



**Rural Counties**  
Environmental Services  
Joint Powers Authority  
**ESJPA**

CHAIR – MICHAEL KOBSEFF, SISKIYOU COUNTY  
VICE CHAIR – DENISE CARTER, COLUSA COUNTY  
EXECUTIVE DIRECTOR – GREG NORTON

TECHNICAL ADVISORY GROUP (TAG)  
TAG CHAIR – JIM MCHARGUE, AMADOR COUNTY  
TAG VICE CHAIR – TODD STORTI, BUTTE COUNTY  
PROGRAM MANAGER – STACI HEATON

**Rural Counties' Environmental Services Joint Powers Authority  
Board of Directors' & Technical Advisory Meeting  
Rural County Representatives of California Board Room  
1215 K St., 16<sup>th</sup> Floor  
Sacramento, CA 95814**

**Thursday, June 20, 2019 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 March 14, 2019 – Supervisor Kobseff, ESJPA Chair *(pp 3-11)*
- B. Review and Approval of the Independent Auditors' Report and Financial Statements for the Year Ended December 31, 2018 – Elizabeth Jensen, RCRC Accountant and Sanjay Lee, RCRC Accountant *(pp 13-40; 10 minutes)*

**III. Public Comment**

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

**IV. Presentations**

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- A. Prevailing Wage Listening Session and Development of Questions for August ESJPA Board Meeting – Arthur Wylene, RCRC General Counsel, Larry Sweetser, ESJPA Consultant *(pp 43-46; 20 minutes)*
- B. Recycling and Disposal Reporting System (RDRS, AB 901) Reporting – Steven Sander, Environmental Scientist, CalRecycle *(20 minutes)*

C. Report from CalRecycle – CalRecycle Staff (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 – John Kennedy, RCRC Legislative Advocate (20 minutes)

A. Complete Text of Selected Bills

B. Summary Listing of All Solid Waste Related Bills

**VI. Member County Concerns/Comments (10 minutes)**

**VII. Solid Waste/Regulatory Update**

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Discussion and possible action related to the following:

A. CalRecycle

- 2019-20 Greenhouse Gas Reduction Fund Budget Allocations – John Kennedy (pp 49-55; 10 minutes)
- SB 1383 Short-Lived Climate Pollutant Regulations– Mary Pitto, RCRC Regulatory Affairs Advocate (pp 57-91; 15 minutes)
- AB 901 Recycling and Disposal Reporting Regulations – Larry Sweetser (pp 93-104; 10 minutes)
- SB 212 Draft Regulatory Concepts – Larry Sweetser (pp 105-137; 10 minutes)

B. State Water Resources Control Board

- Landfill PFAS Orders – Larry Sweetser (pp 139-141; 5 minutes)
- Compost Waste Discharge Requirements – Larry Sweetser (pp 143-145; 5 minutes)

C. Department of Toxic Substances Control

- Photovoltaic Modules/Solar Panel Regulations – Larry Sweetser (pp 147-154; 5 minutes)

D. California Department of Food and Agriculture Weigh Scale Issue (pg. 155; 5 minutes)

E. Extended Producer Responsibility

- CA Product Stewardship Council Update – Nate Pelczar, Program Manager, CPSC (5 minutes)
- Mattress Recycling Council Update – Michael LaRussa, Northern California Program Coordinator, Mattress Recycling Council (5 minutes)
- CARE Update – Lisa Mekis, California Senior Associate, Carpet America Recovery Effort (5 minutes) (Invited)
- PaintCare Update—Nichole Dorr, Central California Regional Coordinator, PaintCare (5 minutes) (Invited)

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

G. Highlights of April/May/June CalRecycle Meetings – Larry Sweetser (5 minutes)

H. Other Regulatory Announcements/Issues of Interest

- CalRecycle In the Loop *(pp 157-159)*
- Cal EPA CUPA Newsletters *(pp 161-188)*

**VIII. Agenda Suggestions, Member County Presentation Volunteer, Workshop Topics for Next ESJPA Board Meeting Scheduled Thursday, August 15, 2019.**

**IX. Articles of Interest**  
*(pp 191-256)*

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**12:00 PM Lunch**

**1:00 PM**

**X. Resolution of Appreciation**

**XI. Adjournment**

**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.**

Solid Waste Management 101: CalRecycle Electronic Annual Reports – Marshalle Graham, CalRecycle



# **Agenda Item II**

## **BUSINESS MATTERS**





**Rural Counties  
Environmental Services  
Joint Powers Authority**  
**ESJPA**

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VICE CHAIR – DENISE CARTER, COLUSA COUNTY  
EXECUTIVE DIRECTOR – GREG NORTON

**TECHNICAL ADVISORY GROUP (TAG)**

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

**Minutes of the Rural Counties'  
Environmental Services Joint Powers Authority  
Board of Directors Meeting  
1121 15<sup>th</sup> Street, Sacramento, CA 95814**

**Thursday, March 14, 2019**

**MEMBERS REPRESENTED**

Jim Mc Hargue, Director  
Steve Rodowick, Recycle Coordinator  
Larell Waiwaiole, Recycling Program Coordinator  
Tedd Ward, Director  
Lori Parlin, Supervisor  
Greg Stanton, Division Director  
Cole Grube  
John Gay  
Lars Ewing, Public Services Director  
Kati Galvani, Deputy Director  
Aaron Albaugh, Supervisor  
Tom Valentino, Manager  
Ahmad Alkhayyat  
Sam Cervený  
Justin Nadler, Solid Waste Superintendent  
David Garcia  
John Heath  
Don Renz  
Madison Bible  
Arthur Boyd, Recycling Coordinator  
Michael Kobseff, Supervisor  
Rachel Ross  
Diane Rader  
Nathan Birtwhistle

Amador County  
Butte County  
Calaveras County  
Del Norte County  
El Dorado County  
El Dorado County  
Glenn County  
Imperial County  
Lake County  
Lake County  
Lassen County  
Lassen County  
Madera County  
Mariposa County  
Mono County  
Nevada County  
Shasta County  
Shasta County  
Shasta County  
Siskiyou County  
Siskiyou County  
Tehama County  
Trinity County  
Tuolumne County

**STAFF IN ATTENDANCE:**

Staci Heaton, Program Manager  
Larry Sweetser, ESJPA Consultant  
John Kennedy, Legislative Affairs  
Leigh Kammerich, Regulatory Affairs Specialist  
Mary Pitto, Regulatory Affairs Advocate

Rural Counties ESJPA  
Sweetser and Associates, Inc.  
RCRC Governmental Affairs  
RCRC Governmental Affairs  
RCRC Governmental Affairs

Justin Caparusso, VP External Affairs

RCRC Governmental Affairs

**GUEST SPEAKERS:**

Hank Brady, CalRecycle  
Doug Kobold, CPSC  
Sharon Anderson, CalRecycle  
Michael LaRussa, MRC  
Lisa Mekis, CARE

Laurel Warddrip, SWRCB  
Steve Sander, CalRecycle  
Steve Rodowick, Butte County  
Nichole Dorr, PaintCare

**OTHERS IN ATTENDANCE:**

Curt Fujii, Fujii Civil Engineering  
Julie Trueblood, CalRecycle  
Joe Rasmussen, CalRecycle  
Lauren Frigm, Sac Regional Conservation Corps  
Chris Chu, Sac Regional Conservation Corps  
Veronica Pardo, CRRC  
Jeffrey James, CalRecycle  
Liz Wagner, MRC

Spencer Five, CalRecycle  
Willie Carpenter, CalRecycle  
Robert Jetter, CalRecycle  
Brian Orlando, CalRecycle  
Steve Sanchez, CalRecycle  
Edward Chu, CalRecycle  
Stacy Vanina, CalRecycle

**MEMBERS NOT REPRESENTED**

Alpine County, Butte County, Colusa County, Inyo County, Modoc County, Plumas County, and Sierra County.

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

Supervisor Kobseff, ESJPA Chair, called the meeting to order at 9:08 a.m.  
A quorum was determined. Self-introductions were made.

**II. Business Matters**

A. Approval of Minutes October 18, 2018 Meeting.

Supervisor Kobseff, ESJPA Chair called for the approval of the minutes from the December 6, 2018 Board of Directors meeting. The motion to approve minutes was made by Greg Stanton from El Dorado, and seconded by Jim McHargue, Amador County. The motion passed unanimously.

B. Election of the 2019 ESJPA/TAG Chair and Vice Chair

Supervisor Kobseff, ESJPA Chair delivered the recommendations from RCRC Chair, Matt Kingsley. The recommendation is for Supervisor Kobseff to remain Chair, and Denise Carter from Colusa County to be Vice Chair. The motion to approve the 2019 ESJPA Chair and Vice Chair was made by Jim McHargue, Amador County and seconded by Tedd Ward, Del Norte County. The motion passed unanimously. Jim McHargue was approved as Technical Advisory Group Chair and Todd Storti, Butte County was approved as Vice-Chair.

C. Administrative Matters

Staci Heaton, ESJPA Program Manager gave an update on administrative matters pertaining to the 2018 Delegate and Alternate Roster, FPPC Form 700s due April 1<sup>st</sup>,



Solid Waste 101 Webinar, and keeping up with ESJPA on social media. Rachel Ross, Tehama County said she saw an immediate benefit from social media.

#### **D. CalRecycle Tire Amnesty Regional Grant Resolution**

Larry Sweetser, ESJPA Consultant requested the ESJPA renew a resolution to administer the CalRecycle Tire Amnesty Grant on behalf of ESJPA member counties. This grant is for Colusa, Inyo, Mariposa, Sierra and Tuolumne counties. A motion to approve the resolution was made by Rachel Ross, Tehama County, and seconded by John Heath, Shasta County. The motion passed unanimously.

### **III. Public Comment**

Tom Valentino, Lassen County said Lassen County passed a resolution written by CSAC on recycling. Asked if other counties participated. Amador and Tehama responded they did adopt similar resolutions.

Greg Stanton, El Dorado County, asked the ESJPA to send out samples of resolutions that have been passed.

Arthur Boyd, Siskiyou County said ESJPA consultant Larry Sweetser did a great refresher training; they've had a lot of staff turnover and all participants raved about it.

### **IV. Presentations**

#### **A. SB 1383 Rulemaking Update**

Hank Brady, Implementation Manager for SB 1383, gave an overview of SB 1383. The law was adopted in 2016. Had 2 years of informal rulemaking to vet concepts. CalRecycle started the formal rulemaking process in January and just completed the formal hearing and comment period. CalRecycle will be responding to 261 comment letters and 2,000 individual issues. CalRecycle has included some rural waivers and exemptions: AB 1826 exemptions and definitions are proposed to extend to SB 1383. Low population density areas will have collection requirement exemptions. Its not in the current draft of regulations, but CalRecycle will be including a food waste waiver above 4,500 foot elevation. A revised draft will be released in late spring or early summer A number of members indicated concern over the lack of infrastructure and funding including for the proposed enforcement requirements. Greg Stanton indicated that organics from El Dorado County were being shipped to Napa. Tedd Ward, Del Norte wondered if the state was exploring state agencies like CalTrans and parks as markets for organics.

#### **B. Stormwater Industrial Permit**

Laurel Warddrip, Program Manager for State Water Resources Control Board, gave a presentation on the current permit regulatory framework we're working under now, as well as an update on the 2018 amendments to the permit. There are currently 8,667 industrial storm waste dischargers registered. The first Level 2 reports have been files and are under review. Common issues were inadequate implementation of Best Management Practices, training, and late reports. The new permit has included Total Maximum Daily Load limits but they only currently affect urbans areas in Los Angeles, Santa Ana Region, and the Bay Area. Construction storm water permits are also

impacted by TMDLs. Supervisor Kobseff wondered if Fire debris from the recent fires will impact TMDLs. Dischargers need to know where their discharges go. Regional Board approval is needed if a change in sampling parameters is needed. A new Industrial Storm Water permit will be start in 2022. Laurel can be contacted for more information.

- C. Extended Producer Responsibility, CA Product Stewardship Council Update  
Doug Kobold, CPSC, gave a brief overview of AB 729, a carpet clean-up bill; AB 804, a spot bill to create a transition plan to a new stewardship organization—the carpet stewardship council is sitting on millions in reserves; AB 1509, lithium-ion batteries; SB 726, household hazardous waste re-use bill—creates a system for re-sale; SB 54 and AB 1080, single use packaging bills; AB 187, clean-up for mattress recycling.
- D. Report from CalRecycle  
Steve Sander, CalRecycle gave a presentation on an AB 901 update. He recapped the rulemaking process, streamlined reporting process, and centralized data that will be available to jurisdictions. Some facilities will be allowed to continue using volume conversions but will need to update the conversion every three years. The Facility Methods Report will no longer be required. He announced there will be a workshop on March 20<sup>th</sup> from 1:30pm to 4pm regarding the reporting requirements.
- E. Statewide Illegal Dumping Update  
Sharon Anderson, Coordinator for CalRecycle, gave an update on illegal dumping. She retired from CalRecycle and replaces Ken Stewart as the retired annuitant staff for the Illegal Dumping Technical Advisory Committee. It is critical for jurisdictions to communicate with the public on this issue. There is no uniform information portal for entering illegal dumping sites. There is a need to be able to easily find information online. Tedd Ward indicated that the website was helpful but needed information about dealing with dumping on old landfills and recycling bins. Butte County has an ordinance on abandoned vehicles.
- F. Camp Fire Recovery Effort: Post Disaster Hazardous Waste Management  
Steve Rodowick, Recycling Coordinator, Butte County gave a presentation about recovery from the Camp Fire. The Camp Fire was the most destructive fire in history. Recovery Phase 1 was an assessment and removal conducted by DTSC. Residents were given access to property prior to Phase 1, during and after. Phase 2 included options to parcel owners, including opting into right of entry, or the homeowner contracting with an alternative program by a private party, the costs solely on the parcel owner. Butte County and the Town of Paradise collaborated clean-up into a single event. There was a lot of public outreach about hazards of lead, mercury, asbestos and sharp objects. Completed clean-up of 287 sites before winter weather paused these efforts. There are about 11,000 parcels, could take up to 18 months to clean-up. The fire impacted the landfill and caused erosion damage at about \$300,00. The landfilling of the debris used up about two years of landfill space.

