Hot coals from fires. That last item has been known to set the stuff inside the truck on fire, resulting in the driver having to stop and dump the load in the street to put out the blaze. Not often and never to the point of a truck blowing up.

Still.

When something like dirty diapers or hazardous waste like paint get inside the truck, it contaminates the whole load, which results in everything in there going to the landfill.

In the garbage biz they call this stuff residual, and in Tuolumne County in 2017, 27 percent of everything put in the recycling bins did not belong there.

Cadelago said they would like the number to be between 10 and 15 percent, but there are a lot of California counties with worse numbers than Tuolumne County's.

Contamination is a nationwide problem and one of the biggest hurdles to California reaching its goal of recycling 75 percent of all waste by 2020. (State law used to say each county must recycle 50 percent, but legislators backed off on that one.)

On Thursday, Cadelago did not have the overall percentage of garbage recycled last year for Tuolumne County.

Here's what belongs in the recycling can:

If you live in Sonora: aluminum and tin, glass, plastic beverage containers, newspapers, cardboard, office paper, magazines, telephone books, chipboard, corrugated egg cartons, glass jars and beverage containers.

In Tuolumne County, you can throw in aluminum cans and containers, clean cardboard, glass bottles, jars and containers, newspaper, clean paper bags (all colors), catalogs, chipboard or paperboard boxes (cereal, cracker, shoe boxes, computer paper, construction paper, egg cartons, envelopes, junk mail, magazines, telephone books, white and colored paper, plastic bottles, jugs and jars labeled No. 1 or No. 2, tin and steel cans.

In both Sonora and Tuolumne County, if more than 10 percent of your stuff in the can is not on these lists, chances are your whole cart is going to the landfill.

Bottles and jars should be clean but don't have to be spotless, Cadelago said.

Here's another problem, according to Diane Green, Tuolumne County solid waste technician: If you clean up all your bottles and jars and tin cans and then put them in a garbage bag and then into the recycling can, those cleaned-up cans are going to the landfill.

In other words, don't follow the rules, landfill.

From the transfer station here, where everything is piled up together in a corner of a shed, recyclables go to the Materials Handling Facility in Lodi — they call it the murf — where the truck dumps it on the tip floor.

A loader moves a giant pile to a conveyor belt to begin a journey through a complex series of conveyor belts and spinning discs to sort the materials. At the end, is the trash that goes to the landfill. The good stuff is bundled for sale to companies that actually make things out of it like recycled paper, metal ingots that can become bridges or tinfoil, plastic to polymers used for, among many other things, garbage cans.

Cadelago said Waste Management has started a number of pilot programs that go beyond education, which he believes only goes so far. In Lodi, for example, they sent auditors to check recycling cans, and people had several warnings before being fined for putting the wrong stuff in the cans. He said typically most people changed their ways before they got to the fining stage.

So, the answer is, if you put the right stuff in your cart, the system works.

#

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<https://www.wsj.com/articles/garbage-in-garbage-out-in-la-1517961326>

REVIEW & OUTLOOK

Garbage In, Garbage Out in L.A.

A new recycling program leaves residents feeling like Oscar the Grouch.

By The Editorial Board

Feb. 6, 2018 6:55 p.m. ET

When Los Angeles imposed a new trash-collection program last summer, supporters said the public would benefit from reduced landfill waste and greenhouse gas emissions and improved worker safety. Six months later, RecycLA has clearly benefitted the green and labor special interests that backed it, but for much of L.A. the experiment has been a dumpster fire.

Under the new recycling regime, the city gives a handful of haulers contracts granting exclusive waste-removal rights within parts of Los Angeles. These 10-year deals are worth a total of \$3.5 billion, and the only haulers who could bid were unionized or party to a labor peace agreement.

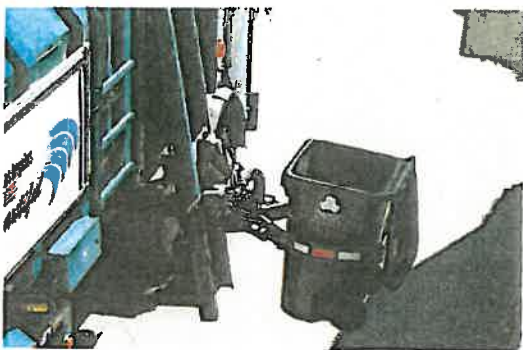


PHOTO: ISTOCK/GETTY IMAGES

Businesses and multi-family housing units are now required to recycle. Under RecycLA, the city bans diesel trash trucks, mandates a clean fleet and requires haulers to invest \$200 million in recycling infrastructure, including the new trucks and other equipment. Customers ultimately pay the price for these mandates.

The City Council adopted RecycLA after years of pressure

from groups like the Sierra Club and the Natural Resources Defense Council. Also instrumental was the Los Angeles Alliance for a New Economy, which received nearly \$2.8 million from unions between 2014 and 2017. Mayor Eric Garcetti later hired an alliance staffer who specialized in trash talk, Greg Good, and one of his tasks is implementing RecycLA.

Business owners and residents have seen their trash bills skyrocket. Eric Feingold operates five assisted-living facilities that cater to low-income senior citizens, and his trash-collection bill used to be less than \$500 a month. Now it's around \$1,500. Mr. Feingold says he can't pass along the cost to residents because many live on a fixed income of \$32 per day. The waste-collection bills have forced the facility owners to consider admitting fewer poor residents, but "if I get rid of them, they're going to become homeless," Mr. Feingold says.

Prices have risen in part because the new city contracts let haulers charge customers more if drivers have to lift a gate latch or walk more than 100 feet to retrieve garbage. Trash workers can also slap on extra fees if they decide that trash bins are too full or too heavy, among other inconveniences. Los Angeles claims the nickel-and-dime provisions prevent trash collectors from passing on costs to customers who are less of a hassle, and it insists some residents have seen their bills go down. But the city doesn't yet have the statistics to prove its point.

In RecycLA's first six months, the Bureau of Sanitation has received 28,000 complaints about missed collections. The city says that's a fraction of its 3.5 million-plus pickups, adding that

<https://www.wsj.com/articles/garbage-in-garbage-out-in-la-1517961326>

these are growing pains. But the Los Angeles Times crunched the numbers and concluded that the quality of service has deteriorated with time instead of improving.

That's what you'd expect in a market devoid of competition. But Los Angeles insists the new system isn't a monopoly because, technically, seven different haulers hold waste-removal contracts. Nonetheless, customers who don't like their trash guy are no longer able to fire him and hire a new one. Before RecycLA, they could pick from among more than 100 competing haulers.

Instead of choice, Los Angeles now offers more bureaucratic utopia. Disgruntled consumers' only resort is complaining to the city about missed pickups, billing disputes or other issues. Naturally, the city hired 71 more unionized public workers to address RecycLA problems. Last July Los Angeles proclaimed that RecycLA would serve as a model for other municipalities—yes, a cautionary tale.

Appeared in the February 7, 2018, print edition.

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EUROPEAN
COMMISSION

Brussels, 16.1.2018
COM(2018) 28 final

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL
COMMITTEE AND THE COMMITTEE OF THE REGIONS**

A European Strategy for Plastics in a Circular Economy

{SWD(2018) 16 final}

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1. INTRODUCTION

Plastic is an important and ubiquitous material in our economy and daily lives. It has multiple functions that help tackle a number of the challenges facing our society. Light and innovative materials in cars or planes save fuel and cut CO₂ emissions. High-performance insulation materials help us save on energy bills. In packaging, plastics help ensure food safety and reduce food waste. Combined with 3D printing, bio-compatible plastic materials can save human lives by enabling medical innovation.

However, too often the way plastics are currently produced, used and discarded fails to capture the economic benefits of a more 'circular' approach and harms the environment. There is an urgent need to tackle the environmental problems that today cast a long shadow over the production, use and consumption of plastics. The million tonnes of plastic litter that end up in the oceans every year are one of their most visible and alarming signs of these problems, causing growing public concern.

Rethinking and improving the functioning of such a complex value chain requires efforts and greater cooperation by all its key players, from plastics producers to recyclers, retailers and consumers. It also calls for innovation and a shared vision to drive investment in the right direction. The plastics industry is very important to the European economy, and increasing its sustainability can bring new opportunities for innovation, competitiveness and job creation, in line with the objectives pursued by the renewed EU Industrial Policy Strategy.¹

In December 2015, the Commission adopted an EU Action Plan for a circular economy.² There, it identified plastics as a key priority and committed itself to 'prepare a strategy addressing the challenges posed by plastics throughout the value chain and taking into account their entire life-cycle'. In 2017, the Commission confirmed it would focus on plastics production and use and work towards the goal of ensuring that all plastic packaging is recyclable by 2030.³

The EU is best placed to lead the transition to the plastics of the future. This strategy lays the foundations to a new plastics economy, where the design and production of plastics and plastic products fully respect reuse, repair and recycling needs and more sustainable materials are developed and promoted. This will deliver greater added value and prosperity in Europe and boost innovation. It will curb plastic pollution and its adverse impact on our lives and the environment. By pursuing these aims, the strategy will also help achieve the priority set by this Commission for an Energy Union with a modern, low-carbon, resource and energy-efficient economy and will make a tangible contribution to reaching the 2030 Sustainable Development Goals and the Paris Agreement.

The strategy presents key commitments for action at EU level. Yet the private sector, together with national and regional authorities, cities and citizens, will also need to mobilise. Similarly, international engagement will be necessary to drive change outside Europe's borders. With decisive and concerted efforts, Europe can turn challenges into opportunities and set the example for resolute action at global level.

¹ COM(2017) 479.

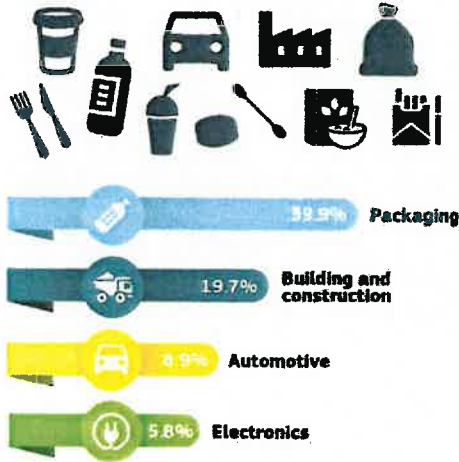
² COM(2015) 614.

³ Commission Work Programme 2018 - COM(2017) 650.

2. PLASTICS TODAY: KEY CHALLENGES

EUROPEAN PLASTICS DEMAND IN 2015

49 million tonnes



EU 28 Source: Plastics Europe, 'The New Plastics Economy', 2016

such waste is collected for recycling. Of this amount, a significant share leaves the EU⁶ to be treated in third countries, where different environmental standards may apply.

At the same time, **landfilling and incineration rates of plastic waste remain high** – 31 % and 39 %, respectively – and while landfill has decreased over the past decade, incineration has grown. According to estimates, 95 % of the value of plastic packaging material, i.e. between EUR 70 and 105 billion annually, is lost to the economy after a very short first-use cycle.⁷

Demand for recycled plastics today accounts for only around 6 % of plastics demand in Europe. In recent years, the EU plastic recycling sector has suffered from low commodity prices and uncertainties about market outlets. Investments in new plastic recycling capacity have been held back by the sector's prospects of low profitability.

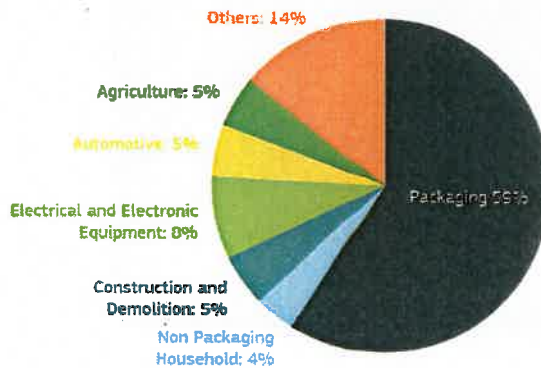
Over the past 50 years, the role and importance of plastics in our economy has consistently grown. **Global production of plastics has increased twentyfold since the 1960s**, reaching 322 million tonnes in 2015. It is expected to double again over the next 20 years.

In the EU, the **plastics sector employs 1.5 million people⁴** and generated a turnover of EUR 340 billion in 2015. Although plastics production in the EU has been stable in recent years, the EU's share of the global market is falling as production grows in other parts of the world.

In the EU, the potential for recycling plastic waste remains largely unexploited. **Reuse and recycling of end-of-life plastics is very low**, particularly in comparison with other materials such as paper, glass or metals.

Around 25.8 million tonnes of plastic waste are generated in Europe every year.⁵ Less than 30% of

EU PLASTIC WASTE GENERATION IN 2015



Source: Eurostat, 2015

⁴ This includes raw material producers and product manufacturers.

⁵ Source: Plastics Europe.

⁶ Source: Eurostat.