## V. Legislative Update

John Kennedy, Legislative Advocate, provided a legislative update and solicited feedback on legislation for consideration. The following bills were summarized:

AB 161 by Assemblyman Ting, electronic receipts.

- Rural connectivity problems. Taking some amendments that exempt cash only transactions, and gross annual receipts under \$1 million.
- Justin Nalder, Mono County said most of their facilities do not have infrastructure to transition to giving receipts electronically.

AB 187 by Assemblymembers Cristina Garcia and Frank Bigelow, mattress collection

- Audit requested, came back and these are implementing recommendations. They have language to amend the spot bill. One, Bigelow wants one permanent collection per county with the exception of alpine. And two, MRC wants anyone who accepts mattresses to have to participate in the program. There is a threshold, if you collect more than 1,000 mattresses per facility you have to participate. MRC wants that threshold to come down.
- Rachel Ross (Tehama): we collect 8,000 mattresses per year; 1,000 seems like a low bar.
- Arthur Boyd (Siskiyou) is happy with their collection system.
- Steve Rodowick (Butte): we're running into ceilings of what we can do; we can't expand. Liz Wagner, MRC responded that they need to switch their transporter. We'll work with you.

AB 815 by Assemblywoman Aguiar-Curry, diversion requirements.

- Arthur Boyd (Siskiyou): we have 9 different haulers, its free market. Curb side is spotty at best.
- Justin Nalder (Mono): we're self-haulers.
- John Heath (Shasta): no curbside recycling, just curbside trash.
- Greg Stanton (El Dorado): some mandatory and some non-mandatory.
- Steve Rodowick (Butte): we have GPS zones with requirements; density requirements.

SB 54 by Senator Allen and AB 1080 by Assemblywoman Gonzalez-Fletcher, single use plastics.

- Attempt to deal with national sword. Gives CalRecycle broad authority. Have concerns with the way its drafted, especially in regards to SB 1383 experience. Inclination is support if amended. Amends need to ensure locals aren't burdened, its aimed at manufacturers, locals shouldn't have to pay, we need financing and infrastructure improvements, clarify local agencies aren't businesses.
- Steve Rodowick (Butte): does it mention extended producer responsibility? Needs to be EPR or product stewardship.
- Another comment was that plastics recycling is an excuse to continue petroleum industry. Not going to work to recycle all of it. Microplastics are a concern.

AB 1583 by Assemblywoman Eggman, response to National Sword.

- Requires state to develop market/grant programs to recycle solid waste. This would be a vehicle for a tipping fee/generator fee. Not sure how they'll brand it, but that's what they want to do. Wants the fees to be on property taxes. How do we engage in this?

- Larry Sweetser: Currently solid waste exported out of California don't pay the fee. Don't think just because you export that you're off the hook. The fee change will likely include some payment requirement for exported tons.
  - Tom Valenino (Lassen): taxes should be broad based.
  - Steve Rodowick (Butte): broad based, more like share the pain! Tipping fee being off the table is irresponsible.
  - Our combined fees are \$120,000
  - If you don't have mandatory collection, collecting through a hauler isn't possible. Differential tip fees for different facilities might make sense.
  - Arthur Boyd (Siskiyou): we charge \$63 per parcel. Its unpopular as it is, increasing it \$1 would be incredibly unpopular. Don't want to support a state program where locally we don't see any tangible benefits.
  - Jim McHargue (Amador): We repealed a parcel fee because it was so unpopular.
- SB 667 by Senator Hueso, uses cap-and-trade revenues to pay for organic waste requirements.
- SB 724 by Senator Stern, bottle bill.
- Bottle bill kumbaya. Increase revenues to local recycle centers, eliminate convenience zones, etc.
- AB 215 by Assemblyman Mathis and SB 409 by Senator Wilk, both pertain to illegal dumping.

## **VI. Member County Concerns/Comments**

Rachel Ross, Tehama County spoke about CDFA's two recent inspections of scales. There is a federal regulation that you can't weigh more than 20 times your diversion weight. Our minimum weights would need to be calculated at 400 lbs. Not supposed to be weighing and recording under 400 lbs., supposed to be by volume. Tehama will have to increase fees (from \$2.90 to \$29) for minimum weights of 400 lbs. since you're not supposed to take anything less than that. CDFA issued citations to the public agency and private operator using the Agency license for each of the violations. Other members indicated they had upcoming scale inspections. Larry Sweetser will investigate this issue and report back.

Greg Stanton reported that El Dorado County has an agenda item next month for a 2.8% curbside recycling fee. He asked if rate increase conversations were taking place because of National Sword and received many affirmations. Siskiyou county reported that they are doubling their service bin fee to \$9,600 per year. Tom Valentino, Lassen County, indicated that when they raised their recycling fee, they lost customers.

John Heath, Shasta County, announced two staffing changes. Introduced Don Renz and Madison Bible.

## **VII. Solid Waste Regulatory Update**

### **A. CalRecycle**

- Governor's Proposed 2019-20 GGRF Allocations to CalRecycle  
Staci Heaton pointed to GGRF allocations on page 107. Said Governor Newsom did good things for forest health, but when we got to CalRecycle it was only \$25

million. Working with stakeholders that the budget May Revise will hold a better number.

- **SB 1383 Regulations and AB 1826**

Mary Pitto reported that the SB 1383 comment period just passed on March 4th. It was a joint effort. We are still asking that CalRecycle provide us an off-ramp for special circumstances. CalRecycle has been resistant but we're pushing. We're opposed to their capacity planning. Since AB 1826, only 7 new facilities have occurred. Concerns were expressed that the goals are not realistic but it is doubtful that the final regulations will adequately address these concerns. The proposal does not have allowance for lack of staffing or funding. CalRecycle's infrastructure report does not discuss what it would take to get new facilities—not just money, but the timing. Members were urged to go through the letter. The mandate will include a fine structure and enforcement actions; it is no longer a goal. We need to be prepared for the next draft to come out. Send me specific examples or if you see anything we've missed. The next draft was announced that it will be a 15-day notice.
  - **SB 212 Draft Regulatory Concepts**

Larry Sweetser said 2022 is the final date for when the industry paid plans for pharmaceutical drop-off and mail-back sharps collections will be approved and the plans must be implemented within 270 days after plan approval. We have a lot of time before the program will be available. There were informal workshops on January 30<sup>th</sup> and February 27<sup>th</sup> to ultimately develop implementing regulations. There are many unresolved issues including the interaction with household hazardous waste programs and solid waste facility load checking programs.
  - **AB 901 Recycling and Disposal Reporting Regulations**

Larry Sweetser referred to the prior presentation from CalRecycle staff. He will work on updating his reporting chart for distribution to the members.
  - **Electronic Wastes**

Larry Sweetser gave a reminder that net cost reports were due March 1<sup>st</sup>. There are some jurisdictions changing vendors because of rule changes and declining markets for some electronics.
  - **Lithium Batteries**

Larry Sweetser said the issue of fires in solid waste facilities continues. Let him know if you have any fires or questions.
- B. State Water Resources Control Board**
- **Waste Discharge Fees-Larry Sweetser**

The SWRCB indicated that Landfill Waste Discharge Fees will not go up this year but the proposal is still subject to approval from the SWRCB which usually happens mid-year. There will be a workshop on March 14<sup>th</sup> to discuss the fee schedule.

Statewide Industrial General Stormwater Permit- Larry Sweetser provided a follow up to Laurel's presentation and also indicated that the Water Boards are issuing orders to 252 landfills to do monitoring for PFAS which are chemicals commonly found in waterproofing, dental floss, and hamburger wrappers. The ESJPA will be working with the Solid Waste Industry to compare notes on this issue and meet with SWRCB staff. He will keep members updated on this issue and members should contact him for more information.

C. Department of Toxic Substances Control

Larry Sweetser reported that DTSC is continuing enforcement actions throughout the state including rural areas. Key issues are on electronic waste and used oil management. Larry also reported that DTSC has raised concerns with household hazardous waste reuse programs especially those involving third party contractors. CPSC is sponsoring SB 726 which is intended to address this issue.

D. Extended Producer Responsibility

- Carpet America Recovery Effort (CARE) Update- Lisa Mekis

Lisa indicated that 350 million pounds of carpet go to the landfill with 90 million pounds for recycling. CARE is mandated to have a drop-off site in every county; we have nine counties with no site. There are two new processors in California in Lincoln and Woodland. We have a third party consulting firm to define convenient collection.

- PaintCare Update Nichole Dorr

Nichole presented on behalf of Daria Kent. PaintCare is expanding opportunities to work with other waste streams. Coordinate waste events. Can help with advertising, etc. if you have an event coming up.

- Mattress Recycling Update- Liz Wagner

Michael LaRussa presented on behalf of Liz Wagner, he took over Liz's former position and is the new point of contact for Northern California. MRC is working on upcoming events. First grant cycle was recently closed. We're evaluating applications. Grant recipients in early April.

- CA Product Stewardship Council Update - Doug Kobold

Doug provided an update during the afternoon session. He reviewed several legislative proposals including AB 729 on carpet program cleanup, AB 804 a spot bill on sharps and medications which is awaiting the SB 212 regulatory process, AB 1809 on lithium batteries stewardship programs, SB 726 on household hazardous waste reuse, and SB 54 and SB 1080 on single use packaging. He provided an update on CPSC's other activities.

E. Grant Program Update

Larry Sweetser indicated that the earlier approved Tire amnesty grant resolution had a minor revision which was approved by the members. CalRecycle has household hazardous waste grants applications open.

F. Highlights November/December CalRecycle Meetings-- Larry Sweetser reported  
Larry Sweetser reported we are monitoring actions CalRecycle is taking. There are jurisdiction enforcement hearings for Mandatory Commercial Recycling and Mandatory Organics Recycling scheduled but are not webcast. CalRecycle approved jurisdiction reviews for Lake, Mariposa, Nevada, Sierra, and Siskiyou Counties. CalRecycle announced that 393 out of 419 (94%) jurisdictions met AB 939 goals. The statewide recycling rate was announced as 42% in 2017, the goal is 75% by 2020. At the March meeting, beverage container city/county awards were announced and nearly all ESJPA members applied and were approved. CalRecycle/CPUC have an upcoming workshop on Cradle to Grave Management of Photovoltaics, Electric Vehicle Batteries and Energy Storage Batteries on April 3, 2019 from 10am to 3pm in San Francisco.

G. Other Regulatory Announcements/Issues of Interest

The packet contains announcements and articles of interest

**VIII. Agenda Suggestions, Member County Presentation Volunteer, Workshop Topics for Next ESJPA Board Meeting Scheduled Thursday March 14, 2019**

Larry Sweetser said he would follow up on Rachel's item about scales and inspections and possibly invite CDFA to speak on the issue.

Transfer company enforcement, making it impossible to do good things.

**VIII. Articles of Interest**

No articles were referenced.

**X. Adjournment-** was called at 2:00 PM

Respectfully submitted,  
Leigh Kammerich, Regulatory Affairs Specialist







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**ESJPA**

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PROGRAM MANAGER – STACI HEATON

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**MEMORANDUM**

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**To: ESJPA Board of Directors**

**From: Lisa McCargar, Chief Financial Officer**  
**Milena De Melo, Controller**  
**Sanjay Lee, Accountant**  
**Liz Jensen, Accountant**

**Date: June 6, 2019**

**RE: ESJPA 2018 Audited Financial Statements - ACTION**

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**Summary**

The 2018 audited financial statements for the Rural County Environmental Services Joint Powers Authority (ESJPA) received an unmodified (“clean”) opinion from Moss Adams LLP, our independent auditing firm. The auditors also provided communications to those charged with governance stating that there were no significant matters identified, no audit adjustments and no disagreements with management.

Moss Adams presented and discussed the audited financial statements and information letter with the Executive Committee of Rural County Representatives of California (RCRC) in their capacity as the Audit Committee on May 22, 2019. The Executive committee approved the audited financial statements for presentation to and adoption by the ESJPA Board of Directors.

**Staff Recommendation:**

Staff recommends that the Board of Directors review and approve the 2018 audited financial statements and communication to those charged with governance, as presented.

**Attachment**

- ESJPA Report of Independent Auditors and Financial Statements





*Report of Independent Auditors and  
Financial Statements*

**Rural Counties' Environmental Services  
Joint Powers Authority**

*December 31, 2018*



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# **Rural Counties' Environmental Services Joint Powers Authority**

## **Management's Discussion and Analysis**

### **Year Ended December 31, 2018**

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This section presents management's discussion and analysis of Rural Counties' Environmental Services Joint Powers Authority (the Authority) financial performance for the year ended December 31, 2018. Please read it in conjunction with the financial statements and notes thereto, which follow this section.

#### **FINANCIAL HIGHLIGHTS**

The assets of the Authority exceeded liabilities at December 31, 2018, by \$67,648 (net position). The Authority's total net position increased by \$41,857 (162.3%) from December 31, 2017 to December 31, 2018 due primarily to the continued successful efforts to maintain the cost of administrative services relative to the Authority's revenue from member dues.

#### **OVERVIEW OF THE FINANCIAL STATEMENTS**

The Authority's basic financial statements include the (1) statement of net position, (2) statement of activities, (3) balance sheet – general fund, (4) statement of revenues, expenditures, and changes in fund balance – general fund, and (5) notes to basic financial statements. This report also contains required and other supplementary information in addition to the basic financial statements.

The statement of net position and the statement of activities (Government-Wide Financial Statements) display information about the Authority as a whole. The Government-Wide Financial Statements are prepared using the economic resources measurement focus and the accrual basis of accounting. Revenues are recognized when earned and expenditures are recognized when a liability is incurred, regardless of the timing of the related cash flows.

The balance sheet – general fund and statement of revenues, expenditures, and changes in fund balance – general fund (Fund Financial Statements) present the accounts and transactions of the single fund that comprises the accounts of the Authority. The Fund Financial Statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they become both measurable and available.

While the Government-Wide Financial Statements and the Fund Financial Statements are prepared using a different basis of accounting, the differences are not significant enough to require reconciliations showing the difference between the statement of net position and the balance sheet and the differences between the statement of activities and the statement of revenues, expenditures, and changes in fund balance.

The notes to basic financial statements provide additional information that is essential to a full understanding of the Authority's financial statements.

Also included in this annual report are schedules of budgeted revenues and expenditures compared to actual amounts. The schedule of revenues, expenditures, and changes in fund balance – budget and actual is prepared using budgetary accounting principles under which encumbrances are used in budget control as a reduction of available budget amount. Encumbrances outstanding at year end do not constitute expenditures or liabilities.

**Rural Counties' Environmental Services Joint Powers Authority**  
**Management's Discussion and Analysis**  
**Year Ended December 31, 2018**

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**GOVERNMENT-WIDE FINANCIAL REPORTING**  
**FINANCIAL ANALYSIS**

**Rural Counties' Environmental Services Joint Powers Authority**  
**Condensed Statement of Net Position**  
**December 31, 2018 and 2017**

	Governmental Activities		Increase (Decrease)	
	2018	2017	\$	%
<b>Assets</b>				
Cash and restricted cash	\$ 66,061	\$ 88,976	\$ (22,915)	(25.8)%
Receivables	83,973	15,410	68,563	444.9%
Total assets	150,034	104,386	45,648	43.7%
<b>Liabilities</b>				
Payables	8,620	4,135	4,485	108.5%
Unearned revenue and funds held for projects	73,766	74,460	(694)	(0.9)%
Total liabilities	82,386	78,595	3,791	4.8%
<b>Net position</b>				
Net position, unrestricted	\$ 67,648	\$ 25,791	\$ 41,857	162.3%

The condensed statement of net position reflects a snapshot of the Authority's financial position at a given moment in time. As of December 31, 2018, the Authority's net position is \$67,648, an increase of \$41,857 (162.3%) from December 31, 2017. The decrease in cash and restricted cash of \$22,915 (25.8%) was primarily due to timing of receivable collections during the year offset by favorable membership dues and other revenues over administration expenses. The decrease in unearned revenue and funds held for projects of \$694 (0.9%) is primarily due to the timing of projects completed at year end.

**Rural Counties' Environmental Services Joint Powers Authority**  
**Management's Discussion and Analysis**  
**Year Ended December 31, 2018**

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**Rural Counties' Environmental Services Joint Powers Authority**  
**Condensed Statement of Activities**  
**Years Ended December 31, 2018 and 2017**

			Increase (Decrease)	
			\$	%
	2018	2017		
<b>Program expenses</b>				
Solid waste programs	\$ 104,974	\$ 84,230	\$ 20,744	24.6%
Administration	85,948	100,458	(14,510)	(14.4)%
Total program expenses	190,922	184,688	6,234	3.4%
<b>Program and general revenues</b>				
Operating grants and contracts	104,974	84,230	20,744	24.6%
Membership dues and other	127,805	124,805	3,000	2.4%
Total program revenues	232,779	209,035	23,744	11.4%
Change in net position	41,857	24,347	17,510	71.9%
Net position, beginning of year	25,791	1,444	24,347	1686.1%
Net position, end of year	\$ 67,648	\$ 25,791	\$ 41,857	162.3%

**Government-wide and fund financials** – There is no difference between the activity reported in the statement of activities and statement of revenues, expenditures, and changes in fund balance – general fund, as there are no capital assets or long-term liabilities that would create differences between the modified accrual basis of accounting used in the fund financials and the full accrual basis of accounting used in the government-wide financials. The government fund is comprised of one major fund, the general fund, which is the general operating fund of the Authority. The general fund is used to account for all of the Authority's financial resources. For the year ended December 31, 2018, the Authority's total revenues increased by \$23,744 (11.4%), primarily due to increased grant activity. The Authority also experienced an increase in total expenditures of \$6,234 (3.4%). The increases in expenditures were primarily due to increased grant activity. Grant revenues and related expenditures increased by \$20,744 (24.6%).

**FUND LEVEL FINANCIAL REPORTING**

As noted earlier, the Authority uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

**Rural Counties' Environmental Services Joint Powers Authority  
Management's Discussion and Analysis  
Year Ended December 31, 2018**

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**BUDGETARY COMPARISON**

**Rural Counties' Environmental Services Joint Powers Authority  
Comparison of Budget and Actual Revenues, Expenses, and Change in Net Position  
Year Ended December 31, 2018**

	Budget	Actual	Actual Over (Under) Budget	
			\$	%
<b>Program expenses</b>				
Solid waste programs	\$ 100,000	\$ 104,974	\$ 4,974	5.0%
Administration	101,920	85,948	(15,972)	(15.7)%
Total expenses	201,920	190,922	(10,998)	(5.4)%
<b>Program and general revenues</b>				
Operating grants and contracts	\$ 100,000	104,974	4,974	5.0%
Membership dues and other	124,850	127,805	2,955	2.4%
Total revenues	224,850	232,779	7,929	3.5%
Change in net position	\$ 22,930	\$ 41,857	\$ 18,927	82.5%

The Authority's change in net position was favorable by \$18,927 (82.5%) compared to the 2018 budget. The amount of actual grant revenue was \$4,974 (5.0%) more than the final budget, and grant expenditures were \$4,974 (5.0%) more than the final budget due to the Authority participating in an increased level of grant activity. Administration expenses were lower than final budget by \$15,972 (15.7%) with the savings realized for various administrative expenses.

The Authority's annual budget is determined by the Authority's management and approved by the Authority's Board of Directors. The annual budget is set as the amounts necessary to fund operating and grant costs. There was no change between the original and final budget amounts during 2018.

**FUTURE ECONOMIC OUTLOOK**

The Authority anticipates continued participation in the California Department of Resources Recycling and Recovery's (CalRecycle) Used Oil Program through 2019. In addition, the Authority will participate in the U.S. Department of Agriculture Rural Utilities Service Grant. As revenue from grant funding remains limited, management has reduced expenditures to maintain the financial stability of the Authority.



**Rural Counties' Environmental Services Joint Powers Authority  
Management's Discussion and Analysis  
Year Ended December 31, 2018**

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**REQUESTS FOR INFORMATION**

This financial report is designed to provide a general overview of the Authority's finances. Questions concerning any of the information provided in this report or requests for additional information should be addressed to the Chief Financial Officer, 1215 K Street, Suite 1650, Sacramento, CA, 95814.

## Report of Independent Auditors

The Board of Directors  
Rural Counties' Environmental Services Joint Powers Authority

### Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities and major fund of Rural Counties' Environmental Services Joint Powers Authority (the Authority) as of and for the year ended December 31, 2018, and the related notes to the financial statements, which collectively comprise the Authority's basic financial statements as listed in the table of contents.

### *Management's Responsibility for the Financial Statements*

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

### *Auditor's Responsibility*

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Authority's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

## ***Opinion***

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and major fund of the Authority as of December 31, 2018, and the respective changes in financial position for the year then ended in accordance with accounting principles generally accepted in the United States of America.

## **Other Matters**

### ***Required Supplementary Information***

Accounting principles generally accepted in the United States of America require that management's discussion and analysis on pages 1 through 5 and schedule of revenues, expenditures, and changes in fund balance – budget and actual on page 19 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board which considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

### ***Other Information***

Our audit was conducted for the purpose of forming an opinion on the Authority's basic financial statements. The schedule of revenues, expenditures, and change in fund balance by grant is presented for purposes of additional analysis and is not a required part of the basic financial statements.

The schedule of revenues, expenditures, and change in fund balance by grant is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the schedule of revenues, expenditures, and change in fund balance by grant is fairly stated, in all material respects, in relation to the basic financial statements taken as a whole.

**Other Reporting Required by *Government Auditing Standards***

In accordance with *Government Auditing Standards*, we have also issued our report dated April 29, 2019, on our consideration of the Authority's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, grant agreements, and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Authority's internal control over financial reporting and compliance.

Moss Adams LLP

Sacramento, California

April 29, 2019

## **Basic Financial Statements**

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**Rural Counties' Environmental Services Joint Powers Authority**  
**Statement of Net Position**  
**December 31, 2018**

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	<b>Governmental Activities</b>
<b>ASSETS</b>	
Current assets	
Cash and restricted cash	\$ 66,061
Grants and accounts receivable	<u>83,973</u>
Total assets	<u>\$ 150,034</u>
<b>LIABILITIES AND NET POSITION</b>	
Current liabilities	
Accounts payable	\$ 8,620
Unearned revenue	65,400
Grant advances	<u>8,366</u>
Total liabilities	<u>82,386</u>
Net position, unrestricted	<u>67,648</u>
Total liabilities and net position	<u>\$ 150,034</u>

**Rural Counties' Environmental Services Joint Powers Authority**  
**Statement of Activities**  
**Year Ended December 31, 2018**

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		<u>Governmental Activities</u>
<b>PROGRAM EXPENSES</b>		
Solid waste programs	\$	104,974
Administration		85,948
		<hr/>
Total program expenses		190,922
		<hr/>
<b>PROGRAM REVENUES</b>		
Operating grants and contracts		104,974
Charges for services membership dues		127,805
		<hr/>
Total program revenues		232,779
		<hr/>
Change in net position		41,857
Net position, beginning of year		25,791
		<hr/>
Net position, end of year	\$	<u>67,648</u>

The accompanying notes are an integral part of these financial statements.

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**Rural Counties' Environmental Services Joint Powers Authority**  
**Balance Sheet – General Fund**  
**December 31, 2018**

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**ASSETS**

Current assets		
Cash and restricted cash	\$	66,061
Grants and accounts receivable		<u>83,973</u>
 Total assets	 \$	 <u>150,034</u>

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**LIABILITIES AND FUND BALANCE**

Current liabilities		
Accounts payable	\$	8,620
Unearned revenue		65,400
Funds held for projects		<u>8,366</u>
 Total liabilities		 <u>82,386</u>
 Fund balance, unassigned		 <u>67,648</u>
 Total liabilities and fund balance	 \$	 <u>150,034</u>

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**Rural Counties' Environmental Services Joint Powers Authority**  
**Statement of Revenues, Expenditures, and Changes in Fund Balance – General Fund**  
**Year Ended December 31, 2018**

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Revenues	
Intergovernmental grants and contracts	\$ 104,974
Membership dues	127,805
	232,779
Expenditures	
Solid waste grants on behalf of member counties	104,974
Administration	
Technical support services	63,000
Other	22,948
	190,922
Excess revenues over expenditures	41,857
Fund balance, beginning of year	25,791
Fund balance, end of year	\$ 67,648

# Rural Counties' Environmental Services Joint Powers Authority

## Notes to Basic Financial Statements

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### NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

**Reporting entity** – Rural Counties' Environmental Services Joint Powers Authority (the Authority) is a joint powers authority of county governments in rural counties of the state of California, engaged in the exercise of an essential governmental function. The purpose of the Authority is to develop and fund programs to provide for solid waste planning, solid waste services, cooperative marketing, regulatory advocacy, and other environmental services, as well as to provide a forum for mutual support, to strengthen the liaison with state government, and to secure and disseminate information of common interest relating to environmental issues. Twenty-four member counties participate in the Authority, which is governed by a Board of Directors. Each of the Authority's Board members is a member of the Board of Supervisors in their member county.

The Authority contracts with various organizations and businesses to provide specialized services as needed to administer and implement programs as determined by the Authority's Board of Directors. Rural County Representatives of California (RCRC), a California nonprofit mutual benefit corporation, provides various administrative and technical support services to the Authority. RCRC was organized to serve and strengthen county and local governments through definition, study, and actions relative to problems affecting the member counties and their resources to include but not be limited to those of social, economic, environmental, and ecological importance. Technical support services provided by RCRC include salaries and wages, benefits, and related costs (Note 3).

The Governmental Accounting Standards Board (GASB) is the accepted standard-setting body for establishing government accounting and financial reporting principles. The more significant of the Authority's accounting policies are described below.

**Government-wide financial statements** – The statement of net position and statement of activities include the financial activities of the Authority. The Authority is only engaged in governmental activities, which are normally supported by intergovernmental revenues and charges for services.

The statement of activities presents a comparison between direct expenses and program revenues for each function of the Authority. Direct expenses are those that are specifically associated with a program or function and, therefore, are clearly identifiable to a specific function. Program revenues include charges for services, membership dues, and grants that are restricted to meeting operating requirements.

**Fund financial statements** – Separate fund financial statements are provided for the Authority's general fund. A fund is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The Authority uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. The fund financial statements focus on the near-term inflows and outflows of available expendable resources. Such information may be useful in evaluating a government's near-term financing requirements.

**Basis of accounting** – The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows.

## Rural Counties' Environmental Services Joint Powers Authority

### Notes to Basic Financial Statements

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Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. The general fund is the general operating fund of the Authority. It is used to account for all of the Authority's financial resources. Grant revenues are recognized as soon as all eligibility requirements imposed by the provider have been met, provided they are measurable and available. All other revenues of the Authority are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay the liabilities of the current period. For this purpose, the Authority considers revenues to be available if they are collected within six months from year end. Expenditures are recorded when a liability is incurred.

When both restricted and unrestricted resources are available for use, it is the Authority's policy to use restricted resources first, then unrestricted resources as they are needed.

**Cash and cash equivalents** – The Authority considers all highly liquid investments with a maturity of three months or less when purchased to be cash and cash equivalents.

**Restricted cash** – Restricted cash includes funds held for projects and is restricted as to its use. As of December 31, 2018, cash balances of \$8,366 were restricted.

**Grants receivable** – As of December 31, 2018, receivables are comprised of funds due from granting agencies.

**Grant advances** – The Authority receives funds in advance of expenditure for some grants. These funds are refundable at the termination of the respective grant period if not expended for their intended purpose. As a result, the Authority recognizes a liability equal to the amount of funds collected and unspent for these grants. Funds received by the Authority are not segregated from the general operating accounts of the Authority.