⁷ Ellen MacArthur Foundation, *The new plastics economy*, 2016

(https://www.ellenmacarthurfoundation.org/assets/downloads/EllenMacArthurFoundation_TheNewPlasticsEconomy_Pages.pdf).

It was estimated that **plastics production and the incineration of plastic waste give rise globally to approximately 400 million tonnes of CO₂ a year.**⁸ Using more recycled plastics can reduce dependence on the extraction of fossil fuels for plastics production and curb CO₂ emissions.⁹ According to estimates,¹⁰ the potential annual energy savings that could be achieved from recycling all global plastic waste is equivalent to 3.5 billion barrels of oil per year.

Alternative types of feedstock (e.g. bio-based plastics or plastics produced from carbon dioxide or methane), offering the same functionalities of traditional plastics with potentially lower environmental impacts, are also being developed, but at the moment represent a very small share of the market. Increasing the uptake of alternatives that according to solid evidence are more sustainable can also help decrease our dependency on fossil fuels.

CO₂ BENEFITS OF PLASTICS RECYCLING



500,000 TONNES OF PLASTIC IN THE OCEANS



Very large quantities of plastic waste leak into the environment from sources both on land and at sea, generating significant economic and environmental damage. **Globally, 5 to 13 million tonnes of plastics — 1.5 to 4 % of global plastics production — end up in the oceans every year.**¹¹ It is estimated that plastic accounts for over 80 % of marine litter. Plastic debris is then transported by marine currents, sometimes over very long distances. It can be washed up on land,¹² degrade into microplastics or form dense areas of marine litter trapped in ocean gyres. UNEP estimates that damage to marine environments is at least USD 8 billion per year globally.

In the EU, 150 000 to 500 000 tonnes¹³ of plastic waste enter the oceans every year. This represents a small proportion of global marine litter. Yet, plastic waste from European sources ends up in particularly vulnerable marine areas, such as the Mediterranean Sea and parts of the Arctic Ocean. Recent studies show plastics

⁸ Ibid. Data refer to 2012.

⁹ According to estimates, recycling one ton of plastic saves around 2 tCO₂ (see http://presse.ademe.fr/wp-content/uploads/2017/05/FEDEREC_ACV-du-Recyclage-en-France-VF.pdf). Recycling 15 million tons of plastics per year by 2030 (equivalent to about half of the projected plastic waste generation) would save CO₂ emissions equivalent to taking 15 million cars off the road.

¹⁰ A. Rahimi, J. M. García, *Chemical recycling of waste plastics for new materials production*, Nat. Chem. Rev. 1, 0046, 2017.

¹¹ Jambeck et al, *Plastic waste inputs from land into the ocean*, Science, February 2015.

¹² Including on uninhabited land, for example see <http://www.pnas.org/content/114/23/6052.abstract>

¹³ <http://ec.europa.eu/environment/marine/good-environmental-status/descriptor-10/pdf/MSFD%20Measures%20to%20Combat%20Marine%20Litter.pdf>

accumulate in the Mediterranean at a density comparable to the areas of highest plastic accumulation in the oceans. Plastic pollution also affects areas of the European Exclusive Economic Zone, in the outermost regions along the Caribbean Sea, the Indian, Pacific and Atlantic Oceans. In addition to harming the environment, marine litter causes economic damage to activities such as tourism, fisheries and shipping. For instance, the cost of litter to EU fisheries was estimated at about 1 % of total revenues from catches by the EU fleet.¹⁴

This phenomenon is exacerbated by the **increasing amount of plastic waste generated each year**, and is also fuelled by the growing consumption of ‘single-use’ plastics, i.e. packaging or other consumer products that are thrown away after one brief use, are rarely recycled and prone to being littered. These include small packaging, bags, disposable cups, lids, straws and cutlery, for which plastic is widely used due to its lightness, low cost, and practical features.

New sources of plastic leakage are also on the rise, posing additional potential threats to both the environment and human health. **Microplastics**, tiny fragments of plastic below 5mm in size, accumulate in the sea, where their small size makes it easy for marine life to ingest them. They can also enter the food chain. Recent studies also found microplastics in the air, drinking water and foods like salt or honey, with yet unknown impacts on human health.

In total, it is estimated that between **75 000 and 300 000 tonnes of microplastics are released into the environment each year in the EU**.¹⁵ While a large amount of microplastics result from the fragmentation of larger pieces of plastic waste, significant quantities also enter the environment directly, making it more challenging to track and prevent them.

In addition, the **increasing market shares of plastics with biodegradable properties** bring new opportunities as well as risks. In the absence of clear labelling or marking for consumers, and without adequate waste collection and treatment, it could aggravate plastics leakage and create problems for mechanical recycling. On the other hand, biodegradable plastics can certainly have a role in some applications and the innovation efforts in this field are welcomed.

As plastic value chains are increasingly cross-border, problems and opportunities associated with plastics should be seen in light of **international developments**, including China's recent decision to restrict imports of certain types of plastic waste. There is a growing awareness of the global nature of these challenges, as shown by international initiatives on marine litter, like the UN Global Partnership on Marine Litter¹⁶ and the action plans put forward by the G7 and G20.¹⁷ Plastic pollution was also identified as one of the main pressures on healthy oceans at the international ‘Our Ocean Conference’, hosted by the EU in October 2017. A resolution on marine litter and microplastics was adopted at the United Nation Environment Assembly in December 2017.¹⁸

3. TURNING CHALLENGES INTO OPPORTUNITIES: A VISION FOR A CIRCULAR PLASTICS ECONOMY

Moving decisively towards a more prosperous and sustainable plastics economy could deliver considerable benefits. To reap these, Europe needs a strategic vision, setting out what a ‘circular’ plastics economy could look like in the decades ahead. This vision needs to promote investment

¹⁴ Joint Research Centre, *Harm Caused by Marine Litter*, 2016.

¹⁵ Source: Eunomia.

¹⁶ <https://www.unep.org/gpa/what-we-do/global-partnership-marine-litter>

¹⁷ https://www.g7germany.de/Content/EN/Anlagen/G7/2015-06-08-g7-abschluss-eng_en.html and

https://www.g20.org/Content/DE/Anlagen/G7_G20/2017-g20-marine-litter-en.html?nn=2186554

¹⁸ UNEP/EA.3/L.20 see: <https://papersmart.unon.org/resolution/uploads/k1709154.docx>

in innovative solutions and turn today's challenges into opportunities. While the EU will propose concrete measures to achieve this vision, making it a reality will require action from all players in the plastic value chain, from plastic producers and designers, through brands and retailers, to recyclers. Similarly, civil society, the scientific community, businesses and local authorities will have a decisive role to play in making a difference, working together with regional and national governments to bring about positive change. ³

'A vision for Europe's new plastics economy'

A smart, innovative and sustainable plastics industry, where design and production fully respects the needs of reuse, repair, and recycling, brings growth and jobs to Europe and helps cut EU's greenhouse gas emissions and dependence on imported fossil fuels.

- Plastics and products containing plastics are designed to allow for greater durability, reuse and high-quality recycling. By 2030, all plastics packaging placed on the EU market is either reusable or can be recycled in a cost-effective manner.
- Changes in production and design enable higher plastics recycling rates for all key applications. By 2030, more than half of plastics waste generated in Europe is recycled. Separate collection of plastics waste reaches very high levels. Recycling of plastics packaging waste achieves levels comparable with those of other packaging materials.
- EU plastics recycling capacity is significantly extended and modernised. By 2030, sorting and recycling capacity has increased fourfold since 2015, leading to the creation of 200 000 new jobs, spread all across Europe.¹⁹
- Thanks to improved separate collection and investment in innovation, skills and capacity upscaling, export of poorly sorted plastics waste has been phased out. Recycled plastics have become an increasingly valuable feedstock for industries, both at home and abroad.
- The plastics value chain is far more integrated, and the chemical industry works closely with plastics recyclers to help them find wider and higher value applications for their output. Substances hampering recycling processes have been replaced or phased out.
- The market for recycled and innovative plastics is successfully established, with clear growth perspectives as more products incorporate some recycled content. Demand for recycled plastics in Europe has grown four-fold, providing a stable flow of revenues for the recycling sector and job security for its growing workforce.
- More plastic recycling helps reduce Europe's dependence on imported fossil fuel and cut CO₂ emissions, in line with commitments under the Paris Agreement.
- Innovative materials and alternative feedstocks for plastic production are developed and used where evidence clearly shows that they are more sustainable compared to the non-renewable alternatives. This supports efforts on decarbonisation and creating additional opportunities for growth.
- Europe confirms its leadership in sorting and recycling equipment and technologies. Exports rise in lockstep with global demand for more sustainable ways of processing end-of-life plastics.

In Europe, citizens, government and industry support more sustainable and safer consumption and production patterns for plastics. This provides a fertile ground for social innovation and entrepreneurship, creating a wealth of opportunities for all Europeans.

- Plastic waste generation is decoupled from growth. Citizens are aware of the need to avoid waste, and make choices accordingly. Consumers, as key players, are incentivised,

¹⁹ This data corresponds to building about 500 new sorting and recycling plants (source: Plastics Recyclers Europe).

made aware of key benefits and thus enabled to contribute actively to the transition. Better design, new business models and innovative products emerge that offer more sustainable consumption patterns.

- Many entrepreneurs see the need for more resolute action on plastics waste prevention as a business opportunity. Increasingly, new companies emerge that provide circular solutions, such as reverse logistics for packaging or alternatives to disposable plastics, and they benefit from the development of digitisation.
- The leakage of plastics into the environment decreases drastically. Effective waste collection systems, combined with a drop in waste generation and with increased consumer awareness, avoid litter and ensure that waste is handled appropriately. Marine litter from sea-based sources such as ships, fishing and aquaculture are significantly reduced. Cleaner beaches and seas foster activities such as tourism and fisheries, and preserve fragile ecosystems. All major European cities are much cleaner.
- Innovative solutions are developed to prevent microplastics from reaching the seas. Their origin, routes of travel, and effects on human health are better understood, and industry and public authorities are working together to prevent them from ending up in our oceans and our air, drinking water or on our plates.
- The EU is taking a leading role in a global dynamic, with countries engaging and cooperating to halt the flow of plastics into the oceans and taking remedial action against plastics waste already accumulated. Best practices are disseminated widely, scientific knowledge improves, citizens mobilise, and innovators and scientists develop solutions that can be applied worldwide.

4. THE WAY FORWARD: TURNING VISION INTO REALITY

To move towards that vision, this strategy proposes an ambitious set of EU measures.²⁰ These will be put forward in line with the Better Regulation principles. In particular, any measure likely to have significant socioeconomic impact will be accompanied by an impact assessment. Recognising the importance and need of common efforts, the strategy also identifies key actions for national and regional authorities and industry.²¹

4.1 Improving the economics and quality of plastics recycling

Stepping up the recycling of plastics can bring significant environmental and economic benefits. Higher levels of plastic recycling, comparable with those of other materials, will only be achieved by improving the way plastics and plastics articles are produced and designed. It will also require increased cooperation across the value chain: from industry, plastics manufacturers and converters to public and private waste management companies. Specifically, key players should work together to:

- improve design and support innovation to make plastics and plastic products easier to recycle;
- expand and improve the separate collection of plastic waste, to ensure quality inputs to the recycling industry;
- expand and modernise the EU's sorting and recycling capacity;
- create viable markets for recycled and renewable plastics.

²⁰ All the EU measures are listed in Annex I.

²¹ These are listed in Annex II.

Over the past months, the Commission facilitated a cross-industry dialogue and now calls on the industries involved²² to swiftly come forward with an ambitious and concrete set of voluntary commitments to back this strategy and its vision for 2030.

To support these developments, the Commission has already proposed new rules on waste management.²³ These include clearer obligations for national authorities to step up separate collection, targets to encourage investment in recycling capacity and avoid infrastructural overcapacity for processing mixed waste (e.g. incineration), and more closely harmonised rules on the use of extended producer responsibility. The Commission has consistently called on the co-legislators to swiftly agree on these new rules. Once adopted and implemented, this new European legislation should do much to improve the current situation, driving public and private investment in the right direction. However, additional and more targeted action is needed to complement waste laws and remove barriers that are specific to the plastics sector.

Design for recyclability

Today, producers of plastic articles and packaging have little or no incentive to take into account the needs of recycling or reuse when they design their products. Plastics are made from a range of polymers and are highly customised, with specific additives to meet each manufacturer's functional and/or aesthetic requirements. This diversity can complicate the recycling process, make it more costly, and affect the quality and value of recycled plastic. Specific design choices, some of which are driven by marketing considerations (e.g. the use of very dark colours) can also negatively affect the value of recyclates.

BETTER PRODUCT DESIGN MAKES PLASTICS RECYCLING EASIER



**Saving 77-120 EUR
for each tonne
of plastic waste
collected**

Source: Ellen MacArthur Foundation (2016).