**Unearned revenue** – Counties are assessed membership dues on July 1 of each year. The dues cover a one-year period from July 1 to June 30 and are recognized ratably over that period. Unearned revenue represents funds received for membership dues from the period from January 1 to June 30, 2019.

**Fund balance classifications** – The fund balance classifications for balance sheet presentation are as follows:

- *Nonspendable fund balance* – Amounts that cannot be spent because they are either (a) not in spendable form or (b) legally or contractually required to be maintained intact. The Authority does not have any nonspendable fund balances as of December 31, 2018.
- *Restricted fund balance* – Amounts with constraints placed on their use that are either (a) externally imposed by creditors, grantors, contributors, or laws and regulations of other governments; or (b) imposed by law through constitutional provisions or enabling legislation. The Authority does not have any restricted fund balances as of December 31, 2018.
- *Committed fund balance* – Amounts that can only be used for specific purposes determined by formal action of the government's highest level of decision making authority (the Board of Directors) that remain binding unless the commitments are removed in the same manner. The Authority does not have any committed fund balances as of December 31, 2018.

# Rural Counties' Environmental Services Joint Powers Authority

## Notes to Basic Financial Statements

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- *Assigned fund balance* – Amounts that are constrained by the Authority's intent to be used for specific purposes. The intent can be established by either the governing body itself, or by a body or an official designated for that purpose. The Authority does not have a formal policy to determine the action needed to create an assigned fund balance because the Authority does not have any assigned fund balances at December 31, 2018.
- *Unassigned fund balance* – The residual amount of fund balances not classified in other fund balance categories. The Authority's entire fund balance is classified as unassigned at December 31, 2018.

The Authority has adopted a policy of generally utilizing committed and assigned fund balances, prior to unassigned fund balances, when an expenditure is incurred for purposes for which any of those fund balance classifications could be used.

**Net position** – Net position is classified into the following categories:

- *Invested in capital assets, net of related debt* – Capital assets, net of accumulated depreciation and outstanding principal balances of debt attributable to the acquisition, construction, or improvement of those assets. The Authority does not have any net position in this category as of December 31, 2018.
- *Restricted nonexpendable* – Net position subject to externally imposed conditions that the Authority retains in perpetuity. The Authority does not have any net position in this category as of December 31, 2018.
- *Restricted expendable* – Net position subject to externally imposed conditions that can be fulfilled by the actions of the Authority or by the passage of time. The Authority does not have any net position in this category as of December 31, 2018.
- *Unrestricted* – All other categories of net position; in addition, unrestricted net position may be designated for use by management or the Board of Directors.

**Income taxes** – The Authority is an organization comprised of public agencies and is exempt from federal income and California franchise taxes. Accordingly, no provision for federal or state income taxes has been made in the accompanying financial statements.

**Budgetary information** – The Authority's Board of Directors approves all budgeted revenues and expenditures. Budgeted revenue and expenditures represent the original adopted budget and any amendments during the year. The legal level of budgetary control for the Authority is total expenditures. The budgetary process is on a basis of accounting used for budgets that is consistent with accounting principles generally accepted in the United States of America.

**Use of estimates** – The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements, and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from these estimates.

# Rural Counties' Environmental Services Joint Powers Authority

## Notes to Basic Financial Statements

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### NOTE 2 – CASH

**Deposits – custodial credit risk** – Custodial credit risk is the risk that in the event of a bank failure, the Authority's deposits may not be returned to it. Cash consists of deposits with financial institutions. As of December 31, 2018, the Authority's deposits stated at \$66,061, inclusive of restricted cash, are entirely insured or collateralized. Section 53652 of the California Governmental Code requires financial institutions to secure deposits made by governmental units in excess of insured amounts by the pledging of governmental securities as collateral. The market value of the pledged securities in the collateral pool must equal at least 110% of the total amount deposited by governmental units.

### NOTE 3 – RELATED-PARTY TRANSACTIONS

For the year ended December 31, 2018, the Authority entered into a support service agreement with RCRC, an affiliated entity, for an annual fee of \$63,000 plus direct billable hours, to perform non grant-related services. The fee is included in administration expenditures on the statement of revenues, expenditures, and changes in fund balance – general fund. As of December 31, 2018, \$2,633 was payable to RCRC for administrative expenses paid by RCRC on behalf of the Authority. The support service agreement with RCRC is an annual agreement, expiring on December 31 of each year, with successive one-year automatic renewals until terminated by either party.

### NOTE 4 – CONTINGENCIES

The Authority has received grants from state and local sources that are subject to review and audit by representatives of those agencies to determine if the funds were expended in accordance with appropriate statutes, grant terms, and regulations. These types of audits could lead to expenditure disallowances or questioned costs under grant terms. The Authority believes that no significant liabilities will be incurred as a result of these audits.

### NOTE 5 – RISK MANAGEMENT

The Authority is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; and natural disasters. RCRC purchases commercial insurance through an insurance agent that obtains insurance coverage from insurance companies, which includes coverage for the Authority. The Authority reimburses RCRC for its prorata portion of the insurance premium. There have been no settlement amounts that have exceeded commercial insurance coverage for the last three years.

## **Required Supplementary Information**

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**Rural Counties' Environmental Services Joint Powers Authority**  
**Schedule of Revenues, Expenditures, and Change in Fund Balance –**  
**Budget and Actual**  
**Year Ended December 31, 2018**

	Budget	Actual	Actual Over (Under) Budget	
			\$	%
<b>Revenues</b>				
Intergovernmental grants and contracts	\$ 100,000	\$ 104,974	\$ 4,974	5.0%
Membership dues	124,800	127,805	3,005	2.4%
Other	50	-	(50)	(100)%
<b>Total revenues</b>	<b>224,850</b>	<b>232,779</b>	<b>7,929</b>	<b>3.5%</b>
<b>Expenditures</b>				
Solid waste grants on behalf of member counties	100,000	104,974	4,974	5.0%
<b>Administration</b>				
Technical support services	63,000	63,000	-	0.0%
Other	38,920	22,948	(15,972)	(41.0)%
<b>Total expenditures</b>	<b>201,920</b>	<b>190,922</b>	<b>(10,998)</b>	<b>(5.4)%</b>
Excess of revenues over expenditures	22,930	41,857	18,927	82.5%
Fund balance (deficit), beginning of year	(17,377)	25,791	43,168	248.4%
Fund balance, end of year	\$ 5,553	\$ 67,648	\$ 62,095	(1,118.2)%

## **Supplementary Information**

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**Rural Counties' Environmental Services Joint Powers Authority**  
**Schedule of Revenues, Expenditures, and Change in Fund Balance by Grant**  
**Year Ended December 31, 2018**

	<u>TCA3 Regional</u>	<u>TCA4 Regional</u>	<u>UOPP17 Regional</u>	<u>UOPP18 Regional</u>	<u>TOTAL</u>
Revenues					
Grants	\$ (442)	\$ 61,722	\$ 12,060	\$ 31,634	\$ 104,974
Total revenues	<u>(442)</u>	<u>61,722</u>	<u>12,060</u>	<u>31,634</u>	<u>104,974</u>
Expenditures					
Grants on behalf of member counties					
Mobile/other collection	-	59,128	-	-	59,128
Consultants	-	1,320	390	12,249	13,959
Other costs					
Permanent facilities	-	-	9,084	13,177	22,261
Publicity and education	(442)	1,274	2,586	6,208	9,626
Total expenditures	<u>(442)</u>	<u>61,722</u>	<u>12,060</u>	<u>31,634</u>	<u>104,974</u>
Excess of revenues over expenditures	-	-	-	-	-
Fund balance, beginning of year	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Fund balance, end of year	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>



## **Report of Independent Auditors on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards***

To the Board of Directors  
Rural Counties' Environmental Services Joint Powers Authority

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities and major fund of Rural Counties' Environmental Services Joint Powers Authority (the Authority) as of and for the year ended December 31, 2018, and the related notes to the financial statements, which collectively comprise the Authority's basic financial statements, and have issued our report thereon dated April 29, 2019.

### **Internal Control Over Financial Reporting**

In planning and performing our audit of the financial statements, we considered the Authority's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Authority's internal control. Accordingly, we do not express an opinion on the effectiveness of the Authority's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

## **Compliance and Other Matters**

As part of obtaining reasonable assurance about whether the Authority's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

## **Purpose of this Report**

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Moss Adams LLP

Sacramento, California

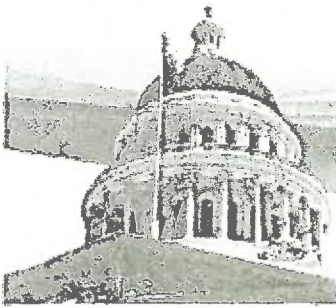
April 29, 2019



# **Agenda Item IV**

## **PRESENTATIONS**





# CLIENT UPDATE

News and developments in employment law and labor relations  
for California Public Agencies.

JANUARY 2019

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## PREVAILING WAGE

### *Court Adopts Broad Definition of "Public Works" That Are Subject to California's Prevailing Wage Law.*

David Kaanaana and others were former employees ("employees") of Barrett Business Services, Inc. ("Company"). The Company supplied employees to publicly-owned and operated recycling facilities through contracts with the Los Angeles County Sanitation District. The employees worked at the recycling facilities as belt sorters. Their work consisted of standing at sorting stations placed along a conveyor belt; removing recyclable materials from a conveyor belt; and placing the material into receptacles at their sorting stations.

Kaanaana and other employees sued, claiming that the Company failed to pay them the "prevailing wage" they were owed under California law. They asserted that their recycling sorting duties constituted "public work" under the California Labor Code which states:

"[e]xcept for public works projects of ... (\$1,000) or less, not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the public work is performed, and not less than the general prevailing rate of per diem wages for holiday and overtime work fixed as provided in this chapter, shall be paid to all workers employed on public works." (§ 1771.)

This section of the Labor Code applies to work performed under contract with public agencies, but not to work that a public agency performs using its own labor force.

The Court of Appeal agreed with the employees and found that this recycling was "public work" that is subject to prevailing wage law. This was the case even though recycling sorting work is not specifically listed among the categories of public work in the Labor Code.

The Court reviewed the plain language and legislative history of the Labor Code and determined that the definition of "public work" had broadened over time to cover work beyond that associated with construction projects. The purpose of the prevailing wage law had also expanded to protect employees from substandard wages, and to compensate nonpublic employees with

higher wages. The Court of Appeal reversed the judgement that narrowly defined “public works” and remanded the case back to the trial court.

*Kaanaana v. Barrett Business Services et al.*, 240 Cal.Rptr.3d 636 (2018).

**NOTE:**

*LCW attorneys are experienced in prevailing wage issues and regularly assist special districts and other public agencies on these issues.*

***Personnel Rules that Restricted On-Duty Protected Activity Were Lawful, but Rule that Restricted Off-Duty Activity Was Not.***

The Court of Appeal found that a trial court employer, the Superior Court of Fresno County (“employer” or “Court”), was justified in adopting personnel rules that prohibited employees from wearing any insignia at work, or soliciting during work hours, among other things. The represented Court employees included over 300 office assistants, judicial assistants, account clerks, court reporters and marriage and family counselors. The Personnel Rules in question prohibited them from: (1) wearing clothing or adornments with any writings or images, including pins, lanyards and other accessories; (2) soliciting during work hours for any purpose without prior Court approval; and (3) distributing literature during non-work time in working areas, among other things.

***Restriction on wearing any writings or images***

The Court employer argued that its prohibition on insignia was necessary to preserve the appearance of impartiality of court staff and personnel to people who interact with the judicial branch. The employer also presented evidence showing that the affected employees work in various areas of the court that are visible to the public to some degree, and that the employees regularly move throughout the courthouse to perform their duties.

State and federal laws generally provide public employees the right to wear union buttons and other union paraphernalia at work, except in “special circumstances” that justify a prohibition. To decide whether special circumstances exist, PERB and the courts weight the right of employees to wear union insignia against any legitimate employer interest in prohibiting this activity. The specific details of the employer’s operations, and employee interactions with the public are relevant to the analysis.

The Court of Appeal noted that that the “legitimacy of the Judicial Branch depends on its reputation for impartiality and nonpartisanship,” and this necessarily requires the courts to maintain a neutral appearance. Evidence also showed that court employees regularly interacted with the public and that employees are subject to a code of ethics that requires them to maintain the appearance of impartiality. Therefore, the Superior Court of Fresno had a substantial interest in regulating its workforce to ensure that the judicial process appears impartial. The Court of Appeal found that this justified the broad restrictions on wearing union insignia.

***Prohibition on solicitation during working hours for any purpose***

Contrary to PERB’s findings, the Court of Appeal found that the Court employer’s ban on soliciting during working hours for any purpose was lawful. The rule prohibited solicitation during “working hours,” and defined “working hours” as “the working time of both the employee doing the soliciting and distributing and the employee to whom the soliciting is being directed.” It was reasonably susceptible to only one interpretation; that employees are prohibited from engaging in solicitation during working time but may engage in solicitation during nonworking time. Thus, that Personnel Rule was lawful.





# Calif. Prevailing Wage Law Applied to Recycling Plant Employees

By Joanne Deschenaux

January 4, 2019

**C**alifornia's prevailing wage law requires that all workers employed on "public works"—generally, construction projects—be paid at least as much as is generally paid for the performance of similar work in the same geographic area. A California appellate court has ruled that this law was not limited to construction projects and applied to workers who sorted recyclable materials at two publicly owned and operated recycling facilities.

The plaintiffs, who worked as sorters, sued a staffing company that provided employees to the two facilities under contracts with Los Angeles County Sanitation Districts, alleging, among other claims, that the defendant had failed to pay them the prevailing wage.

The trial court granted the staffing company's motion to dismiss the prevailing wage claims, ruling that the work done by the plaintiffs did not come within the prevailing wage law's definition of "public works" because it was not construction work. The plaintiffs appealed.

The appellate court reversed the trial court's decision. One provision of the prevailing wage law defines public works as "construction, alteration, demolition, installation or repair work done under contract and paid for in whole or in part out of public funds." But this is not the only definition in the statute, the court said.