Plastics packaging is a priority area when it comes to design for recyclability. Today it accounts for about 60 % of post-consumer plastic waste²⁴ in the EU, and product design is one of the keys to improve recycling levels. It has been calculated that design improvements could halve the cost of recycling plastic packaging waste.²⁵

In 2015, the Commission already proposed that by 2025 at least 55 % of all plastics packaging in the EU should be recycled. If greater levels of high-quality recycling are to be reached, design issues must be addressed far more systematically.

To support improved design while preserving the internal market, EU action is essential. The Commission will work on a revision of the essential requirements for placing packaging on the market.²⁶ The objective will be to ensure that,

by 2030, all plastics packaging placed on the EU market is reusable or easily recycled.²⁷ In this context, the Commission will also look into ways of maximising the impact of new rules on Extended Producers Responsibility (EPR), and support the development of economic incentives

²² This dialogue was conducted with Plastics Europe, European Plastics Converters (EuPC) and Plastics Recyclers Europe.

²³ COM (2015) 593, COM (2015) 594, COM (2015) 595, COM (2015) 596.

²⁴ Source: Plastics Europe.

²⁵ Ellen MacArthur Foundation, *The New Plastics Economy: Catalysing action*, January 2017.

²⁶ Directive 94/62/EC on Packaging and Packaging Waste.

²⁷ i.e. it can be recycled cost-effectively.

to reward the most sustainable design choices. It will also assess the potential for setting a new recycling target for plastic packaging, similar to those put forward in 2015 for other packaging materials.

Construction and the automotive, furniture and electronics sectors are also important applications for plastics use and are a significant source of plastics waste that could be recycled. For these applications, lack of information regarding the possible presence of chemicals of concern (e.g. flame retardants) creates a significant obstacle to achieving higher recycling rates. As part of its work on the interface between chemicals, waste and product policies, the Commission is proposing to accelerate work in order to identify possible ways to make chemicals easier to trace in recycled streams. The aim will be to make it simpler to process or remove these substances during recycling, thus ensuring a high level of health and environmental protection.

The Commission also remains committed to developing, where appropriate, product requirements under the Ecodesign Directive that take account of circular economy aspects, including recyclability.²⁸ This will make it easier to recycle plastics used in a wide variety of electrical appliances and electronic goods. The Commission has already proposed mandatory product design and marking requirements to make it easier and safer to dismantle, reuse and recycle electronic displays (e.g. flat computer or television screens). It has also developed criteria to improve recyclability of plastics in its Ecolabel and Green Public Procurement criteria (e.g. marking large plastic parts to facilitate sorting, designing plastic packaging for recyclability, and designing items for easy disassembly in furniture and computers).

Boosting demand for recycled plastics

Weak demand for recycled plastics is another major obstacle to transforming the plastics value chain. In the EU, uptake of recycled plastics in new products is low and often remains limited to low-value or niche applications. Uncertainties concerning market outlets and profitability are holding back the investment necessary to scale up and modernise EU plastics recycling capacity and boost innovation. Recent developments in international trade, restricting key export routes for plastics waste collected for recycling,²⁹ make it more urgent to develop a European market for recycled plastics.

One of the reasons for the low use of recycled plastics is the misgivings of many product brands and manufacturers, who fear that recycled plastics will not meet their needs for a reliable, high-volume supply of materials with constant quality specifications. Plastics are often recycled by small and predominately regional facilities, and more scale and standardisation would support smoother market operation. With this in mind, the Commission is committed to working with the European Committee for Standardisation and the industry to develop quality standards for sorted plastic waste and recycled plastics.

A greater integration of recycling activities into the plastics value chain is essential and could be facilitated by plastics producers in the chemical sector. Their experience and technological expertise could help reach higher quality standards (e.g. for food grade applications) and aggregate offer for recycled feedstock.

²⁸ Directive 2009/125/EC; this Directive covers all energy-related products.

²⁹ In particular China's recent announcements of its decision to ban import of certain types of plastic waste – see section 4.4.

The chemical composition of recycled plastics and their suitability for the intended uses can also act as a barrier in some instances. Incidental contamination³⁰ or lack of information about the possible presence of chemicals of concern is a problem for various streams of plastics waste. These uncertainties can also discourage demand for recycled plastics in a number of new products with specific safety requirements. The Commission's work on the interface between chemicals, waste and product policy is set to address some of these issues and will therefore contribute directly to increased uptake of recycled plastics. The EU will also finance research and innovation projects on better identification of contaminants and on decontamination of plastic waste through Horizon 2020.

As regards the use of recycled plastics in food-contact applications (e.g. beverage bottles), the objective is to prioritise high food safety standards, while also providing a clear and reliable framework for investment and innovation in circular economy solutions. With this in mind, the Commission is committed to swiftly finalise the authorisation procedures for over a hundred safe recycling processes. In cooperation with the European Food Safety Agency, the Commission will also assess whether safe use of other recycled plastic materials³¹ could be envisaged, for instance through better characterisation of contaminants.

Volumes and quality alone, however, do not fully explain the small market share held by recycled plastics today. Resistance to change among product manufacturers and a lack of knowledge of the additional benefits of closed-loop recycled plastics have also emerged as barriers to the higher uptake of recycled content.

Europe has examples of successful commercial partnerships between producers and plastics recyclers (e.g. in the automotive sectors), showing that quantity and quality issues can be overcome if the necessary investments are made. To help tackle these barriers, and before considering regulatory action, the Commission is launching an EU-wide pledging campaign to ensure that by 2025, ten million tonnes of recycled plastics find their way into new products on the EU market. To achieve swift, tangible results, this exercise is addressed to both private and public actors, inviting them to come forward with substantive pledges by June 2018. The details are presented in Annex III.

To further support the integration of recycled plastics in the market, the Commission will also explore more targeted sectoral interventions. For instance, certain applications in the construction and automotive sectors show good potential for uptake of recycled content³² (e.g. insulation materials, pipes, outdoor furniture or dashboards). In the context of ongoing and upcoming evaluations of EU rules on construction products and on end-of-life vehicles, the Commission will look into specific ways of promoting this. In the context of future work on the Packaging and Packaging Waste Directive, thought will also be given to using economic instruments to reward the use of recycled content in the packaging sector. Finally, the Commission will work on integrating recycled content in Green Public Procurement criteria.

National governments can also achieve a great deal through economic incentives and public procurement. The French system 'ORPLAST'³³ or Italy's new rules on public procurement are

³⁰ Contamination of recycled streams can originate from multiple sources (e.g. impurities, the use-phase, misuse, degradation, improper separation of materials, legacy substances or cross contamination during waste collection). Such incidental contaminants can affect the quality and safety of recyclates.

³¹ i.e. plastics other than PET or plastics not originating from closed-loop reuse applications.

³² Contrary to other applications, such as packaging, aesthetic requirements are less relevant and health and environmental exposure is usually lower. In addition, the European Committee for Standardisation has already developed assessment standards to identify hazardous substances which could be embedded in recycled materials.

³³ <https://appelsaprojets.ademe.fr/aap/ORPLAST2017-68>

two good examples of what could be done at national level. Similarly, local authorities can support the objective of this strategy when purchasing work, goods or services.

Better and more harmonised separate collection and sorting

More and better plastic recycling is also held back by insufficient volumes and quality of separate collection and sorting. The latter is also essential to avoid introducing contaminants in the recycling streams and retain high safety standards for recycled materials. National, regional and local authorities, in cooperation with waste management operators, have a key role to play in raising public awareness and ensure high-quality separate collection. Financial resources collected through the Extended Producer Responsibility schemes can do much to boost such efforts. Similarly, deposits systems can contribute to achieving very high levels of recycling.

Reducing fragmentation and disparities in collection and sorting systems could significantly improve the economics of plastics recycling, saving around a hundred euros per tonne collected.³⁴ To encourage more standardised and effective practices across the EU, the Commission will issue new guidance on separate collection and sorting of waste. More importantly, the Commission strongly supports the European Parliament and the Council in their current effort to amend waste rules to ensure better implementation of existing obligations on separate collection of plastics.

4.2 Curbing plastic waste and littering

Growing plastic waste generation and its leakage into our environment must be tackled if we are to achieve a truly circular lifecycle for plastics. Today, littering and leakage of plastic waste harm the environment, cause economic damage to activities such as tourism, fisheries and shipping, and may affect human health through the food chain.

Preventing plastic waste in our environment

Growing use of plastics for a wide range of short-lived applications gives rise to large quantities of plastic waste. Single-use plastics items are a major source of plastic leakage into the environment, as they can be difficult to recycle, are often used away from home and littered. They are among the items most commonly found on beaches, and represent an estimated 50% of marine litter.³⁵

Increasing on-the-go consumption of food and drink is fuelling the growth of 'single-use plastics' and the problem is therefore expected to grow. Where waste management is sub-optimal, even plastic waste that has been collected can find its way into the environment. More recycling of plastics used in agriculture (such as plastic mulching films or greenhouses) can contribute to reduce leakages in



Source: Joint Research Centre, European Commission (2017)

³⁴ Ellen MacArthur Foundation, *The New Plastics Economy: Catalysing action*, January 2017.

³⁵ Joint Research Centre, *Top Marine Beach Litter Items in Europe*, 2017.

the environment. To achieve this, Extended Producer Responsibility schemes have proven effective in several countries.

Marine litter from sea-based sources is also significant. Fishing gear abandoned at sea can have particularly harmful impacts through entanglement of marine animals.

Curbing plastic waste and pollution is a complex problem, given its diffuse nature and the link with social trends and individual behaviour. There is no clear incentive for consumers and producers to switch to solutions that would generate less waste or litter.

The EU has already taken steps by setting requirements for Member States to adopt measures to cut the consumption of plastic bags³⁶ and to monitor and reduce marine litter.³⁷ EU funding is also being deployed to understand and combat the rise of marine litter,³⁸ supporting global, national and regional action. EU rules supporting higher recycling rates and better waste collection systems are also important in helping to prevent leakage. In addition, through its upcoming legislative proposal for a revision of the Drinking Water Directive, the Commission will promote access to tap water for EU citizens, therefore reducing packaging needs for bottled water. The criteria for the Ecolabel and Green Public Procurement also promote reusable items and packaging.³⁹

Additional measures at EU and national levels can be developed to reduce the unnecessary generation of plastic waste, especially waste from single-use items or over-packaging, and to encourage the reuse of packaging. Analytical work, including the launch of a public consultation, has already started to determine the scope of a legislative initiative on single-use plastics at EU level to be tabled by this Commission, following the approach used for light-weight plastic bags and examining relevant evidence from behavioural science.⁴⁰ Furthermore, the Commission will explore the feasibility of introducing measures of a fiscal nature at the EU level.⁴¹ Finally, the Commission will also look into the issue of over-packaging as part of the future review of the essential requirements for packaging.

Extended Producer Responsibility schemes at national level can also help finance action to curb plastic litter. Targeted deposit schemes can help reduce littering and boost recycling, and have already helped several countries achieve high collection rates for beverage containers.⁴²

Awareness campaigns, measures to prevent littering and projects to clean up beaches can be set up by public authorities and receive support from EU funds, for instance through the European Solidarity Corps. On 30 May 2017, the Commission presented a proposal to extend and reinforce the European Solidarity Corps, with a budget of €341.5 million for the years 2018-2020.⁴³ This

³⁶ Directive 2015/720/EU amending Directive 94/62/EC as regards the consumption of lightweight plastic carrier bags.

³⁷ Directive 2008/56/EC establishing a framework for community action in the field of marine environmental policy.

³⁸ For instance, in the Arctic Region, the "Circular Ocean" INTERREG project is testing new opportunities for reusing old fishing nets, including a material to remove pollutants from water (<http://www.circularocean.eu/>). In the Baltic Sea Region, the BLASTIC project maps potential litter sources in urban areas and monitors litter levels in the aquatic environment (<https://www.blastic.eu/>). Both projects are supported by the European Regional Development Fund.

³⁹ For example, the Ecolabel criteria for tourism and the Green Public Procurement criteria for food and catering restrict the use of single-use plastics in catering.

⁴⁰ The Joint Research Center conducts in-house behavioural research in various policy areas, helping to better understand both the drivers of behaviour and the relative effectiveness of alternative solutions.

⁴¹ The modalities of such a potential fee would have to be decided on the basis of the assessment of its contribution towards meeting the strategy goals. On top of that, in the context of the preparation of the post-2020 Multiannual Financial Framework, it could be considered as one of potential options to generate revenues for the EU budget.

⁴² The five best performing Member States with deposit schemes for PET bottles (Germany, Denmark, Finland, the Netherlands and Estonia) reached an average collection rate for PET of 94% in 2014.

⁴³ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2017:262:FIN>

means that in the near future there will be even more opportunities for young people across the EU to actively engage and support the objective of this strategy.

To reduce discharges of waste by ships, the Commission is presenting together with this strategy a legislative proposal on port reception facilities.⁴⁴ This presents measures to ensure that waste generated on ships or gathered at sea is delivered on land and adequately managed. Building on this, the Commission will also develop targeted measures for reducing the loss or abandonment of fishing gear at sea. Possible options to be examined include deposit schemes, Extended Producers Responsibility schemes and recycling targets. The Commission will also further study the contribution of aquaculture to marine litter and examine a range of measures to minimise plastic loss from aquaculture.⁴⁵ Finally, it will continue its work to improve understanding and measurement of marine litter, an essential but often neglected way to support effective prevention and recovery measures.