*[SHRM members-only toolkit: Complying with California Wage Payment and Hours of Work Laws*

*([www.shrm.org/resourcesandtools/tools-and-samples/toolkits/pages](http://www.shrm.org/resourcesandtools/tools-and-samples/toolkits/pages)*

*/ca\_complyingwithwagepaymentandhoursofworklaws.aspx)]*

Another provision further defines public works as work done for "irrigation, utility, reclamation, and improvement districts, and other districts of this type." The recyclable sorting work here was done for a county sanitation district, and so the work at issue fell within this second statutory definition and the plaintiffs were entitled to receive the prevailing wage, the court said.

The court rejected the defendant's claim that the two provisions must be read together and that, therefore, even work done for county districts must be construction work to qualify for prevailing wage payments.

At one point, the state's prevailing wage law limited its definition of public works to construction, but this changed in 1937 when the state legislature broadened the definition.

*Kaanaana v. Barrett Business Services Inc.*, Calif. Ct. App., No. B276420 (Nov. 30, 2018).

**Professional Pointer:** In California, the rules governing which projects are public works covered by the prevailing wage law are complex and rapidly changing. An employer should consider consulting with counsel before making a determination that employees performing work under a contract between the employer and a state or local government entity are not entitled to the prevailing wage.

*Joanne Deschenaux, J.D., is a freelance writer in Annapolis, Md.*

Contact Us ([www.shrm.org/about-shrm/Pages/Contact-Us.aspx](http://www.shrm.org/about-shrm/Pages/Contact-Us.aspx)) | 800.283.SHRM (7476)

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# **Agenda Item VII**

## **SOLID WASTE REGULATORY UPDATES**





Los Angeles County  
Waste Management  
Association



**Solid Waste Association  
of Orange County**



May 22, 2019

The Honorable Holly Mitchell  
Chair, Senate Budget & Fiscal Review  
Committee  
State Capitol, Room 5050  
Sacramento, CA 95814

The Honorable Philip Ting  
Chair, Assembly Budget Committee  
State Capitol, Room 6026  
Sacramento, CA 95814

**RE: Senate Greenhouse Gas Reduction Plan \$75 Million for Waste Diversion and Recycling - SUPPORT**

Dear Senator Mitchell and Assembly Member Ting:

The undersigned local government and solid waste organizations are writing to convey our strong support the Senate's proposal to direct \$75 million from the Greenhouse Gas Reduction Fund (GGRF) to waste diversion and recycling projects. This

funding is crucial first step to helping the state meet ambitious new Senate Bill 1383 organic waste recycling requirements.

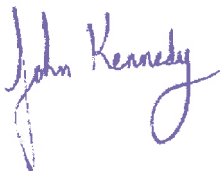
**Funding to implement ambitious state organic waste recycling mandates.** SB 1383 (Lara, Chapter 395, 2016) requires the state to reduce landfill disposal of organic waste 50 percent below 2014 levels by 2020 and 75 percent below 2014 levels by 2025. The California Department of Resources Recycling and Recovery (CalRecycle) estimates total SB 1383 implementation costs to reach \$20.9 billion through 2030, of which they expect \$17 billion to be offset by economic benefits to the state. This leaves a funding gap of at least \$330 million annually through 2030.

The Senate proposal to devote \$75 million from the GGRF for waste diversion and recycling is a much-needed first step to help offset some SB 1383 implementation costs through increased investing in waste reduction, bioenergy production, composting, and edible food recovery projects. CalRecycle estimates that 50-100 new organic waste recycling facilities will be needed to reach the recycling levels required by SB 1383. This is in addition to the required creation of numerous new edible food rescue programs.

**Promotes the cost-effective use of Cap-and-Trade auction revenues.** The Legislative Analyst's Office noted that organic waste recycling loans and grants are among the most cost-effective ways to reduce greenhouse gas emissions, with a cost of roughly \$4-9/ton of emissions reduced. Despite the accumulation of considerable Cap-and-Trade auction revenues, the cost effectiveness of organic waste recycling projects, and the tremendous need to build out the state's organic waste recycling system, the Legislature has provided very little funding in this area.

We urge your support for the Senate's plan to devote \$75 million in Cap-and-Trade auction revenues to fund waste diversion and recycling, as these investments will reduce pollution, help local governments and the solid waste industry comply with new mandates, and create local jobs.

Sincerely,



JOHN KENNEDY  
Legislative Advocate  
Rural County Representatives of  
California



ALEX OSEGUERA  
Director of Government Affairs,  
State of California  
Waste Management



ERIC POTASHNER  
Vice President & Sr. Director of Strategic  
Affairs  
Recology™



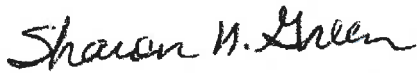
CARA MARTINSON  
Senior Legislative Representative  
California State Association of Counties



CHARLES HELGET  
Director, Government Affairs  
Republic Services



DEREK DOLFIE  
Legislative Representative  
League of California Cities



SHARON GREEN  
Legislative & Regulatory Liaison  
Sanitation Districts of Los Angeles County



GIDEON KRACOV  
General Counsel  
California Waste & Recycling Association



KATHY LYNCH  
California Refuse Recycling Council –  
Southern District



LAURA J. FERRANTE  
Government Affairs Advocate  
California Refuse Recycling Council –  
Northern District



KELLY ASTOR  
General Counsel  
Inland Empire Disposal Association  
Los Angeles County Waste Management  
Association  
Solid Waste Association of Orange  
County



JOE LA MARIANA  
Executive Director  
RethinkWaste

The Honorable Holly Mitchell and Philip Ting  
Senate Greenhouse Gas Reduction Plan \$75 Million for Organic Waste  
May 22, 2019  
Page 4

A handwritten signature in black ink, appearing to read 'J. Alex Braicovich', with a long horizontal stroke extending to the right.

J. ALEX BRAICOVICH  
Sr. Regional Vice President  
CR&R

cc: Members of the Senate Budget & Fiscal Review Committee  
Members of the Assembly Budget Committee  
Joe Stephenshaw, Director, Senate Budget & Fiscal Review Committee  
Christian Griffith, Chief Consultant, Assembly Budget Committee  
Kirk Feely, Consultant, Senate Republican Caucus  
Cyndi Hillery, Consultant, Assembly Republican Caucus





RURAL COUNTY REPRESENTATIVES  
OF CALIFORNIA

May 29, 2019

The Honorable Holly J. Mitchell  
Chair, Senate Budget & Fiscal Review Committee  
State Capitol, Room 5050  
Sacramento, CA 95814

**RE: Proposed 2019-2020 Cap-and-Trade Expenditure Plan - SUPPORT**

Dear Senator Mitchell:

On behalf of the Rural County Representatives of California (RCRC), I offer RCRC's support for the Senate's proposed Cap-and-Trade Expenditure Plan, specifically for allocations to forest health programs, waste diversion and recycling, and the State's Conservancies and the Wildlife Conservation Board. RCRC is an association of thirty-six rural California counties, and the RCRC Board of Directors is comprised of an elected supervisor from each of the member counties.

RCRC strongly supports the \$200 million proposed allocation from the Greenhouse Gas Reduction Fund (GGRF) to the California Department of Forestry and Fire Protection (CAL FIRE) for forest health, resilience, and wildfire prevention programs, including prescribed burn projects, which has been proposed by both the Senate and the Assembly. This allocation is consistent with the funding outlined in last year's Senate Bill 901 (Dodd) to aid in implementing the State's Forest Carbon Plan and Strategic Fire Plan, as well as the new forest health provisions passed as part of SB 901 to help slow and prevent future catastrophic wildfire events.

RCRC member counties contain much of California's forested lands, including more than 70 percent of the State's national forest lands. Wildfire risk is no longer just a concern in our remote, rural areas, but is becoming a wider public safety concern as the wildland urban interface spreads over larger areas of the State and beyond forested areas. Recent years have shown that a combination of wildfire prevention, forest management, fuels treatment, and emergency preparedness measures will be vital to California's communities in the wildland urban interface in order to mitigate the type of catastrophic damage demonstrated by the Camp, Woolsey, and Carr Fires, to name just a few.

1215 K Street, Suite 1650, Sacramento, CA 95814 | [www.rcrcnet.org](http://www.rcrcnet.org) | 916.447.4806 | Fax: 916.448.3154

ALPINE AMADOR BUTTE CALAVERAS COLUSA DEL NORTE EL DORADO GLENN HUMBOLDT IMPERIAL INYO LAKE LASSEN MADERA MARIPOSA MENDOCINO MERCED  
MODOC MONO NAPA NEVADA PLACER PLUMAS SAN BENITO SAN LUIS OBISPO SHASTA SIERRA SISKIYOU SONOMA SUTTER TEHAMA TRINITY TULARE TUOLUMNE YOLO YUBA

Not only are these wildfires a threat to public safety, but they are an imminent threat to the State's greenhouse gas (GHG) emissions reduction and carbon sequestration goals. The California Air Resources Board estimates that wildfires contribute more than half of California's annual black carbon emissions, a number that will continue to increase as the State's forests continue to burn.<sup>1</sup> As we continue to see expanded wildfires into more urbanized areas, reduction of GHG and other criteria pollutant emissions from wildfires will become even more vital to public health. In light of this, RCRC strongly supports the Governor's proposed allocation to CAL FIRE.

RCRC also supports the Senate's proposed \$100 million allocation from the GGRF to the Wildlife Conservation Board and the state's various conservancies to continue their vital restoration and preservation work in California's forests, watersheds, and wildlands. In particular, the Sierra Nevada Conservancy has been doing groundbreaking work with the USDA Forest Service through its Watershed Improvement Program to restore vital forested watersheds on federal lands in California's Sierras, and has been a vital partner in setting long-term goals for managing the states forested lands. The conservancies also provide crucial grant programs for local vegetation treatment projects to improve watershed health and help prevent wildfires, which makes this funding even more important.

Finally, RCRC strongly supports the Senate's proposed \$75 million allocation for the California Department of Resources Recycling and Recovery (CalRecycle) for waste diversion and recycling programs. Reducing organic waste disposal 75 percent below 2014 levels by 2025 is one of the linchpins of the State's efforts to reduce short-lived climate pollutants, a critical component of California's Assembly Bill 32 GHG emissions reduction goals. Unfortunately, the infrastructure required to process this volume of organics does not exist. CalRecycle estimates that achieving these organics recycling goals will cost \$3 billion through 2030, or roughly \$300 million annually. The Senate's proposed investment of \$75 million from the GGRF for waste diversion and recycling is a much-needed first step to reaching these goals through increased investing in waste reduction, bioenergy production, composting, and edible food recovery projects. In addition to the job-creation benefits, the Legislative Analyst's Office has noted that organic waste recycling loans and grants are among the most cost-effective ways to reduce greenhouse gas emissions, with a cost of roughly \$4-\$9/ton of emissions reduced.

For these reasons, RCRC strongly urges you to adopt the Senate version of the Cap-and-Trade Expenditure Plan. Please do not hesitate to contact me if you should have any questions or concerns regarding RCRC's recommendations on this item.

---

<sup>1</sup> California Air Resources Board. (2015) Draft Short-Lived Climate Pollutant Reduction Strategy, Appendix A: California SLCP Emissions. Retrieved from <http://www.arb.ca.gov/cc/shortlived/2015appendixa.pdf>.

The Honorable Holly J. Mitchell  
Proposed 2019-2020 Cap-and-Trade Expenditure Plan  
May 29, 2019  
Page 3

Sincerely,

A handwritten signature in black ink, appearing to read "Staci Heaton". The signature is fluid and cursive, with a large loop at the end.

STACI HEATON  
Regulatory Affairs Advocate

cc: The Honorable Phil Ting, Member of the State Assembly  
The Honorable Jim Nielsen, Member of the State Senate  
The Honorable Richard Roth, Member of the State Senate  
The Honorable Nancy Skinner, Member of the State Senate  
The Honorable John Moorlach, Member of the State Senate  
The Honorable Kevin McCarty, Member of the State Assembly  
The Honorable Chad Mayes, Member of the State Assembly  
The Honorable Jay Obernolte, Member of the State Assembly  
The Honorable Shirley Weber, Member of the State Assembly  
Consultant, Senate Budget & Fiscal Review Committee  
Consultant, Assembly Budget Committee





**Rural Counties**  
Environmental Services  
Joint Powers Authority

**ESJPA**

**SB 1383 SLCP Organic Waste Reductions  
Proposed Regulation Text Requirements**

April 29, 2019

This summary is based upon the January 18, 2019 proposed CalRecycle Short-Lived Climate Pollutants regulations and provides an overview, divided into proposed requirements for different entities including:

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Refer to the entire document for specific details regarding the requirements. The proposed regulations are available at: [www.calrecycle.ca.gov/docs/cr/laws/rulemaking/slcp/proposedregulations.pdf](http://www.calrecycle.ca.gov/docs/cr/laws/rulemaking/slcp/proposedregulations.pdf)

Each respective entity should refer to Article 16 of the proposed regulations, Administrative Civil Penalties for Violations of Requirements of the Chapter, for the specific description of violations, the levels of violations, and penalty amounts that shall be imposed by the jurisdiction and the Department. (See pages 38-48 of the proposed regulations)

## General Provisions

### Title 14: Natural Resources

Division 7. Department of Resources Recycling and Recovery

### Chapter 12: Short-Lived Climate Pollutants

#### General Provisions

18981.1. Scope of Chapter. This Chapter establishes regulatory requirements for jurisdictions, generators, haulers, solid waste facilities, and other entities to achieve the organic waste reduction targets.

#### Article 1. Definitions

18982. Definitions. All definitions are found on pages 3-7.

18982. (a)(46) "organic waste" means solid wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, paper products, printing and writing paper, manure, biosolids, digestate, and sludges.

#### Article 2. Landfill Disposal and Reductions in Landfill Disposal

18983.1. Landfill Disposal and Recovery. (a) Final disposition and use as ADC or AIC at a landfill of organic waste, except the use of Material Recovery Fines, shall be deemed to constitute landfill disposal.