As a complement to these preventive measures, action to retrieve some of the plastics floating in the oceans and innovative technologies for retrieval are supported by EU funds.⁴⁶⁴⁷ Finally, as developed in section 4.4, international action will remain key to tackling the most significant sources of plastics litter in the oceans, i.e. insufficient waste management infrastructure in developing countries and emerging economies.

Establishing a clear regulatory framework for plastics with biodegradable properties

In response to the high level of plastic leakage into our environment and its harmful effects, solutions have been sought to design biodegradable and compostable plastics. Targeted applications, such as using compostable plastic bags to collect organic waste separately, have shown positive results; and standards exist or are being developed for specific applications.

However, most currently available plastics labelled as biodegradable generally degrade under specific conditions which may not always be easy to find in the natural environment, and can thus still cause harm to ecosystems. Biodegradation in the marine environment is particularly challenging. In addition, plastics that are labelled 'compostable' are not necessarily suitable for home composting. If compostable and conventional plastics are mixed in the recycling process, it may affect the quality of the resulting recyclates. For consumer applications, the existence of a well-functioning separate collection system for organic waste is essential.

It is important to ensure that consumers are provided with clear and correct information, and to make sure that biodegradable plastics are not put forward as a solution to littering. This can be achieved by clarifying which plastics can be labelled 'compostable' or 'biodegradable' and how they should be handled after use. Applications with clear environmental benefits should be identified and in those cases the Commission will consider measures to stimulate innovation and drive market developments in the right direction. To allow adequate sorting and avoid false environmental claims, the Commission will propose harmonised rules for defining and labelling compostable and biodegradable plastics. It will also develop lifecycle assessment to identify the conditions under which the use of biodegradable or compostable plastics is beneficial, and the criteria for such applications.

⁴⁴ COM (2018) 33 on port reception facilities for the delivery of waste from ships and repealing Directive 2000/59/EC and amending Directive 2009/16/EC and Directive 2010/65/EU.

⁴⁵ Including the possible adoption of a Best Available Technique reference document for aquaculture installations.

⁴⁶ See for example the call under Horizon 2020 to develop and scale up innovative processes to clear the sea of litter and pollutants: <http://ec.europa.eu/research/participants/portal/desktop/en/opportunities/h2020/topics/bg-07-2017.html>

⁴⁷ <https://ec.europa.eu/easme/en/information-day-blue-growth-calls-under-emff>

Finally, some alternative materials claiming biodegradability properties, such as 'oxo-degradable plastics', have been found to offer no proven environmental advantage over conventional plastics, while their rapid fragmentation into microplastics cause concerns. Therefore, the Commission has started work with the intention to restrict the use of oxo-plastics in the EU.⁴⁸

The rising problem of microplastics

Microplastics are intentionally added to certain product categories (such as cosmetics, detergents, paints), dispersed during the production, transport and use of plastic pellets, or generated through wear and tear of products such as tyres, paints and synthetic clothes.

Microplastics intentionally added to products represent a relatively small proportion of all those in the sea. However, since they are relatively easy to prevent and in response to public concern, several countries have already taken action to restrict their use,⁴⁹ while the cosmetic industry has also taken voluntary action. Bans are under consideration or planned in several Member States and this may lead to fragmentation in the single market. In line with the REACH procedures for restricting substances that pose a risk to the environment or health, the Commission has therefore started the process to restrict the use of intentionally added microplastics, by requesting the European Chemicals Agency to review the scientific basis for taking regulatory action at EU level.⁵⁰

More research is needed to improve our understanding of the sources and impacts of microplastics, including their effects on the environment and health, and to develop innovative solutions to prevent their dissemination (see section 4.3). This can include ways to improve the capture of microplastics in waste water treatment plants, as well as targeted measures for each source. A Cross Industry Agreement⁵¹ for the prevention of microplastic release into the aquatic environment during the washing of synthetic textiles is set to develop first proposals on test methods in 2018. For its part, the Commission will consider measures such as labelling and specific requirements for tyres, better information and minimum requirements on the release of microfibers from textiles, as well as measures to reduce plastic pellet losses. Extended producer responsibility schemes can also be envisaged, where relevant, to cover the cost of remedial action. Microplastics also need to be monitored in drinking water, where their impact on human health is still unknown.

4.3 Driving innovation and investment towards circular solutions

Achieving the objectives laid out in this strategy will require major investments in both infrastructure and innovation. Meeting ambitious goals on plastics recycling alone will require an estimated additional investment of between EUR 8.4 and 16.6 billion.⁵² Therefore, creating an enabling framework for investment and innovation is central to implementing this strategy.

Innovation is a key enabler for the transformation of the plastics value chain: it can help reduce the costs of existing solutions, provide new ones and amplify potential benefits beyond Europe's

⁴⁸ In line with REACH procedures for restricting substances that pose a risk to the environment or health, the Commission has requested the European Chemicals Agency to review the scientific basis for taking regulatory action at EU level.

⁴⁹ Bans on the use of microplastics in specific personal care products have been put in place in the United States and Canada; several EU Member States have also notified the Commission of draft laws to ban microplastics in certain cosmetics. The Council has called on the Commission to take measures on microplastics, especially from cosmetics and detergents.

⁵⁰ On that basis, the Agency must initiate the restriction process within 12 months, if the conditions are met.

⁵¹ The Agreement is signed by five industry associations: AISE, CIRFS, EOG, EURATEX and FESI.

⁵² Deloitte, Increased EU Plastics Recycling Targets: Environmental, Economic and Social Impact Assessment, 2015.

borders. While the EU can play an enabling role, European businesses need to invest in the future and affirm their leadership in the modernisation of the plastics value chain.

Innovative solutions for advanced sorting, chemical recycling and improved polymer design can have a powerful effect. For instance, scaling up new technological solutions such as digital watermarking could allow much better sorting and traceability of materials, with few retrofitting costs. Research and innovation can also make a difference in preventing plastic waste and microplastics pollution. The Commission is particularly attentive to innovation on materials that fully biodegrade in seawater and freshwater and are harmless for the environment and ecosystems. New approaches – developing innovative business models, reverse logistics or designing for sustainability, for instance – can do much to help minimise plastic waste at source, while achieving further economic, environmental and social benefits. Finally, further scientific research is needed to gauge the potential health impacts of microplastics and develop better monitoring tools.

Alternative feedstocks, including bio-based feedstocks and gaseous effluents (e.g. carbon dioxide or methane) can also be developed to avoid using fossil resources. Currently, these feedstocks represent a small but growing share of the market.⁵³ Their cost can be an obstacle to wider use; in the case of bio-based plastics it is also important to ensure that they result in genuine environmental benefits compared to the non-renewable alternatives. To that effect, the Commission has started work on understanding the lifecycle impacts of alternative feedstock used in plastics production, including biomass. Based on the available scientific information, the Commission will look into the opportunities to support the development of alternative feedstocks in plastic production.

EU research funding will support all these efforts. So far, Horizon 2020 has provided over EUR 250 million to finance R&D in areas of direct relevance to the strategy. About half has been used to help develop alternative feedstocks. This has been complemented by support under the EU cohesion policy, in the context of smart specialisation strategies.⁵⁴ A large number of these strategies include plastics-related innovation priorities.

In the run-up to 2020, an additional EUR 100 million will be devoted to financing priority measures, including developing smarter and more recyclable plastics materials, making recycling processes more efficient, and tracing and removing hazardous substances and contaminants from recycled plastics. Finally, the Commission will develop a Strategic Research and Innovation Agenda on plastics to provide guidance for future research and innovation funding after 2020.

To meet the objectives of this strategy, the scale of private and public investment must significantly increase, not only as regards innovation. At present, private investment in sorting and recycling plants is held back by uncertainties about profitability (given low oil prices, lack of outlets, etc.). For instance, only about two-thirds of the plastics recycling businesses in France today are profitable.⁵⁵ As the situation in other EU countries shows,⁵⁶ it is important to modernise and scale up recycling plants if plastic recycling is to be economically viable. Many of the measures proposed in section 4.1 are specifically designed to boost investors' confidence.

⁵³ Today, bio-based plastics represent between 0.5 and 1% of EU annual plastic consumption.

⁵⁴ National and regional innovation strategies, developed through a bottom-up process engaging industry and stakeholders to identify areas of regional competitiveness. The Commission also supports interregional partnerships for smart specialisation areas.

⁵⁵ French Environment and Energy Management Agency, *Analyse de la chaîne de valeur du recyclage des plastiques en France*, March 2015.

⁵⁶ Ibid.

Public authorities need to invest in extended and improved separate collection. Well-designed Extended Producer Responsibility (EPR) schemes can play a key role to provide the necessary funding. In some countries with very high recycling rates, for example, most separate collection and treatment costs for packaging waste are financed through contributions paid by the producers.

In addition to being a source of financing, EPR can provide economic incentives for businesses to develop more sustainable plastic products. If well designed and implemented across Europe, EPR systems could help improve the efficiency of the recycling process, encourage design for recycling, reduce waste and littering and promote greater dialogue between producers, local authorities and recyclers. In its proposed review of waste legislation, the Commission aims to promote this model and make it more effective through minimum common requirements, based on existing best practice. To ensure EPR schemes run smoothly and support investment in recycling, the Commission will provide guidance on how to ensure effective modulation of fees paid by the producers, in particular for packaging. For instance, ‘eco-modulation’ of such fees can produce results only if it provides a meaningful financial reward in return for more sustainable product design choices.

The principle of extended producer responsibility could possibly also be applied to create a private-led fund for financing investment in innovative solutions and new technologies aimed at reducing the environmental impact of primary plastic production. This could, for instance, support the uptake of recycled plastics. By mid-2019, the Commission, in cooperation with stakeholders, will analyse the potential design features of such fund, including as regards technological and material neutrality and complementarity with existing instruments, and will closely examine its technical, economic and legal feasibility.

Member States’ decisions on taxation and public procurement will also play a vital role in supporting transition and steering investments.⁵⁷ In its proposed waste review, the Commission has emphasised the use of economic instruments to prioritise waste prevention and recycling at national level. Internalising the environmental costs of landfilling and incineration through high or gradually rising fees or taxes could improve the economics of plastic recycling.

European Structural and Investment Funds, in particular cohesion policy funds, also make a key contribution to developing EU recycling capacity, including the recycling of plastics. From 2014 to 2020, over EUR 5.5 billion has been allocated for improving waste management. This is expected notably to result in an increase of 5.8 million tonnes per year in waste recycling capacity.⁵⁸ The European Fund for Strategic Investment (EFSI) can also play an important part, for instance by supporting greater integration of the value chain and projects for closed-loop plastics recycling. The recently launched ‘Circular Economy Finance Support Platform’ will help raise awareness among investors and facilitate access to finance for circular economy projects.

4.4 Harnessing global action

Opportunities and challenges linked to plastics are increasingly global and addressing them will significantly contribute to achieving the 2030 Sustainable Development Goals. Outside Europe,

⁵⁷ The Commission has a well-defined state aid framework to support such measures. See 2014/C 200/01, Communication from the Commission: Guidelines on State aid for environmental protection and energy 2014-2020.

⁵⁸ <https://cohesiondata.ec.europa.eu>

plastics consumption per capita is growing quickly, most notably in Asia.⁵⁹ Plastics value chains are developed across entire continents and plastic waste is traded internationally: in the EU about half the plastic waste collected is sent abroad, where uncertainty remains over its treatment. More than 85 % of the exported plastic waste is currently shipped to China,⁶⁰ a situation that will soon change following China's decision to ban the import of certain types of plastic waste,⁶¹ thus creating opportunities for EU recyclers.

Adequate plastic waste prevention, collection and recycling systems are needed in many parts of the world. Marine litter from one country can end up on the beaches of another, and fragments of plastic from all over the globe accumulate over time in the oceans and seas, carried by marine currents. International cooperation is crucial to tackle this issue. Oceans and seas are a global good and common heritage, and if the current trend is not reversed this could have legacy effect for future generations through degradation of marine ecosystems and threats to human health. Establishing sound waste prevention and management systems, particularly in emerging economies, is essential to keep plastics out of the sea. Many initiatives have been launched at international fora (such as G7 and G20, the United Nations, and in the context of the MARPOL Convention⁶²) and regional sea conventions; actions against marine litter are also included in the International Ocean Governance Agenda for the future of our oceans.⁶³

The EU will continue to support international action, promote best practices worldwide, and use its external funding instruments to support improved waste prevention and management around the world. In particular, the Commission will continue to make use of policy dialogues on environment and industry and dialogues under free trade agreements, and to actively cooperate in Regional Sea Conventions.⁶⁴ It will also take an active part in the working group established by the United Nations Environment Assembly in December 2017 to work on international responses for combating plastic marine litter and microplastics. In 2018, the Commission will launch a dedicated project to reduce plastic waste and marine litter in East and South-East Asia, where the problem is growing fast.⁶⁵ It will also examine possible ways to take action to reduce plastic pollution in the Mediterranean, in support of the Barcelona Convention, and in major world river basins, as a vast proportion of waste plastic is carried by rivers before it reaches the seas. Finally, the Commission will facilitate the cooperation of the outermost regions of the EU⁶⁶ with their neighbours along the Caribbean Sea, the Indian, Pacific and Atlantic Oceans across different fields, including in waste management and recycling.

Going forward, there are also significant prospects for developing an innovative circular plastics industry worldwide. The EU already has the world's highest rate of plastic recycling. With its objectives on improved recyclability of packaging and increased recycling rates, it is well placed to lead new developments by supporting, in particular, investment in modern recycling technologies, new materials better suited to recycling, and solutions to curb marine litter.

⁵⁹ Per capita plastic consumption has reached around 100 kg per year in Western Europe and North America; in Asia it is currently above 20 kg per year, a figure expected to grow rapidly.

⁶⁰ Global Waste Management Outlook 2015.

⁶¹ WTO Notification G/TBT/N/CHN/1211 of 18 July 2017 and G/TBT/N/CHN/1233 of 15 November 2017, covering a range of waste types, including certain types of plastic waste.

⁶² The International Convention for the Prevention of Pollution from Ships (MARPOL convention) regulates the discharge of garbage from ships.

⁶³ JOIN(2016)49

⁶⁴ The EU is a member of the OSPAR (North East Atlantic), HELCOM (Baltic) and Barcelona Conventions (Mediterranean) and provides support to the Bucharest Convention (Black Sea).

⁶⁵ In the context of the Partnership instrument.

⁶⁶ The nine Outermost Regions of the European Union consist of six French overseas territories (French Guiana, Guadeloupe, Martinique, Mayotte, Réunion and Saint Martin), two Portuguese autonomous regions (the Azores and Madeira) and one Spanish autonomous community (the Canary Islands).

Measures that increase the trust of operators and public authorities are needed to better integrate plastics recycling globally, and thus create a circular value chain across borders. For instance, the Commission will promote the development of international standards to boost industry confidence in the quality of recyclable or recycled plastics. It will also be important to ensure that any plastics sent abroad for recycling are handled and processed under conditions similar to those applicable in the EU under rules on waste shipments,⁶⁷ supporting action on waste management under the Basel Convention, and developing an EU certification scheme for recycling plants. A global industry effort is also needed to promote widespread use of recyclable and recycled plastics.

5. Conclusions

Challenges linked to the production, consumption and end-of-life of plastics can be turned into an opportunity for the EU and the competitiveness of the European industry. Tackling them through an ambitious strategic vision, covering the entire value chain, can spur growth, jobs and innovation. It can also reaffirm European leadership in global solutions and help us make the transition towards a low-carbon and circular economy, while providing citizens with a cleaner, safer environment.

This strategy proposes concrete actions designed to make the vision for a more circular plastics economy a reality. The Commission will focus on making decisive progress within its current mandate, while preparing the ground for longer-term action. It will be essential for other key actors to also play their part. The Commission therefore calls on the European Parliament and Council to endorse this strategy and its objectives, and calls on national and regional authorities, cities, the entire plastics value chain, and all relevant stakeholders, to commit to resolute and concrete action.

⁶⁷ Regulation (EC) 1013/2006 on waste shipments.

In the 26 January 2018 issue:

- European Commission Unveils Strategy to Make Plastic Waste Circular
- European Chemicals Agency Is Drafting Restrictions on Oxo-Plastics and Microplastics Use
- Packaging and Tires Are First Product Categories Targeted under Chilean EPR Law
- Chilean Diputado Introduces Motion to Restrict Conventional Plastic Packaging
- Singapore Is NEA Planning an Initial Consultation for an E-Waste Management System
- Zero Food Waste Act Proposed in Philippine House of Representatives

Plus environmental news briefs from the *Bulletin*.

European Commission Unveils Strategy to Make Plastic Waste Circular

by Elgin Norwood

Measures proposed to improve economics of recycling, reduce waste and litter, and drive investment and innovation towards circular solutions.

On January 16, the European Commission unveiled an EU-wide strategy to boost plastics recycling and reduce waste and litter. The strategy includes 39 actions that the EU plans to take and 23 other actions recommended to industry and national governments (Member States).

The Commission also launched a public consultation on the circular plastics strategy.

According to a European Commission announcement, the European Union generates 25 million tons of plastic waste annually of which less than 30% is recycled. Discarded plastic packaging and items comprise 85% of beach litter.

The 39 actions that the European Commission recommends taking are organized into the following categories:

- improving product design
- boosting recycled content
- separating waste plastics collection

- reducing single-use plastics
- reducing sea-based sources of marine litter
- monitoring marine litter more effectively
- reducing microplastics pollution
- encouraging use of compostable and biodegradable plastic
- promoting investment and innovation in the plastics value chain
- engaging in multilateral initiatives on plastic
- engaging in bilateral cooperation with non-EU countries
- supporting international trade in waste/recyclable plastic

Actions to improve plastic product design include improving the traceability of chemicals and addressing the issue of legacy substances in recycled streams, considering the addition of requirements to the Eco-Design Directive to support the recyclability of plastics, and ensuring that by 2030 all plastics packaging placed on the EU market can be reused or recycled in a cost-effective manner.

Actions to boost recycled content include launching an “EU-wide pledging campaign targeting industry and public authorities,” finalizing pending authorization procedures for plastics recycling processes, better characterization of contaminants and introduction of a monitoring system, developing quality standards for sorted plastics waste and recycled plastics, and further incentivizing the use of recycled plastics in green procurement including by developing adequate verification means.

In regard to compostable and biodegradable plastics, the strategy calls for developing harmonized rules on defining and labelling compostable and biodegradable plastics, conducting a lifecycle assessment to identify conditions where the use of compostable and biodegradable plastics is beneficial, and criteria for such applications, and launching a process to restrict the use of oxo-plastics. (See the separate report in this issue of *Recycling Laws International*.)

A link to the complete set of actions in the strategy is below.

According to the European Commission announcement, the next steps in the rollout of the strategy are:

- release of a proposal addressing single-use plastic to be released later this year
- approval by the European Parliament and Council of Ministers of a just released draft EU directive on port reception facilities that should stop littering at sea
- drafting of amendments to the EU Directive on Packaging and Packaging Waste and a guidance on plastic waste collection and sorting to commence in 2019

The aforementioned public consultation closes on February 12.

Recycling Laws International will report on developments.

Download the European Union list of plastics strategy actions at https://ec.europa.eu/info/consultations/reducing-marine-litter-action-single-use-plastics-and-fishing-gear_en



European Chemicals Agency Is Drafting Restrictions on Oxo-Plastics and Microplastics Use

by Bruce Popka

Public consultations are expected to begin this spring.

The European Chemicals Agency (ECHA) announced on January 17 that it has started to draft *“restriction proposals for oxo-plastics and for intentionally added microplastic particles to consumer or professional use products of any kind.”*

Microplastics

The current European Union policy relies on only *“voluntary commitments by the cosmetics industry”* to address the problem of microplastic beads in the environment, particularly, the marine environment. However, some EU Member States - among them are France, Sweden and the United Kingdom - already have adopted national regulations restricting the use of microplastic beads in cosmetics and personal care products. ECHA’s regulations will make restrictions uniform for all EU Member States and possibly extend the restrictions beyond cosmetics and personal care products.

Oxo-plastics

Oxo-plastics, according to ECHA, *“can break down into very small particles, potentially contributing to environmental contamination by microplastics.”* They are used in some plastic carryout bags, agricultural films and other plastic products.

A provision in Directive (EU) 2015/720 (addressing lightweight plastic bag consumption) directed the European Commission to *“examine the impact of the use of oxo-degradable plastic carrier bags on the environment and present a report to the European Parliament and the Council, including, if appropriate, a set of measures to limit their consumption or to reduce any harmful impacts.”* The Commission now has initiated action to do that.

Some EU Member States, such as Spain, already have banned the use of oxo-plastic carryout bags.

ECHA said public consultations on the draft restrictions will be launched in spring 2018. *Recycling Laws International* will report on developments.

The ECHA announcement is available for review at <https://echa.europa.eu/-/echa-to-consider-restrictions-on-the-use-of-oxo-plastics-and-microplasti-1>

Packaging and Tires Are First Product Categories Targeted under Chilean EPR Law

by Elgin Norwood

Stakeholder committees are being formed to help develop draft regulations.

On January 18, the Chilean Ministry of Environment announced that packaging and vehicle tires will be the first two product categories (priority products) regulated under the nation's recently enacted extended producer responsibility law.

A resolution was published in the Diario Oficial on January 5 launched the consultative process. The URL for where the resolution is published is https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=11&cad=rja&uact=8&ved=0ahUKEwiO4qu33fPYAhWRzVMKHQTtDH84ChAWCCYwAA&url=http%3A%2F%2Fwww.chilealimentos.com%2Fwordpress%2Fwp-content%2Fuploads%2F2018%2F01%2FResoluci%25C3%25B3n-que-da-inicio-al-procedimiento-de-elaboraci%25C3%25B3n-DS-de-metas.pdf&usq=AOvVaw2D_IIV8I6d4_tEFdP6hV55

Two "expanded collective committees" are being formed (one for each priority product) to participate in the development of draft regulations. Individuals can apply to join a committee by submitting an application to the Ministry of Environment by February 18.

The URL for submitting an application is <http://rechile.mma.gob.cl/convocatoria-a-integrar-el-comite-operativo-ampliado-de-neumaticos-y-envases-y-embalajes/>

Recycling Laws International will report on the EPR regulations once they are drafted.

Review the Chilean Ministry of Environment announcement at <http://portal.mma.gob.cl/ministerio-del-medio-ambiente-inicia-proceso-para-fijar-metas-de-reciclaje/>

Review the Chilean Law of Promotion to the Recycling and Extended Responsibility of the Producer at <https://www.leychile.cl/Navegar?idNorma=1090894>

Chilean Diputado Introduces Motion to Restrict Conventional Plastic Packaging

by Silvia de Gutierrez

The proposed bill would promote biodegradable and compostable plastics as replacements.

Chilean Diputado Miguel Angel Alvarado Ramirez introduced a motion in the Camara de Diputados (House of Representatives) on January 18 for a law to regulate plastic packaging and encourage greater use of bioplastics. (In Chile, a motion is a legislative document prepared prior to the introduction of a bill.)

Most of the 8-page motion provides statistical and anecdotal arguments for restricting traditional plastic packaging, most addressing plastic pollution's effects on wildlife and the environment. The final two pages contain the provisions for a proposed law.

Article 1 in Camara Motion No. 1268 of 17 January 2018 calls for essentially prohibiting the use of "*conventional non-biodegradable or non-compostable polyethylene and polypropylene containers*" in stores and supermarkets and in general commerce.

Article 2 calls for replacing such conventional plastics in packaging with biodegradable and compostable alternatives, and Article 3 would direct plastic producers and distributors to produce biodegradable and compostable substitutes.

Article 4 of the motion defines "*compostable container*" and "*biodegradable container*," stating they decompose into carbon dioxide, water and humus at a rate similar to other organic materials, and they leave no "*toxic residue*."

"*Bioplastics*" would be required to be certified and labeled so consumers could identify them, according to Article 5 of the motion. Article 6, specifies the certification requirements:

- being 90% degraded by six months after the start of the composting process
- breaking down into fragments less than 2 millimeters in diameter once 90% degraded
- having only low levels of heavy metals
- producing "*good compost quality*"

Bioplastic packaging would need to display a bioplastic label. Packaging that does not display the bioplastic label would be required to provide a message about the environmental consequences of its use, according to Article 7 of the motion.

The law would take effect one year after it is agreed to by Congress. Further action resulting from the motion introduced by Diputado Ramirez will be reported in *Recycling Laws International*.

To review Chilean Camara Motion No. 1268 of 17 January 2018, go to https://www.camara.cl/pley/pley_detalle.aspx?prmID=12094&prmBL=711578-12



Singapore NEA Is Planning an Initial Consultation for an E-Waste Management System

by Elgin Norwood

The current national WEEE recycling program is voluntary, and the volume of e-waste generated is expected to grow.

The Singapore National Environment Agency said on January 19 that it is studying best practices for managing e-waste in other countries and plans to launch an initial public consultation next month to seek the public's view on managing e-waste in Singapore. The NEA says Singapore generates about 60,000 tons of e-waste annually, and the per capita annual disposal is about 11 kilograms.

The National Voluntary Partnership for E-Waste Recycling currently is the only program launched by the government help manage Philippine e-waste.

Recycling Laws International will report on the public consultation once it launches.