18983.1. (b) Organic waste sent to an operation that qualifies as a "Recycling Center"; a "Compostable Material Handling Operation or Facility"; and "In-vessel Digestion Operation or Facility"; a Biomass Conversion operation or facility; used a soil amendment for erosion control, revegetation, slope stabilization, or landscaping at a landfill when the material is used in a specified manner; land application subject to conditions; and lawful use as animal feed shall be deemed to constitute a reduction of landfill disposal.

18983.2. Determination of Technologies that Constitute a Reduction in Landfill Disposal. Provides a process for other operations, facilities, or activities not listed above to be deemed to constitute a reduction in landfill disposal.

## Jurisdictions

### Title 14: Natural Resources

Division 7. Department of Resources Recycling and Recovery

### Chapter 12: Short-Lived Climate Pollutants

#### General Provisions

18981.2. Implementation Requirements on Jurisdictions. (a) By January 1, 2022, a jurisdiction shall adopt an enforceable mechanism to mandate that organic waste generators, haulers and other entities under its jurisdiction comply with the requirements of this chapter.

18981.2. (b) A jurisdiction may designate a public or private entity to fulfill its responsibilities under this chapter. A designation shall be made through any one or more of the following: (1) Contracts with haulers or other private entities; or, (2) Agreements.

18981.2. (c) If a jurisdiction chooses to use public or private entities to fulfill the requirements, the jurisdiction is ultimately responsible for compliance.

#### Article 3. Organic Waste Collection Service

18984.1. Three-Container Organic Waste Collection Service. A jurisdiction may implement a three-container collection service by providing a green (organic waste), blue (recyclables), and a gray (non-organic waste) containers. This section provides additional details on materials accepted in each container and facility requirements for each (page 10).

18984.2. Two-Container Organic Waste Collection Service. A jurisdiction may implement a two-container collection service by providing a green (organic waste) and a blue (all non-organic wastes) containers. If either container allows both organic and non-organic materials, the contents of the container shall be taken to a high diversion organic waste processing facility, as specified in the following section.

18984.3. Unsegregated Single-Container Collection Services. (a) A jurisdiction may implement a single gray container collection service provided the contents are transported to a high diversion organic waste processing facility.

18984.3. (b) If the facility has an annual average mixed waste organic content recovery rate that is lower than required for two consecutive quarterly reporting periods or three reporting periods within three years, the facility shall not qualify as a high diversion organic waste processing facility.

18984.3. (c) If a jurisdiction is in violation due to using a facility unable to meet the required annual average mixed waste organic content recovery rate, the jurisdiction shall be subject to the enforcement process, which may include a corrective action plan.

18984.5. Container Contamination Minimization. (a) and (b) A jurisdiction shall monitor the 3 and 2 container collection service to minimize contaminants by conducting route reviews for prohibited contaminants on randomly selected containers, with all collection routes being reviewed quarterly.

18984.5. (b)(1) If contaminants are found in a generator's container, the jurisdiction shall contact or provide written notice to the generator, which may be left on the container, and shall include information on the requirements to properly separate materials. (2) If contaminants are found in the green or blue container, the contents may be disposed. (3) If contaminants are found on more than three consecutive occasions, the jurisdiction may impose additional contamination processing fees and may impose penalties.

18984.5. (c) If a solid waste facility operator informs a jurisdiction that a hauler's containers has prohibited contaminants, the jurisdiction shall physically inspect containers along the route(s) that the contaminants came from to determine the source(s) and provide written notification to the generator, including information regarding the proper separation of materials.

18984.5. (d) If the jurisdiction designates container contamination monitoring requirements to a designee, and the designee observes container contaminants, the designee shall inform the jurisdiction in writing, each month, with the address of the generator and the date the contamination was observed.

18984.7. Container Color Requirements. (a) A jurisdiction shall provide collection containers to generators that comply with the container color requirements. (b) A jurisdiction is not required to replace functional containers or lids that do not comply with the color requirement prior to the end of their useful life or January 1, 3032, whichever comes first.

18984.8. Container Labeling Requirements. (a) Commencing January 1, 2022, a jurisdiction shall place and maintain a label on each new container or lid provided to generators, consistent with the applicable container collection requirements and limitations, specifying what materials are allowed in each container.

#### **Waivers and Exemptions**

18984.11. Waivers and Exemptions Granted by a Jurisdiction. (a) A jurisdiction may grant one or more of the following types of waivers:

- (1) A De Minimis Waiver if the total solid waste collection service is two cubic yards or more per week and the organic waste is less than 20 gallons per week of the total waste or the total solid waste collection service is less than two cubic yards per week and the organic waste is less than 10 gallons per week of the total waste, which must be verified annually.
- (2) A physical space waiver if there is documentation or evidence that its premises lack adequate space for separate organic waste containers.
- (3) A collection frequency waiver to any generator that subscribes to a 3 or 2 container organic waste collection service to arrange for a service that collects waste not placed in the green container once every fourteen days provided it is approved by the solid waste Local Enforcement Agency (LEA) and will not result in the propagation of vectors or other public health, safety, or nuisance issues.

18984.12. Waivers and Exemptions Granted by the Department. (a) Low Population Waiver. An incorporated city that disposed of less than 5,000 tons of solid waste in 2014 and that has a total population of less than 5,000 people or a county with census tracts that have a population density of less than 50 people per square mile may apply to CalRecycle for a low population waiver as specified in this section. The waiver shall be good for a period of up to two years.



18984.12. (c) Rural Exemptions. The Department shall grant an exemption from complying with the organic waste collection requirements until January 1, 2025, for jurisdictions that meet the definition of a "Rural Jurisdiction" under the AB 1826 mandatory commercial organics recycling (counties with a population less than 70,000) if the jurisdiction adopts a resolution that includes a finding as to the purpose of and need for the exemption.

18984.13. Emergency Circumstances. (a) Emergency Processing Facility Temporary Equipment or Operational Failure Waivers. If a facility processing a jurisdiction's organic waste notifies the jurisdiction that operational restriction have been imposed on it by a regulatory agency or that a temporary equipment or operational failure will prevent the facility from processing, the jurisdiction may allow the organic waste stream to be deposited in a landfill for up to 90 days from the date of the restriction or failure. The jurisdiction shall notify the Department within 10 days of the waiver decision and shall include the period that the jurisdiction has allow the organic waste stream to be deposited in a landfill.

18984.13. (b) Disasters and emergency waivers: (1) A jurisdiction may submit a request for a waiver for the disposal of "disaster debris" that cannot be diverted that are subject of a disaster. (2) A jurisdiction may dispose of sediment debris removed from dams, culverts, reservoirs, channels and other flood control infrastructure if the material is subject to a waste discharge requirement issued by the regional water quality control board that requires the average organic content of the debris to be less than five percent.

#### **Article 4. Education and Outreach**

18985.1. Organic Waste Recovery Education and Outreach. Prior to February 1, 2022 and annually thereafter, a jurisdiction shall provide specific information to organic waste generators on the proper segregation for the type of collection service provided, methods for prevention and recycling, methane reduction benefits, public health, safety and environmental impacts, through print or electronic media or direct contact through workshops, meetings, or on-site visits.

18985.1. (e) A jurisdiction may comply with the requirements through its haulers.

18985.1. (f) If more than 5% of a jurisdictions' generators are limited English speaking households or linguistically isolated, the information shall be provided in a language that will assure the information is understood.

18985.2. Edible Food Recovery Education and Outreach. (a) Prior to February 1, 2022, a jurisdiction shall develop and maintain a list of food recovery organizations and services operating within the jurisdiction and maintain the list on the jurisdiction's website.

18985.2. (b) At least annually a jurisdiction shall provide commercial businesses that generate edible food with information about the jurisdiction's edible food recovery collection program, about commercial edible food generators requirements, and about food recovery organization and services operating within the jurisdiction.

#### **Article 7. Regulations of Haulers**

18988.1. Jurisdiction Approval Haulers and Self-Haulers. (a) A jurisdiction shall require haulers to meet the requirements and standards and to identify the facilities to which they will transport the organic waste as a condition of approval to collect organic waste.

18988.1. (b) If a jurisdiction allows generators to self-haul organic waste, it shall adopt an enforceable mechanism that requires compliance with the requirements for self-haulers.

**Article 8. CalGreen Building Standards**

18989.1. CalGreen Building Codes. A jurisdiction shall adopt an enforceable requirement that requires compliance with the CalGreen Building Standards Code pertaining to recycling by residential and non-residential.

**Article 9. Locally Adopted Standards and Polices**

18990.1. Organic Waste Recovery Standards and Policies. (b) A jurisdiction shall not implement or enforce an ordinance, policy, procedure, permit condition, or initiative that prohibits processing organic waste; limit a particular solid waste facility, operation, property, or activity from accepting organic waste imported from outside the jurisdiction for processing or recovery; require a generator or hauler to transport organic waste to a solid waste facility that does not process or recover organic waste; require a generator to use an organic waste collection service that do not recover at least the same types of organic waste recovered by a service the generator previously had in place.

18990.2. Edible Food Recovery Standards and Policies. (a) A jurisdiction shall not prohibit the ability of a generator or food recovery organization to recover edible food that could be recovered for human consumption.

18990.2. (c) The provisions of the California Good Samaritan Act of 2017 apply.

18990.2 (d) An edible food recovery service or organization may refuse to accept edible food from a generator.

**Article 10. Jurisdiction Edible Food Recovery Programs, Food Generators, and Food Recovery**

18991.1 Jurisdiction Edible Food Recovery Program (a) A jurisdiction shall implement an edible food recovery program that shall educate commercial edible food generators as set forth in section 18985.2, increase edible food generators access to edible food recovery organizations and recovery services, monitor commercial edible food generators compliance, and increase edible food recovery capacity if the jurisdiction does not have sufficient capacity to meet it recovery needs.

18991.1 (b) A jurisdiction may fund the actions taken to comply with this section through franchise fees, local assessments, or other funding mechanisms.

**Article 11. Organic Waste Capacity Planning**

18992.1. Organic Waste Recycling Capacity Planning. (a) Counties, in coordination with cities and regional agencies shall estimate the amount f all organic waste in tons that will be disposed by the county and cities, identify the amount in tons of existing organic waste recycling infrastructure capacity both in county and outside of the county that is verifiably available to the county and jurisdiction within the county, and estimate the amount of new or expanded organic waste facility capacity that will be needed to process the organic waste identified.

18992.1. (b) Cities and regional agencies shall respond to a counties request for information within 120 days of the request.

18992.1. (c) The county shall consult with the EA and local task force on the status of locations for new or expanded solid waste facilities; haulers and owner of facilities, operations, and activities that recover organic waste, POTWs, and community composting operators to gather information on the existing capacity and potential new or expanded capacity at those facilities.

18992.1. (c)(3) The county shall conduct community outreach regarding locations being considered for new or expanded facilities to seek feedback on the benefits and impacts that may be associated with the new or expanded facilities, including communication with disadvantaged communities and “Limited English-Speaking Households” or “linguistically isolated” households.

18992.1. (d) If a county determines that additional organic waste capacity is needed, the county shall notify the jurisdiction(s) that lack sufficient capacity that each jurisdiction is required to submit an implementation schedule to the Department that demonstrates how it will ensure there is enough new or expanded capacity to recover the organic waste generated within the jurisdiction by the end of the report period, that includes timelines and milestones for planning efforts to access facilities, including obtaining funding and identification of new or expanded facilities.

18992.1. (d)(3) The county shall notify the jurisdiction at the same time it submits the report to the Department.

18992.3. Schedule for Reporting. (a) Counties shall conduct the planning requirements and report to CalRecycle on the following schedule:

- (1) February 1, 2022 for the period covering January 1, 2022 through December 31, 2024.
- (2) August 1, 2024 for the period covering January 1, 2025 through December 31, 2034.
- (3) August 1, 2029 for the period covering January 1, 2030 through December 31, 2039.
- (4) August 1, 2034 for the period covering January 1, 2035 through December 31, 2044.

## **Article 12. Procurement of Recovered Organic Waste Products**

18993.1. Recovered Organic Waste Product Procurement Target. (a) A jurisdiction shall annually procure a quantity of ORGANIC WASTE products that meets or exceeds its current annual recovered organic waste product procurement target as determined by the Department.

18993.1. (b) Annually the Department shall assign the annual recovered organic waste product procurement target for each jurisdiction, calculated by multiplying the per capita procurement target (=0.07 tons of organic waste per CA resident per year) by the jurisdiction’s population.

18993.1. (e) A jurisdiction shall comply by direct procurement of recovered organic waste products or requiring that a direct service provider procure organic waste products.

18993.1. (f) and (g) Recovered organic waste products are:

- (1) Compost (one ton of organic waste in a recovered organic waste product procurement target shall constitute 0.58 tons of compost)
- (2) Renewable transportation fuel (one ton of organic waste in a recovered organic waste product procurement target shall constitute 19 diesel gallon equivalents, or DGE, of renewable transportation fuel.)

18993.1. (h) If a jurisdiction exceeds its annual procurement requirement with renewable transportation fuel from the previous year, the excess can be applied to the current year requirement.

18993.3. Recycled Content Paper Procurement Requirements. (b) Commencing January 1, 2022, at least 75% of a jurisdiction's annual purchase of paper products and printing and writing paper shall be recycled content paper.

18993.3. (c) A jurisdiction shall require all businesses from whom it purchases paper products and printing and writing paper to certify the minimum or exact percentage of postconsumer material in the products offered.

#### **Article 14. Enforcement Requirements**

18995.1. Jurisdiction Inspection and Enforcement Requirements. (a) By January 1, 2022, a jurisdiction shall have an inspection and enforcement program that includes by January 31, 2022, and annually thereafter:

- (1) Complete a compliance review of all garbage accounts for commercial businesses and conduct route reviews of commercial businesses and residential areas for container contamination for the 2 and 3 bin system, documentation of businesses transporting to a high diversion organic waste processing facility for single containers, and self-haulers.
- (2) Conduct inspections of Tier One commercial edible food generators and food recovery organizations. On or after January 1, 2024, conduct inspections of Tier Two commercial edible food generators.
- (3) Conduct inspections, route reviews, or compliance reviews when investigating a complaint.

18995.1. (b) A jurisdiction shall conduct a sufficient number of compliance reviews, route reviews, and inspections to ensure compliance.

18995.1. (c) A jurisdiction shall generate a written report for each inspection, route review, and compliance review conducted that includes the name or account name of each person or entity, a description of the routes and addresses covered by a route review, and a list of accounts reviewed for each compliance review; the date or dates of the action; the person or persons who conducted the action, the jurisdiction's findings; any supporting evidence or findings; the review records shall include locations of the route review, the source of contamination, photographs, and notice or education material given to generator.

18995.1. (e) A jurisdiction may have a designee conduct inspections required by this section.

18995.3. Jurisdiction Investigation of Complaints of Alleged Violations. (a) Any person or the Department may file a complaint including the name and contact information of the complainant, the identity of the entity allegedly in violation, the location and description of the violation, and all known facts relevant to the alleged violation.

18995.3. (b) the jurisdiction shall ensure the name and contact information of the complainant remain confidential.

18995.3. (d-f) The jurisdiction shall within 90 days investigate the complaint, provide a method for a complainant to find out the results of the complaint, and shall maintain records of all complaints and responses.

18995.3. (g) if the jurisdiction determines a violation has occurred, it shall take enforcement action as required.

18995.4. Enforcement by a Jurisdiction. (a) If an entity has been found in violation, the jurisdiction shall take enforcement action, as follow:

- (1) Issue a Notice of Violation (NOV) within 60 days.
- (2) Conduct follow-up inspections at least every 90 days until compliance is achieved or a penalty has been issued.
- (3) Commence actions to impose a penalty within 150 days after the issuance of the NOV for a first violation and 90 days after any subsequent violation.

18995.4. (b) A jurisdiction may grant extensions to the compliance deadlines if it finds the entity has made an effort and there are circumstances outside its control (acts of god) or due to limitations in infrastructure and the jurisdiction is under a Corrective Action Plan (CAP).

18995.4. (d) A jurisdiction may seek penalties for a violation of the container contamination requirement.

#### **Article 16. Administrative Civil Penalties for Violations of Requirements of the Chapter**

18997.1. Scope. (b) A jurisdiction shall adopt ordinance(s) or enforceable mechanisms that are equivalent or stricter than those amounts of this chapter.

18997.2. Penalty Amounts. A jurisdiction shall impose penalties that are equivalent or stricter than those in Table 1 (page 38) (b) for a first violation, \$50-100 per violation, per day; for a second violation, \$100-200 per violation, per day; and for all subsequent violation, \$250-500 per violation, per day.

(See pages 38-40 for the specific description of violations and levels of violations.)

18997.1. Scope. (a) The Department may impose administrative civil penalties.

18997.3. Department Penalty Amounts. (a) Penalties shall be imposed administratively using the penalty tables (b) for level 4, \$500-2,500 per violation, per day; for level 5, \$1,000-5,000 per violation, per day; and for all subsequent violation, \$5,000-10,000 per violation, per day.

(See pages 41-48 for the specific description of violations and levels of violations.)

### **Implementation Record (IR) and Recordkeeping Requirements**

#### **General Provisions**

18981.2. General Provisions. (d) A jurisdiction shall include copies of all agreements and contracts with public and private entities it uses to fulfill its responsibilities.

#### **Article 3. Organic Waste Collection Services**

18984.4. Recordkeeping Requirement for Compliance with Organics Collection. (a) A jurisdiction is required to include documentation of which collection method(s) it will use and the geographical area for each collection method. If the jurisdiction uses a service that requires the use of a high diversion organic waste processing facility, it shall list all the HDOWP facilities used and their quarterly and annual

average mixed waste organic content recovery rates, a list of all approved haulers, and the geographical areas the hauler(s) serve.

18984.6. Container Contamination Minimization. (a) A jurisdiction is required to provide a description of the jurisdiction's process for determining the level of container contamination and documentation of the random route reviews for each collection date conducted; copies of all written notices, violations, education and enforcement actions issued to generators; and documentation of notifications from solid waste facility operators of contaminated loads, and documentation of subsequent follow-up.

18984.11. Waivers and Exemptions Granted by a Jurisdiction. (a) (1) (B) A jurisdiction shall verify de minimis waivers annually.

18984.14. Waivers and Exemptions. (a) A jurisdiction shall include all correspondence received from a facility that triggered a processing facility temporary equipment or operational failure waiver, the timeframe for the waiver, and location or routes affected by the waiver; description of the jurisdiction's process for issuing waivers and frequency of inspection to verify the validity of the waivers; all de minimis waivers, physical space, and collection frequency waivers, including the location, date issued, and name of generators.

#### **Article 4. Education and Outreach**

18985.3. Compliance with Education and Outreach Requirements. A jurisdiction shall include all relevant documents supporting its compliance including copies of the media information provided to comply; dates, type of media, and to whom the information was disseminated; and copies of materials distributed by any designee.

#### **Article 7. Regulation of Haulers**

18988.4. Recordkeeping Requirements for Compliance with Jurisdiction Hauler Program. (a) A jurisdiction shall include all relevant documents supporting its compliance including copies of ordinances, contracts, agreements, policies, procedures, or programs; description of the hauler program including type of hauler systems used, type and conditions of approvals per type of hauler, and criteria for approvals, denials, and revocations; the jurisdiction's process for issuing, revoking, and denying self-hauling and back-hauling; and records of hauler compliance including copies of reports required by haulers and self-haulers, and copies of all written approvals, denials, and revocations.

18988.4. (b) All records shall include the date of action, the name of the hauler, and the type of the action taken by the jurisdiction.

#### **Article 10. Jurisdiction Edible Food Recovery Programs, Food Generators, and Food Recovery**

18991.2. Recordkeeping Requirements for Jurisdiction Edible Food Recovery Program. A jurisdiction shall include all relevant documents supporting its compliance including copies of a list of commercial edible food generators in the jurisdiction that have arrangements with edible food recovery organization or services, a list of edible food recovery organizations in the jurisdiction and their edible food recovery capacity, and documentation of the actions the jurisdiction has taken to increase edible food recovery capacity.

#### **Article 12. Procurement of Recovered Organic Waste Products**

18993.2. Record Keeping Requirements for Recovered Organic Waste Procurement Target. A jurisdiction shall include all documents supporting its compliance including a description of how the jurisdiction will

comply; the name physical location, and contact information of the entity from whom the recovered products were procured; all records evidencing all procurement; all records of procurements made by direct service providers on behalf of the jurisdiction; and if applicable, a written certification by an authorized representative of a POTW of the tons of landfill-diverted organic waste processed into renewable gas provided to the jurisdiction.

18993.4. Recordkeeping Requirement for Recycled Content Paper Procurement. A jurisdiction shall include all documents supporting its compliance including copies of invoices and receipts for all paper purchases and copies of all certification or verifications required.

#### **Article 14. Enforcement Requirements**

18995.2. Implementation Record and Recordkeeping Requirements (Enforcement). A jurisdiction shall maintain the Implementation Record that shall be stored in one central location, physical or electronic, that can be readily accessed by the Department and provide a point of contact person to facilitate review of the records; shall provide access to the IR within one business day; include all records and information from each reporting period, within 30 days of the last day of the reporting period; and be retained by the jurisdiction for five years.

18995.2. (f) At a minimum, the IR shall include a copy of all enforceable mechanisms; a copy of the jurisdiction's inspection and enforcement program, all organic waste collection service records, all contamination minimization records, all waiver and exemption records, all education and outreach records, all hauler program records, all jurisdiction edible food recover program records, all recovered organic waste procurement target records, all recycled content paper procurement records, all inspection, rout review, an compliance review reports, all records of enforcement action, all records of complaints and investigation of complaints and compliance with the jurisdiction's inspection and enforcement requirement.

#### **Reporting Requirements**

##### **Article 13. Reporting**

18994.1. Initial Jurisdiction Compliance Report. Each jurisdiction shall report to the Department by February 1, 2022 on its implementation and compliance with the requirements of this chapter including a copy of enforceable mechanisms adopted to implement the requirements, the date the jurisdiction will ensure that all containers used by generators will be in compliance with the container color requirements, and all reporting items listed in section 18994.2.

18994.2. Jurisdiction Annual Reporting. (a) Commencing August 1, 2022 and annually thereafter a jurisdiction shall submit an annual report. The first report shall cover the period of January 1, 2022 – June 30, 2022. Each subsequent report shall cover the entire previous year.

Each jurisdiction shall report:

(a) Relative to the organic waste collection services: the type of organic waste collection services provided to its generators, the total number of generators receiving each type of organic waste collection service, and the RDRS Number of any high diversion organic waste processing facility it uses.

(b) Relative to contamination monitoring: the number of route reviews conducted for container contaminants; the number of times notices, violations, or targeted education material were issued; the

number of notifications received from a solid waste facility operator regarding container contaminants received at the facility.

(c) Relative to waivers: the number of days an emergency circumstances waiver in effect and the type of waiver issued, the tons of organic waste that were disposed as a result of waivers, the number of generators issued a physical space waiver, the number of generators waived by the department from the requirements of organic waste collection service.

(d) Regarding education and outreach: the number of organic waste generators and edible food generators that received information and the type of education and outreach use and the number of limited English speaking and linguistically isolated households that received information.

(e) Regarding the hauler oversight requirements: the number of haulers approved to collect organic waste, the RSRS number of each facility that is receiving organic waste from haulers, the number of haulers that have had their approval revoked or denied, the number of self-haulers approved to operate within the jurisdiction and the total amount, in tons, of source separated organic waste that we self-hauled by organic waste generator and reported to the jurisdiction.

(f) Regarding the Cal-Green Building Standards: the number of Construction and Demolition removal activities conducted.

(g) Regarding the edible food recovery: the number of commercial edible food generators, the number of food recovery services and organizations that collect or receive 6 tons or more of edible food per year, and the total amount of edible food recovered by edible food recovery organizations and services.

(h) Regarding the organic waste recycling capacity planning and edible food recovery capacity planning: the tons estimated to be generated for disposal, the amount of capacity verifiably available to the county and jurisdictions within the county, the amount of new capacity needed, the location identified for new or expanded facilities, and the jurisdictions that are required to submit implementation schedules.

(i) Regarding the procurement requirements: the volume of each recovered organic waste product procured directly or through direct service providers by the county or cities during the prior calendar year, the total dollar amount spent on all paper purchases, the total dollar amount spent on all recycled content paper purchases, the total volume of transportation fuel and renewable transportation fuel procured from the previous year if the jurisdiction procures a reduced amount pursuant to section 189331(h), and additional procurement opportunities identified within the jurisdiction's departments.

(j) Regarding compliance, monitoring, and enforcement: per calendar year, the number of commercial businesses subject to compliance reviews and the number of violations found and corrected; the number of route reviews conducted; the number of inspections conducted by type for commercial edible food generators, food recovery organizations, and commercial businesses; the number of complaints received, investigated, and violations found; and the number of NoVs and penalties issued by type of entity, and the number of entities by type that came into compliance.





## Generators

### Title 14: Natural Resources

Division 7. Department of Resources Recycling and Recovery

### Chapter 12: Short-Lived Climate Pollutants

#### Article 3. Organic Waste Collection Service

18984.9. Organic Waste Generator Requirements. (a) Organic waste generators shall subscribe to the organic waste collection service provided by the jurisdiction or self-haul organic waste to a to a facility that processes source separated organic waste.

18984.9. (b) Commercial businesses shall provide containers for the collection of organic waste and non-organic recyclables in all areas where disposal containers are provided for customers, except for restrooms; prohibit employees from placing organic waste in wrong containers; and periodically inspect organic waste containers for contamination and inform employees if contamination is found and of proper disposal requirements.

#### Property and Business Owners Responsibilities

#### Article 3. Organic Waste Collection Service

18984.10. Property and Business Owners Responsibilities. Property owners and business owners shall provide or arrange for organic waste collection services for employees, contractors, tenants, and customers; shall annually provide information to employees, contractors, tenants, and customers about organic waste recovery and proper sorting of organic waste; provide information to new tenants upon occupation of the premises; and provide or arrange for access to their properties during all inspections.

#### Non-Local Entities

#### Article 5. Generators of Organic Waste

18986.1. Non-Local Entities Requirements. Non-local entities shall comply with the requirements of this chapter by subscribing to and complying with the requirements of an organic waste collection service or self-hauling to a facility that processes source separated organic waste; provide containers for the organic waste and non-organic recyclables in all areas where disposal containers are located; prohibit employees from contamination; periodically inspect containers for contamination and inform employees if contaminated; and provide information to employees on organic waste prevention.

18986.3. Waivers for Non-Local entities and Local Education Agencies. The Department shall waive a non-local entity's or local education agency's obligation to comply with organic waste collection service requirements if it meets the de minimis or space waiver specifications of 18984.11 or it is located in a jurisdiction that has been granted a department waiver pursuant to 18984.12.

#### Article 15. Enforcement Oversight by the Department

18996.6. Department Inspections and Compliance Reviews of State Agencies and Facilities. If the Department finds that a state agency or facility is violating these provisions, the Department may issue a NOV requiring compliance within 90 days and may grant an additional 180-day extension if evidence is provided that additional time is needed.

18996.6. (4) If the Department finds a state agency or state facility fails to comply with the Notice of Violation (NOV), the Department may take the following enforcement actions: list the state agency or

facility on the Organic Waste Recovery Noncompliance Inventory, request that the Department of General Service (DGS) conduct an audit, notify the Governor, and notify the legislature.

### **Local Education Agencies**

#### **Article 5. Generators of Organic Waste**

18986.2. Local Education Agencies Requirements. Local education agencies shall comply with the requirements of this chapter by subscribing to and complying with the requirements of an organic waste collection service or self-hauling to a facility that processes source separated organic waste; provide containers for the organic waste and non-organic recyclables in all areas where disposal containers are located; and provide information to employees and students on organic waste prevention.

18986.2. (d) nothing prohibits a local education agency from preventing waste generation, managing organic waste on site, using a community composting site.