Get more information at

<http://www.nea.gov.sg/corporate-functions/newsroom/news-releases/stakeholders-sharing-responsibility-is-key-to-building-a-sustainable-e-waste-management-system-nea-study>

Zero Food Waste Act Proposed in Philippine House of Representatives

by Silvia de Gutierrez

The Act mandates activities to increase edible food donations and the recycling/composting of inedible food.

On January 15, Representative Luis Raymund Villafuerte Jr. introduced legislation in the Philippine Congress to create the Zero Food Waste Act. The legislation is House Bill 6789.

The bill requires food-related businesses (including food manufacturers, supermarkets, restaurants, cafeterias and hotels) to:

- submit initial reports to the Department of Social Welfare and Development and the Department of Environmental and Natural Resources on the amounts of edible and inedible foods waste donated, disposed and composted
- contract with food banks to redistribute edible food

- contact with waste management and recycling companies to recycle inedible food waste into compost or fertilizer
- submit annual reports to Department of Social Welfare and Development and the Department of Environmental and Natural Resources on their food waste reduction efforts
- meet food waste targets to be set by the Department of Environmental and Natural Resources

The food-related business would pay the cost of transporting edible and inedible food wastes as prescribed.

Under the Act, the Department of Social Welfare and Development would:

- provide guidelines and standards for collecting, storing and distributing edible food to food banks
- ensure that food-related business have contracted with food banks to accept food donations
- promote relationships between food banks and local government units (LGUs) to facilitate the distribution of edible donated food
- provide training to “the food insecure” to help manage food banks
- LGUs also would have responsibilities under the Zero Food Waste Act. They include reporting to DENR on inedible food waste (by ton) that is converted to compost or fertilizer, initiating food waste segregation, contracting with waste management and recycling companies to convert inedible food waste into compost and fertilizer, and meeting food waste recycling and composting targets to be set by the Department of Environmental and Natural Resources

The Philippine National Nutrition Council would adopt the rules and regulations necessary to carry out the Act.

The bill was assigned to the Committee on Food Security.

To review Philippine House Bill 6789, go to

http://www.congress.gov.ph/legisdocs/basic_17/HB06789.pdf

In this week’s issue of the *Bulletin*:

Statistics and Trends:

- E-Waste Collection in Wisconsin Fell by More than One Million Pounds in 2016/2017
- New York DEC Awards \$3.5 Million in Grants to Divert Food Waste from Landfills
- West Virginia DEP Awards \$1.3 Million in Recycling Grants
- Environment Brussels Calls for Projects to Fight Food Waste

- RECYC-QUEBEC Publishes Study on Environmental/Economic Effects of Using Shopping Bags
- Technology Helps Drive New South Wales Container Deposit Scheme to Success

Business Initiatives:

- French Packaging Compliance Scheme Offers Nine Recommendations for Developing a Circular Economy
- Coca-Cola Pledges to Recycle All of Its Bottles by 2030
- McDonalds Pledges to Phase Out Use of Polystyrene Foam Food Packaging
- Australian Packaging Covenant Says Packaging Recycling Up 4.8% in 2015/2016

To read this week's *Bulletin* news briefs go to

<http://www.raymond.com/RaymondCommunicationsBulletin.html>



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Technical Advisory Group

Breakout Session

**STATE WATER BOARD - EVALUATION OF TITLE 27 REGULATIONS
FOCUS GROUP LISTENING SESSIONS
STAKEHOLDER INFORMATION SHEET**

Background

The State Water Resources Control Board (State Water Board) is beginning a preliminary, informal Rulemaking process to review sections of California Code of Regulations, Title 27, Division 2, subdivision 1 (Title 27) regulations. Title 27 contains the consolidated regulations for State Water Board and California Department of Resources Recycling and Recovery (CalRecycle), and provides minimum standards for treatment, storage, processing, or disposal of solid waste.

Title 27 regulations were adopted more than 20 years ago; the State Water Board is initiating this effort to evaluate existing regulations and consider whether certain sections should be updated or revised.

The primary objective of this Rulemaking effort is to improve and update existing Title 27 regulations to meet current engineering practices, address deficiencies, and provide language that fully and clearly describes requirements. A secondary objective is to streamline and facilitate the permitting process for development, maintenance, and closure of facilities covered under Title 27. This effort is not intended to develop new regulations. However, new text could be added to existing sections if needed to address recent technologies, analytical approaches, or other issues.

Initial Steps - Listening

As part of initial steps, State Water Board staff are inviting representatives of stakeholder groups to participate in focused "Listening Sessions," a forum to allow small groups of stakeholders to provide information of technical, environmental, and social relevance. The stakeholder groups listed below may have an interest in participating in discussions about Title 27 regulations:

- 1) Owners/operators of non-mining waste management units (such as landfills) that are subject to (or exempt from) Title 27;
- 2) Owners/operators of mining units that are subject to (or exempt from) Title 27;
- 3) Consultants, technical experts, academicians;
- 4) Regulatory agencies such as Local Enforcement Authorities (LEA), CalEPA, CalRecycle, DTSC, ARB, DOC, and USEPA;
- 5) Environmental groups;
- 6) Environmental Justice groups (may be combined with other groups); and
- 7) Other voices (if group is identified that doesn't fit with a group identified above).

In order to promote productive discussion, a maximum of 20 representatives will be invited to participate in each Listening Session. Representatives will be identified through a combination of outreach approaches including Regional Board staff recommendations, queries to organizations and agencies, and individual referral.

The intent of the Listening Sessions is to provide an opportunity for stakeholders to provide input in the early stages of the rulemaking process, and for Water Board staff to become aware of stakeholders' issues and concerns.

Examples of Potential Issues

Representatives at the Listening Sessions will have the opportunity to discuss existing sections of Title 27, identify areas in need of revision, and propose alternatives for consideration. For example, stakeholders may propose evaluation of regulatory concepts such as:

- Seismic design terminology and analysis approaches;
- Slope stability analysis approaches;
- Post-closure land use;
- Groundwater monitoring and analysis;
- 5-foot separation;
- Landfill gas migration; and
- Constituents of Emerging Concern (CECs).

Stakeholder Involvement

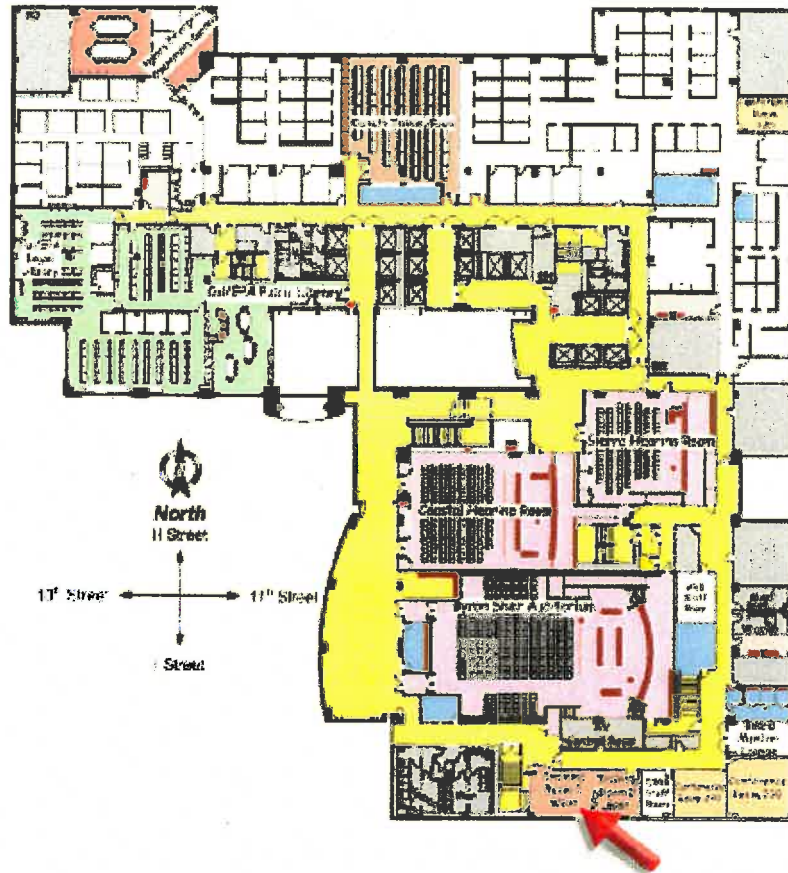
The Listening Sessions are the first but not the only opportunity for stakeholder involvement. Rather, the Listening Sessions are intended to be a starting point for State Water Board staff to gain an appreciation for the scope and magnitude of this effort, and to be able to prioritize potential areas for evaluation. Following the Listening Sessions, State Water Board staff will hold additional public stakeholder workshops to hear comments and gather input prior to initiating the formal rulemaking process.

Meeting Information

- Invitations to Listening Sessions will be sent by email to representatives as described above.
- Listening Session meetings will be conducted at the CalEPA building in Sacramento, to the extent feasible.
- The selected representative should be knowledgeable, prepared to engage in cooperative and constructive discussions, and committed to the goal of advancing the project.
- The selected representative should be familiar with Title 27 regulations and facilities regulated under Title 27, and/or environmental impacts associated with facilities regulated under Title 27.
- The following is a link to **California Code of Regulations, Title 27, Division 2, subdivision 1, "Consolidated Regulations for Treatment, Storage, Processing or Disposal of Solid Waste:**
[https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=IB8438071D44F11DEA95CA4428EC25FA0&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)&bhcp=1](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=IB8438071D44F11DEA95CA4428EC25FA0&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default)&bhcp=1)

Training Room 2 East and 2 West

CalEPA Headquarters Building
1001 I Street
Sacramento, CA 95814



Training Room 2 East and 2 West

Be sure to check in at the Visitors Center, located to the left of the Main Entrance Security. The meeting rooms are located on the south end of 2nd floor, just left of the restrooms and the Joe Serna display.

**From Collette Streight, Community Education Specialist
Shasta County Department of Resource Management**

What We Have Done or Will Do (aside from the basics that are mandated by CalRecycle)

1. Food Loss Prevention
 - a. Posted food loss prevention tips for restaurants and grocery stores on Shasta County Environmental Health Department (EHD) website. Sent link to staff of County EHD and Cities of Shasta Lake, Anderson and Redding.
 - b. Printed 500 food loss prevention tips sheets for restaurants and 150 for grocery stores. Gave to Shasta County EHD inspectors to distribute on their daily inspections.
2. Edible Food Rescue
 - a. Reached out to all Shasta County food banks and emergency food assistance programs to find out about their services and programs, and if they could use more donations.
 - b. Will contact restaurants and grocery stores to find out which ones are throwing away food that could be donated to food banks.
 - c. Will put together effective way for linking these wasted food generators and food assistance programs.
3. Schools
 - a. Will reach out to all schools in Shasta County to inform of AB 341 and AB 1826, how they can comply, and how we can help. We will give information and possibly infrastructure and training on food share tables, composting, grasscycling, etc. to schools that respond to our mailing and with whom we make follow-up contact (except City of Redding schools).
4. Residents
 - a. In the Winter 2018 (Jan – Mar) edition of Trash Talk, which reaches over 20,000 Shasta County residents, we informed people about SB 1383, informed them of how to divert organic waste, gave the backyard composting basics, and included an article on reducing food waste at home with a link to stopfoodwaste.org.
5. Website
 - a. Will re-design website to include more user-friendly information on how to reduce organic waste.

Ideas We Are Considering

1. Schools
 - a. Look into the possibility of developing a mini-grant program that could fund projects that focus on solid waste and organic waste reduction.
2. Residents
 - a. Explore the possibility of developing a home composting bin rebate program.
3. Construction Businesses
 - a. Look into the CalGreen program to see how it works and if we could implement it in Shasta County.
4. Infrastructure
 - a. Keep tabs on funding sources for large-scale organics infrastructure (i.e., anaerobic digester); apply for grant(s).



NEWS RELEASE

OFFICE OF PUBLIC AFFAIRS

For Immediate Release: March 5, 2018

Release #2018-06

Media Contact: [Heather Jones](#)

CalRecycle Joins Food Waste Prevention Week Efforts

Sacramento--The California Department of Resources Recycling and Recovery is supporting Food Waste Prevention Week to raise awareness about the environmental and economic costs of food waste and help Californians reduce the amount of food that ends up in the trash.

Unused food results in unnecessary expenses for everyone. On average, a family of four spends about \$1,500 more per year on food than necessary, because of the amount they throw out. Money spent along the food production chain, including the cost of energy, water, fertilizer, harvesting, production, storage, and transportation, also is wasted. In all, Californians throw away almost 12 billion pounds of food each year. That amounts to 18 percent of all the material that goes to landfills in the state.

Unfortunately, in a state where 1 of 8 people are food insecure, food is the largest single component of our disposal stream.

This week, Californians are encouraged to take simple actions to prevent food waste. For example:

- ➔ Plan your meals for the week before you go shopping and buy only the items needed to prepare those meals. By making a shopping list with weekly meals in mind, you can save money and prevent food waste.
- ➔ Look in your refrigerator and cupboards first to avoid buying food you already have. Make a list each week and plan upcoming meals around that food.
- ➔ Freeze food such as bread, sliced fruit, meat or other items that can spoil quickly. Freezing food is one of the most effective methods for preserving food at home.
- ➔ When preparing meals, use the edible parts of food that you normally do not eat. For example, beet tops can be sautéed for a delicious side dish, and vegetable scraps can be made into stock.
- ➔ Learn the difference between "[sell-by](#)," "[use by](#)," "[best-by](#)," and other expiration date labels to prevent wholesome food from being disposed.

There are many other simple, effective strategies to help [reduce food waste at home](#). These changes can reduce more than 20 pounds of food waste per person, per month—and they can reduce California's greenhouse gas emissions and combat global climate change. When sent to landfills, food and other organic waste decomposes and generates methane, a super pollutant with a heat-trapping effect at least [86 times greater](#) than carbon dioxide.

To help further educate the public about food waste, CalRecycle, the California Department of Food and Agriculture, and the Governor's Office of Planning and Research are joining forces with the [Natural Resources Defense Council](#) and the [Ad Council](#) on a food waste reduction campaign known as [Savethefood.com](#). The campaign offers tips on storing leftover food, understanding "sell by" dates, wasting less food with kids, shopping efficiently, and reviving droopy produce. The [UglyFruitAndVeg Campaign](#) encourages people to use imperfect-looking produce to prevent nutritious fruits and vegetables from becoming waste.

Food waste prevention is key to achieving the state's 75 percent recycling goal and reducing waste in landfills. Additionally, food waste prevention is critical to achieve a 50 percent reduction in the disposal of organic waste by 2020 and a 75 percent reduction by 2025, as required in SB 1383 ([Lara, Chapter 395, Statutes of 2016](#)).

As part of California's comprehensive strategy to combat climate change, CalRecycle awarded \$9.4 million in January to 31 projects that will decrease the amount of food waste landfilled in California and increase the state's capacity to collect, transport, store, and distribute more food to Californians in need.

For more information on the grants, see CalRecycle's [Food Waste Prevention and Rescue Grant Program](#) webpage. For more on how to reduce food waste at home—both for Food Waste Prevention Week and as a new, permanent approach to food management—see [Savethefood.com](#).



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CalRecycle provides oversight of California solid waste handling and recycling programs to protect human health, develop sustainable solutions that conserve resources, and reduce greenhouse gases that contribute to climate change.

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From: Governor's Office of Planning and Research <webmaster@opr.ca.gov>
Sent: Tuesday, March 06, 2018 7:00 AM
To: Mary Pitto
Subject: Announcement: Governor's Office of Planning and Research Announces Food Waste Prevention Week in California



The Office of Planning and Research

Announcement: Governor's Office of Planning and Research Announces Food Waste Prevention Week in California

3-5-2018

The Governor's Office of Planning and Research (OPR) is pleased to announce March 5th through 9th, 2018, as "Food Waste Prevention Week" in the State of California.

The Governor released a [letter](#) pdf today in support of "Food Waste Prevention Week" and OPR, in collaboration with the California Department of Food and Agriculture, CalRecycle, the Strategic Growth Council, the California Department of Public Health, the University of California, Division of Agriculture and Natural Resources, The Southern California Public Health Alliance, and many other state, local, and private sector partners, is pleased to announce March 5th through 9th, 2018, as "Food Waste Prevention Week" in the State of California.

CalRecycle estimates that Californians throw away almost 12 billion pounds of food each year. That food waste amounts to 18% of all landfill use in this state. In contrast, nearly 5 million Californians are food insecure, lacking consistent access to sufficient, safe and nutritious food to lead a healthy, active life.

There are large financial and environmental costs associated when food goes unused—these costs include energy, water, fertilizer, land, production, storage and transportation, not to mention retail and consumer costs.

Food waste prevention also aligns with [California's 75 Percent Initiative](#) to significantly reduce solid waste in landfills by 2020. Unused food in landfills decomposes very slowly, [releasing methane](#), a greenhouse gas approximately 80 times stronger than CO₂ at trapping heat over a 20 year period, and contributes to climate change. To protect shared resources and reduce greenhouse gas emissions, it is imperative that everyone takes part in diverting usable food from landfills.

This week, in alignment with National Nutrition Month's theme "Going Further with Food," OPR and partners encourage the public to take simple food waste prevention actions such as sharing or freezing food before it becomes inedible and using leftovers. It is also an opportunity to learn more about food

waste solutions in the worksite, community, and county and state level. There are many innovative policies and solutions that go beyond individual action to reduce waste. Together we work to take steps to reduce waste, to feed people rather than landfills, and to combat climate change. Working together, we make a difference.

- See our [Food Waste Prevention Page](#) for more information.

[Learn More About OPR](#)



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Collection Containers for Organic Waste

Posted By *Lori Lovely* On February 7, 2018 @ 10:51 am In MSW Management Weekly, Waste Collection Container | [No Comments](#)

At least five states have imposed bans prohibiting the disposal of organics in landfills. Some states and cities imposed mandatory organic waste recycling laws that target generators of anywhere from 1 ton of food waste per week to 104 tons of food waste or more per year.

These actions are outcome-oriented rather than process-oriented, allowing businesses, residents, and municipalities to determine the most effective method of diverting organics from the landfills. It works: the year after Vermont instituted an organics ban, donations to food banks increased by 60%. Some generators are able to compost or anaerobically digest the organics onsite. The more common approach, however, is to send the waste to a processing facility—if one is conveniently located.

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The laws in Rhode Island and Connecticut apply only to generators within 15 and 20 miles, respectively, of a processing facility that accepts food waste. Vermont's law currently applies to generators within 20 miles of a facility, but in 2020 it evolves into a total ban on food scraps in landfills without exemption due to distances.

Since 2016, California has mandated that businesses generating at least 8 cubic yards of organic waste per week must either recycle the organics onsite or subscribe to a recycling service and that local jurisdictions create organic waste recycling programs to divert organic waste produced by businesses and multifamily dwellings with five or more units (AB 1826 Chesbro [Chapter 727, Statutes of 2014]). The

amount changed to 4 cubic yards in 2017 and could be cut in half by 2020 if the amount of organics being disposed of hasn't been cut by 50% of the 2014 level.

It's happening at the local level, too. In 2016, New York City began requiring hotels with 150 or more rooms, food vendors in arenas and stadiums with a seating capacity of over 15,000, food manufacturers with an area of at least 25,000 square feet, and food wholesalers with at least 20,000 square feet to source-separate their organics and send to a processing facility if they do not process onsite.



Credit: Wastequip Due to the weight of organics waste as compared to solid waste, smaller wheeled carts (32 gallons or less) are often used for residential organics



Types of Organic

Waste While the goal of diverting

organics from the landfill is noble, accomplishing it is difficult, confusing, and costly. Organics are heavy. They're wet. They're smelly. They require special handling. Those in the business are familiar with the "yuck factor." As decomposition commences, odor proliferates. Organics contaminate other waste if not separated and create a mess even when they are.

Credit: Wastequip

Rotationally molded organics carts offer superior reliability and performance versus the standard injection molded carts marketed as organics carts (they only meet the standard ANSI load rating for garbage and recyclables).

collections programs and are also well suited for commercial collection.

Organic waste consists of food or kitchen waste, green waste, landscape waste (grass clippings, leaves, flower and hedge trimmings, branches,

and weeds), nonhazardous wood waste, and food-soiled paper waste that gets mixed in with food waste (both uncoated products like napkins, paper towels, tissues, formed paper packaging such as egg cartons, and some paper plates and cups, and coated paper products like food-service wrappers, to-go containers, pizza boxes, cardboard boxes, and other materials that contain liners made of polyethylene or other synthetic grease/water-resistant components). It can also include manure and some forms of textiles that can be recycled at organic recycling facilities. As defined by the State of California, food waste typically consists of solid, semisolid, and liquid food, such as fruit, vegetables, cheese, meat, bones, poultry, seafood, bread, rice, pasta, and oils; coffee grounds, filters, and tea bags; cut flowers and herbs; and any putrescible matter produced from human or animal food production, preparation, and consumption activities—and food-soiled paper.

The challenges of organics collection relate to the challenge of organics recycling. Finding markets isn't easy. Dian Sommers, national account manager of refuse and utility for Snyder Industries, reports that one county recycling center claims that the only way an organics recycling program will work is if a food manufacturer cooks down the waste and sells it for food for hogs. She knows of a company in Quincy, IL, that buys organics waste to make dog food.

The lack of markets has hindered progress, Sommers believes. "Are municipalities and businesses doing it? Organics are not developing as fast as expected. It's limited, mainly used by businesses like restaurants and nursing homes. There's just not much out there."

She attributes that to the difficulty of collecting organics. "You would need a vacuum truck; a regular trash truck doesn't want the moisture or sloshing. No one wants to pick it up or lift it."

The carts are huge, Sommers continues: 300-gallon is the most popular. That makes things difficult for companies with a limited footprint. It also complicates things, she says, because customers prefer one cart for everything, not three or four carts for different types of waste. The carts must also be sealed. "No holes, no leaking. The EPA won't allow toxic drainage in the sewer." And because organics waste is heavy, it can't be put in a regular trash truck. "You need a special truck to lift it."

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Toronto

The Toronto program changed things, claims Dennis Monestier, sales manager for Rehrig Pacific Co. The Canadian city moved to a fully automated organics collection that uses a larger container because it's more efficient, he says.

It's more than just efficient. Switching from a manual load to an automated load with proper grab bar placement reduced repetitive injuries, and thus, workers' compensation issues. "Organics are just too heavy for manual disposal," observes Monestier.

Rehrig was tasked with developing a raccoon-resistant container, Monestier explains. The one-handed latch features a lock that works in windy areas and is sturdy enough to thwart Toronto's raccoon population. Their solution has resulted in decreasing the population by eliminating one source of food.

While raccoons may be Toronto's problem, bears are prevalent in western Canada, Florida, Alaska, and Colorado. For those areas, Rehrig developed an IGDHC-certified 95-gallon cart with a pliable body that bounces back from impacts, a reinforced lid to withstand heavy weights, and a patented lock that opens easily with clips, but stays closed even when picked up by a bear. "It's actually bear-tested," says Monestier. "The bear can pick up the container, but the container won't open because it's a different motion than the lifter."

Cart specifications had to match the lifters in width and height. Rehrig's design team complied with ANSI standard size, but beyond regulations, Monestier says the program drives the size of the container. "Some want a 65-gallon cart. You have to look at it holistically: who uses and who services the containers."

Toronto actually uses four sizes of containers by design. The customer pays for the container, with rebates on the smallest one in order to drive habits for recycling. Recycling is driven by ethics, legislation, or cost, Monestier believes. "If you roll out the program, you won't be successful if it's not already a habit in that area." Toronto hopes to create habits through incentivizing customers.

Their organics program currently collects only kitchen scraps, diapers, and plastic bags. Monestier says there's a smaller volume of kitchen scraps, so the smaller container is OK for weekly collection. "If you add leaf and yard waste, you need a larger size."

Cart size depends on what is collected and the frequency of collection. "You can adjust for weekly collection when needed due to odor, maggots, and decomposition, or save money with bi-monthly pickup—as long as they comply with provincial legislation that says you must retrieve X by (date)."

Either way, he says there's "not much difference" between public versus private collection. "Toronto outsources half the city to private haulers," elaborates Monestier. "They must follow the same guidelines – have the same types of vehicles, containers, lift mechanisms, and schedule. But they have no union workers, so workers' comp claims are fewer, resulting in less cost." But even if Toronto was to go all private, they would still have the same expectations in regards to trucks and containers.

Take T.O.

Orbis Corporation revised its 12-gallon container 3 years ago, due to Toronto, says Art McKenzie, national sales manager. "We wore out two molds," he confesses. The 12-gallon is popular because it's versatile and the right size for most jobs, but it just became even better.

Although the material—high-density polyethylene—is not changing, many things did. Orbis took into account input from the municipalities regarding stacking, handling, handles, and locking mechanisms when designing their containers.

"In Toronto, the drivers wanted a bigger handle at the back, sides, and bottom for dumping," explains McKenzie. They wanted easier stacking for shipping: nesting brackets for easier separation. They wanted a secondary lock—a clip on the front under the lock to keep out animals. And they wanted a wheel and axle system, not casters, to prevent wobbling.

Although the US is farther ahead in recycling, McKenzie says Canada leads with organics. However, some parts of the US are catching up. Orbis has been rolling out 12-gallon bins in New York City for a couple of years, along with 21-gallon organics containers for multi-residential buildings. "We've been delivering 270,000–300,000 bins from April to October, and next year, we'll be delivering for 3–4 months."

The Big Apple is challenged for space, so the city required a smaller bin to be hand-dumped. McKenzie estimates 10–12 pounds weekly—15 pounds max—for residential collection. "That fills a 12-gallon container halfway. It's not a lot of weight, so fully automated collection doesn't make sense." Different municipalities have gone to bi-weekly collection, which will move the parameters of recycling.

The Green Bin Program—a bit of a misnomer because, while green bins are used in Canada, Massachusetts, and Seattle, brown bins are the color of choice in Quebec and New York City—has contributed to the 30% diversion rate in organics. McKenzie sees more interest developing, illustrated by numerous pilots in Massachusetts and along the eastern seaboard. But he says it's area-specific and is not common in the Midwest.

Go West, Young . . . Recycler?

California is one area that's on board with recycling organics. Consolidated Fabricators Corp. is one of the largest container and roll-off manufacturers on the West Coast, selling directly to customers that include government correctional facilities, stadiums, municipalities/cities, and waste management companies.

Although the state is big on recycling, Kerry Holmes, vice president of sales, says the California market "is difficult in regards to size," estimating that "70% of the market uses 3-yard front loaders." Consolidated also offers 1-, 1 1/2-, 2-, 4-, and 6-yard containers, as well as a 1-yard flat-top for restaurants.

Another offering from the California manufacturer is bin liners. "The single biggest cost to haulers is maintenance," says Holmes. Metal is preferred in some areas because animals can chew through the plastic carts, but the metal containers come with their own set of problems: rust, due to moisture from organics. Most haulers repair or refurbish them by welding a new bottom. "It's a pain," he says—and an expense. But, if the bin is rusted, it leaks, it smells, and it attracts pests, so options have been few . . . until recently.

"Our solution for organics is bin liners for 1-, 2-, and 3-yard containers," says Holmes. They are formed to the bin, like a 1/4-inch thick sheet. Used inside the bin, they prevent leakage and preserve the containers, which have a 3–5-year lifespan without a liner or more than 10 years with a liner.

Laws in California for organics waste are driving sales of bin liners, Holmes states. "The liner reduces odors and pests and is more sanitary." The liner is a great option to use in the existing container, he adds, making maintenance simpler because it's easy to power wash and it unloads more easily since waste doesn't stick in the corners.

For roll-offs, Consolidated provides an easy-slide lid that keeps out flies and pests and reduces odors. Made of Impact Plastic, they are lightweight, which eases the problem of picking up heavy, wet organics.

Why Size Matters

How big should a container be for organics collection? Some experts advise no larger than 2 yards because they get too heavy. "Size depends on local laws and regulations, which vary wildly," declares John Greenway, product manager for Busch Systems International, distributor of carts and containers for public spaces and residential collection. Basically, he says, it comes down to what the program can accept—both in capacity and types of material.

Other factors in determining the necessary size of a container are who the hauler is, where the nearest facility is, any state or local weight and size mandates, and whether collection is manual or automated. Busch suggests 12- or 13 1/2-gallon containers at the curb for manual collection because it's the maximum crews are allowed to lift, Greenway says. For public spaces collection such as stadiums, colleges, and universities, he advises checking the maximum weight listed in the contract.

Weight is tricky. While it's accepted that organics are heavy, there can be hidden surprises inside the carts. "The challenge with cart selection for curbside programs is that carts hide what's inside," acknowledges Greenway. "With blue box [a waste management system used by Canadian municipalities to collect source-separated household waste materials for the purpose of recycling], it's easy to see what's inside." That overcomes a common cart program risk: namely, no accountability for the resident. Because haulers don't check the carts before dumping, anything can be lurking in them, contributing to higher contamination rates and extra costs.

One solution for public spaces is centralized collection: one-stop collection where all streams are at one location. If it's not easy, you get the "lazy toss" that leads to contamination, Greenway explains.

The increase and improvements in public space collection (airports, libraries, museums, etc.) have allowed municipalities to lead by example for residential collection. "Organics collection is growing slowly and evolving," believes Greenway. Acceptable materials may differ in areas; they don't accept the same things in all markets and they may have a different focus—like durability versus cost—but it will become an industry trend, despite barriers to entry such as the high cost to process, scarcity of markets, large initial cost for municipalities, and the challenges of collection.

Breaking it Down

There are many developments with organics containers as more and more states institute laws to divert organics from landfills, states Paul Palazzo, vice president of sales and marketing for IPL Environmental.

The development of organics collections goes hand in hand with the development of containers, which has centered around the collection of source-separated organics, or food waste, that is not mixed with less dense green waste (yard waste), according to Jim Pickett, vice president of sales for Toter.

"Since food waste is much denser than refuse or recyclables, organics containers must be designed and rated for a significantly heavier load rating," he explains. Refuse and recycling

carts are typically rated for up to 3.5 pounds of material per gallon in capacity, while organics carts need to be 6.25 pounds of material per gallon in capacity.

Checking the load rating is key since rolling and hoisting heavy carts can pose the risk of injury to workers who may be lifting or maneuvering carts that are too heavy and do not meet the load rating requirements, resulting in overexertion, injury, and workers' compensation claims. "Associated claims from customers could also arise from similar safety hazards of transporting too much weight," adds Pickett.

To ensure that each cart can handle the weight that is required for organics waste streams, look for carts with a higher strength-to-weight ratio for improved safety and maneuverability. To ensure user safety, the logical method of testing organics carts is to follow the ANSI standard. Rotationally molded carts offer superior reliability and performance versus the standard injection molded carts marketed as organics carts; they only meet the standard ANSI load rating for garbage and recyclables. By selecting a durable cart with an excellent load rating, haulers will ensure customer satisfaction by providing customers with carts that are safe for organics waste collection.

Haulers face many choices when it comes to their carts, but organics carts require a more specialized set of considerations. "The purchasing process can be daunting," observes Pickett, "but smart haulers will do their homework to create a simple checklist of needed features and options."

One of the first considerations for both private and public sectors is the volume necessary to provide service according to the frequency of collection. Pickett points out that nearly all garbage is collected weekly from households with a 96-gallon cart. "Some jurisdictions require twice weekly collection and, therefore, specify a smaller 64- or 48-gallon cart."

Nearly all buyers require carts that comply with ANSI cart safety and truck/lifter compatibility standards. Private sector buyers are often conscious of price when buying carts that will be included in their bids for municipal collection contracts, which means it is important for them to focus on the lowest total cost of ownership. Pickett advises considering service life and the cart manufacturer's warranty, which may range from 10-12 years.



Credit: Bigbelly

Bigbelly's cloud-based system tracks bin fullness

Both municipal and private haulers defer to ANSI specifications for cart design and manufacture to ensure compatibility between carts, trucks, and auxiliary collection equipment, Palazzo explains. Since both sectors purchase the same carts designed to ANSI specifications, there really is no major difference. "ANSI is the key metric to comply to."

Another aspect all haulers comply to is cost. Municipalities and private haulers usually seek the lowest total cost of ownership when purchasing carts, with the realization that carts will have to be replaced. The duration of the cart manufacturer's warranty is an indicator to buyers of the cart's durability. "Warranty choices range from 10 to 12 years," says Pickett.

Rotationally molded cart bodies, as opposed to injection molded carts, add value because they have a significantly longer life expectancy, with one-third of the failure rate. "Injection-molded cart manufacturers claim a 10-year service life, while rotationally molded carts claim a 15- to 20-plus-year lifespan," he continues.

"Durability comes down to providing a 10-year warranty in support of all our carts," Palazzo says, "and ensuring there are no major issues during that period." He says IPL's carts have an expected service life of 15 years.

Local market preferences and requirements for service levels generally determine the necessary size of the cart. "Size depends on the stream being collected," believes Palazzo. He says that 95-gallon and 64-gallon carts are used primarily for recycling and waste collection, depending on the municipality's diversion goals, landfill life expectancy, and any organic diversion goals. "Some municipalities can include 32-gallon for waste if this fits into the demographics of their population base. Organics collection carts are usually using the 32-gallon, 21-gallon, or 64-gallon if yard waste is included." He notes that the frequency of pickup also plays a key role in cart size selection: weekly versus biweekly.

Pickett says that most carts are "universal" in design: i.e., compatible with both semi- and fully-automated collection equipment. They are uniquely identified with a visual serial number stamped on the cart to allow for asset tracking. "Cart identification has become more automated with the use of radio frequency identification tags permanently attached to the carts. RFID technology allows automated asset tracking (scanning) of real-time service verification from when the cart is delivered to a home and then throughout the complete life of the cart. These RFID capabilities help to track real-time data, which improves fleet productivity, safety, and availability."

Palazzo considers RFID tags standard on carts. "RFID tags enable door-to-door distribution [because they] allow for each cart to be linked electronically to a home address [with] GPS coordinates [and they create] a database that is transferred to the city at the end of the

distribution. Additionally, the city can use RFID technology to manage cart inventory, cart exchanges (for a different cart size), new deliveries, etc." RFID readers can complete all these tasks, updating the database automatically with the new information and instantly linking to the home address. The final step in this system is to outfit the automated collection vehicles with software and hardware that enables the truck to record each pickup at every address being serviced.

RFID allows haulers to track participants. "It adds visibility," says Monestier. "It saves money by allowing you to target education programs and marketing. Technology is vital to the program."

A Better Way

Technology is vital for managing public collection. Bigbelly started 14 years ago with the idea that there has to be a better way to manage public waste space, says Leila Dillon, vice president of marketing.

Their solution to overflow and knowing when to collect is solar-powered waste compactors. "They handle five times the amount of waste, are enclosed to avoid overflows, and feature lights to signal pickup: the red light means full; the green light means not full," explains Dillon.

She says this technology has led to 80% efficiency gains, which they've documented by capturing the diversion rate. "Some colleges require it," points out Dillon, adding that some haulers use the historical data to predict scheduling needs.

The previous solution for Bigbelly customers, most of whom are municipalities (cities and towns, college campuses, corporate campuses, stadiums, and amusement parks), was a cloud-based system that reported the fullness level through the cloud so that trucks weren't sent out needlessly. This also eliminates overflow, keeps pests out, and reduces collection time.

But the solar-powered compactor can reduce collections even further because sensors trigger compaction and send a signal at 80% capacity—or less. "Some customers want to know at 60%," says Dillon. "You can change the threshold."

Some customers save 90% (98% in Rhode Island) of all costs—labor and fuel—due to less frequent pickup, but other customers still pick up as often and some unions require pickup daily. "Each city has different priorities. New York City has a rat abatement program; they like the containment aspect. Some want a beautiful city and environment, but most customers want efficiency." On average, this system leads to an 80% reduction in collections.

ADA-compliant, it works for automated lift or manual collection. Dillon says they're durable, too. "Trucks and bikes run into them, people stand on them . . . They're street tough and can take a lot of beating." She estimates their street life at 5–10 years, although she says several customers swap out a fleet after 5 years to get the new advancements.

They're also available in different configurations; there are compactors for high-traffic areas and non-compactors for low-traffic areas. "All do smart reporting, but if they don't fill up as quickly, you don't need as much capacity," elaborates Dillon. "One size does not fit all."

Futuristic Designs

One of the benefits of the Bigbelly container is that it hides Wi-Fi hot spots inside, giving Wi-Fi to an entire park and adding bandwidth at the street level. "Many cities can't provide enough bandwidth," says Dillon. "A small cell is a mini tower where needed; it can be put inside Bigbelly and generate enough power to provide bandwidth." Every city must have public waste containers; she thinks this is a better use of that real estate. "It's a hot topic."

Another hot topic is the idea of charging by weight. However, Monestier says, "the scales on the trucks aren't there yet." Even if they were calibrated weekly, he envisions disputes. "What else can we do? For now, we use the size of the container to incentivize [diversion]."

His wish for the future is sensors to recognize organic matter and container options such as ventilation and a floor grate for inorganic composting. "You need air to circulate to prevent rotting and maggots. You could keep material above the moisture with ventilation on the side—but it's a huge extra cost."

Greenway says that a charcoal filter on top, allowing air flow so the contents dry out, can reduce odor for organics, and some containers have vented airflow to combat smell.

Ultimately, the best way to extend the life of a landfill is through diversion. However, just because a municipality wants to recycle organics doesn't mean the residents do, Greenway observes. "It's easier to onboard businesses." Multi-unit dwellings are especially hard, he says, but many implement programs to encourage participation.

Similarly, municipalities are doing education on the benefits of source-separating organics for collection, hiring environmental coordinators and green teams to spread the word. Recycling of organic waste is mandatory in California as one step toward achieving its aggressive recycling and greenhouse gas emission goals to combat global climate change.

California disposes of approximately 30 million tons of waste in landfills each year, of which more than 30% could be used for compost or mulch. Organic waste such as green materials

and food materials are recyclable through composting, mulching, and anaerobic digestion, which can produce renewable energy and fuel.

Without mandates and regulations, people resist change, Greenway acknowledges. He believes the younger generation buys in before the older generation, but providing accessibility and ease of use are a few ways to establish new habits. Following the lead of role models such as universities also encourages change.

Doing the right thing isn't always the right financial thing. There are costs involved with organics collection—and challenges. But, Monestier concludes, "it's the right thing to do. Just because it's hard, don't shy away." **MSW**

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