18986.3. Waivers for Non-Local entities and Local Education Agencies. The Department shall waive a non-local entity's or local education agency's obligation to comply with organic waste collection service requirements if it meets the de minimis or space waiver specifications of 18984.11 or it is located in a jurisdiction that has been granted a department waiver pursuant to 18984.12.

#### **Article 9. Locally adopted Standards and Policies**

18990.2. Edible Food Recovery Standards and Policies. (b) A local education agency shall not prohibit share tables or adhere to food safety standards not specified in the Health and Safety Code.

#### **Article 15. Enforcement Oversight by the Department**

18996.6. Department Inspections and Compliance Reviews of State Agencies and Facilities. If the Department finds that a state agency or facility is violating these provisions, the Department may issue a NOV requiring compliance within 90 days and may grant an additional 180-day extension if evidence is provided that additional time is needed.

18996.6. (4) If the Department finds a state agency or state facility fails to comply with the NOV, the Department may take the following enforcement actions: list the state agency or facility on the Organic Waste Recovery Noncompliance Inventory, request that the Department of General Service (DGS) conduct an audit, notify the Governor, and notify the legislature.

### **Publicly Owned Treatment Works (POTW)**

#### **Article 6. Biosolids Generated at a POTW**

18987.1. Biosolids Generation a POTW (a) A POTW generating biosolids is not subject to the generator, diversion and measurement, or record keeping and reporting requirements of this chapter.

18987.1. (b) Material received at a POTW that it is not allowed to accept shall be deemed to constitute landfill disposal.

### **Edible Food Generators**

#### **Article 10. Jurisdiction Edible Food Recovery Programs, Food Generators, and Food Recovery**

18991.3. Commercial Edible Food generators. (a) Tier One commercial edible food generators shall comply with the requirements commencing January 1, 2022. Tier Two commercial edible food generators shall comply with the requirements commencing January 1, 2024.

18991.3. (b) Commercial edible food generators shall arrange to recover edible food that would otherwise be disposed in a manner that is appropriate for that business through contracting with food recovery services or organizations that will collect the food for recovery or self-hauling edible food to a food recovery organization that will accept the food for recovery.

18991.3. (b)(3) A large venue or event operator that does not provide food services, but allows for food to be provided, shall require food facilities operation at the event to comply with the requirements of this section.

18991.3. (c) An edible food generator shall not intentionally spoil edible food that is capable of being recovered.

18991.4. Recordkeeping Requirements for Commercial Edible Food Generators. A commercial edible food generator subject to these requirements shall keep that includes a list of each food recovery service or organization that collects or receives its edible food, a copy of documents between the edible food generator and a food recovery service or organization with the name address and contact information of the service or organization, the types of food that is collected by or transported to the service or organization, the established frequency that food is collect or transported, and the quantity measured in pounds per month of food collected or transported to a service or organization.

18991.5. Edible Food Recovery Services Organizations. A food recovery organization or service that collects or receives 6 tons or more of edible food from edible food generators per year shall maintain a record that includes the name, address and contact information for each edible food generator that it collects or receives food from, the quantity in pounds of edible food collected from each generator per month, the quantity in pounds of edible food transported to each recovery organization per month, the total number of meals served per month if applicable, and for a food recovery service, the name address, and contact information for each food recovery organization that the service transports food for recovery.

## Haulers

### **Title 14: Natural Resources**

Division 7. Department of Resources Recycling and Recovery

### **Chapter 12: Short-Lived Climate Pollutants**

#### **General Provisions**

18981.2. Implementation Requirements on Jurisdictions. (a) By January 1, 2022, a jurisdiction shall adopt an enforceable mechanism to mandate that organic waste generators, haulers, and other entities under its jurisdiction comply with the requirements of this chapter.

18981.2. (b) A jurisdiction may designate a public or private entity to fulfill its responsibilities under this chapter. A designation shall be made through any one or more of the following: (1) Contracts with haulers or other private entities; or, (2) Agreements.

#### **Article 3. Organic Waste Collection Service (see pages 3 and 4 for specific container requirements)**

18984.5. Container Contamination Minimization. (a) and (b) A jurisdiction shall monitor the 3 and 2 container collection service to minimize contaminants by conducting route reviews for prohibited contaminants on randomly selected containers, with all collection routes being reviewed quarterly.

18984.5. (b)(1) If contaminants are found in a generator's container, the jurisdiction shall contact or provide written notice to the generator, which may be left on the container, and shall include information on the requirements to properly separate materials. (2) If contaminants are found in the green or blue container, the contents may be disposed. (3) If contaminants are found on more than three consecutive occasions, the jurisdiction may impose additional contamination processing fees and may impose penalties.

18984.5. (c) If a solid waste facility operator informs a jurisdiction that a hauler's containers has prohibited contaminants, the jurisdiction shall physically inspect containers along the route(s) that the contaminants came from to determine the source(s) and provide written notification to the generator, including information regarding the proper separation of materials.

18984.5. (d) If the jurisdiction designates container contamination monitoring requirements to a designee, and the designee observes container contaminants, the designee shall inform the jurisdiction in writing, each month, with the address of the generator and the date the contamination was observed.

#### **Article 4. Education and Outreach**

18985.1. Organic Waste Recovery Education and Outreach. (e) A jurisdiction may comply with the requirements through its haulers.

18985.1. (a-c) Prior to February 1, 2022 and annually thereafter, a jurisdiction shall provide specific information to organic waste generators on the proper segregation for the type of collection service provided, methods for prevention and recycling, methane reduction benefits, public health, safety and environmental impacts, through print or electronic media or direct contact through workshops, meetings, or on-site visits.

18985.1. (f) If more than 5% of a jurisdiction's generators are limited English speaking households or linguistically isolated, the information shall be provided in a language that will assure the information is understood.

#### **Article 7. Regulations of Haulers**

18988.1. Jurisdiction Approval of Haulers and Self-haulers. (a) Haulers are required to meet the requirements and standards of this chapter, including Article 3, Organic Waste Collection Services, as a condition to collect organic waste.

18988.1. (a)(2) Haulers shall identify the facilities to which they will transport organic waste as a requirement for approval.

18988.2. Organic Waste Hauler Requirements. (a) A hauler providing organic waste collection services shall transport the organic waste to a facility, operation, activity or property that recovers organic waste, obtain approval issued by the jurisdiction, and keep a record of the jurisdictional approval.

18988.2. (c) This section is not applicable to transporting source separated organic waste to a community composting site or transporting construction and demolition debris.

#### **Article 14. Enforcement Requirements**

18995.1. Jurisdiction Inspection and Enforcement Requirements. (e) A jurisdiction may have a designee conduct inspections required by this section.

18995.1. (a) By January 1, 2022, a jurisdiction shall have an inspection and enforcement program that includes by January 31, 2022, and annually thereafter:

- (1) Complete a compliance review of all garbage accounts for commercial businesses and conduct route reviews of commercial businesses and residential areas for container contamination for the 2 and 3 bin system, documentation of businesses transporting to a high diversion organic waste processing facility for single containers, and self-haulers.
- (2) Conduct inspections of Tier One commercial edible food generators and food recovery organizations. On or after January 1, 2024, conduct inspections of Tier Two commercial edible food generators.
- (3) Conduct inspections, route reviews, or compliance reviews when investigating a complaint.

18995.1. (b) A jurisdiction shall conduct a sufficient number of compliance reviews, route reviews, and inspections to ensure compliance.

18995.1. (c) A jurisdiction shall generate a written report for each inspection, route review, and compliance review conducted that includes the name or account name of each person or entity, a description of the routes and addresses covered by a route review, and a list of accounts reviewed for each compliance review; the date or dates of the action; the person or persons who conducted the action, the jurisdiction's findings; any supporting evidence or findings; the review records shall include locations of the route review, the source of contamination, photographs, and notice or education material given to generator.

18995.3. Jurisdiction Investigation of Complaints of Alleged Violations. (a) Any person or the Department may file a complaint including the name and contact information of the complainant, the

identity of the entity allegedly in violation, the location and description of the violation, and all known facts relevant to the alleged violation.

18995.3. (b) The jurisdiction shall ensure the name and contact information of the complainant remain confidential.

18995.3. (d-f) The jurisdiction shall within 90 days investigate the complaint, provide a method for a complainant to find out the results of the complaint, and shall maintain records of all complaints and responses.

18995.3. (g) if the jurisdiction determines a violation has occurred, it shall take enforcement action as required.

## **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 (AB 901 requirements)**

18815.4. Reporting Requirements for Haulers. (f) Commencing January 1, 2022, a hauler providing organic waste collection service shall identify for all materials delivered to each receiving reporting entity whether the material is collected from a source separated or a mixed waste organic waste collection stream.

### **Self-Haulers**

#### **Article 7. Regulations of Haulers**

18988.3. Self-Haulers of Organic Waste. (b) If a jurisdiction allows self-hauling, the generator shall source separate organic waste consistent with these requirements and haul to a solid waste facility, operation, activity, or property that processes or recovers source separated organic waste.

18988.3. (b)(3) Generators shall keep a record of the amount of organic waste delivered to each facility, including delivery receipts and weight tickets (if the entity has scales), indicate the amount of material in cubic yards or tons transported by the generator to each entity, and annually report the total amount of source separated organic waste in tons that was self-hauled and the location or address of each entity that accepted the organic waste from the generator.

18988.3. (b)(4) A self-hauler shall annually report to the jurisdiction the total amount of organic waste in tons that was self-hauled and the location or address of each entity that accepted self-hauled waste from the generator.

18988.3. (b)(5) A residential organic waste generator that self-hauls organic waste is not required to record or report the above information.

18988.3. (c) A self-haul generator located in a jurisdiction or area that received a waiver is not required to comply with the requirements of this section.

## Transfer/Processing Operations and Facilities

### Title 14: Natural Resources

Division 7. Department of Resources Recycling and Recovery

### Chapter 3: Minimum Standards for Solid Waste Handling and Disposal

#### Article 6.2. Operating Standards

17409.5.7. Loadchecking – Contamination in Source Separated Organic Waste. (a) The operator of operation or facility shall conduct one visual loadcheck for every 500 tons SSO received, with at least one random loadcheck per day for each source sector, and report loads with contamination to the jurisdiction. If the operator receives less than 500 tons for the day, a minimum of two loadchecks shall be conducted.

17409.5.7. (b) The operator shall maintain records of rejected or redirected loads, loads with contamination, notices to the jurisdictions, and the training of personnel in evaluating the amount of contamination.

17409.5.7 (c) The EA may approve an alternate frequency if conditions are met.

17409.5.1. Organic Waste Recovery Efficiency (a) This section applies to transfer and processing facilities and operations that conduct processing activities.

17409.5.1. (b) For purposes of compliance with the reporting requirements and demonstrating that a facility is a “high diversion processing facility” that meets or exceeds an annual average mixed waste organic content recovery rate of 50 percent by 2022 and 75 percent by 2025, (c) the operator shall:

- (1) Determine the sum of outgoing weights of organic waste recovered from the mixed waste organic collection stream by adding together all weights pursuant to 17409.5.2(b)(6) for each operating day for the quarterly period.
- (2) Determine the quarterly sum of outgoing weights of organic waste removed from the waste stream that is measured pursuant to 17409.5.3(b)(5) for each operating day for the quarterly period.
- (3) Report the quarterly sums to the Department.

17409.5.1. (d), the operator shall also:

- (1) Determine the quarterly sum of outgoing weights of organic waste recovered from the source separated collection stream by adding together all weights determined pursuant to 17409.5.4(b)(6) for each operating day of the quarterly period.
- (2) Determine the quarterly sum of outgoing weights of organic waste removed from the source separated collection stream by adding together all weights determined pursuant to 17409.5.4(b)(5) for each operating day of the quarterly period.
- (3) Report the quarterly sums to the Department.

17409.5.1. (e), the operator shall maintain records of compliance.

17409.5.2. Measuring Organic Waste Recovered from Mixed Waste Organic Collection Stream (a) Each operating day, the operator shall measure the amount by weight of organic waste separated from the mixed waste organic collection stream after processing for end-use, recovery, or further processing, (b) by using the following protocol:



- (1) Take at least one cubic yard sample from each of the organic waste type separated after processing, representative of a typical operating day and taken either from various times of the day or from various locations within each pile of each of the organic waste types separated after processing, prior to sending to its destination.
- (2) Determine the weight of each sample from each organic waste type.
- (3) Remove any incompatible material and determine the remaining weight of organic waste for each sample.
- (4) Determine a ratio for each type of organic waste by dividing the totals from (b)(3) by the totals of (b)(2).
- (5) Multiply the ratio for each type of organic waste by the total weight of all of the same type of organic waste separated after processing for its destination.
- (6) Determine the total weight of organic waste separated from the mixed waste organic collection stream by adding the sum of all the weights calculate in (b)(5).

17409.5.2. (c)(d) The operator shall conduct a measurement in the presence of the EA when requested and the EA may require the operator to increase the frequency of measurements and/or revise the protocol to improve accuracy.

17409.5.2. (e) If the operator sends any material to a POTW that the POTW is not authorized to receive, that material shall be deemed landfill disposal.

**17409.5.3. Measuring Organic Waste in Residuals Removed from Mixed Waste Organic Collection Stream**

(a) Each operating day, the operator shall measure the amount by weight of organic waste present in the residuals removed from the mixed waste organic collection stream after processing that is sent to disposal, (b) by using the following protocol:

- (1) Take at least one cubic yard sample of the residuals removed from the mixed waste stream, representative of a typical operating day and taken either from various times of the day or from various locations within the pile after processing.
- (2) Determine the total weight of the sample.
- (3) Remove any incompatible material and determine the remaining weight of organic waste in the sample.
- (4) Determine the ratio of the organic waste in the residuals by dividing the total from (b)(3) by the total from (b)(2).
- (5) Determine the total weight of organic waste removed from the mixed waste organic collection stream that is sent for disposal by multiplying the ratio determined in (b)(4) by the total weight of the residuals removed from the stream after processing.

17409.5.3. (c)(d) The operator shall conduct a measurement in the presence of the EA when requested and the EA may require the operator to increase the frequency of measurements and/or revise the protocol to improve accuracy.

17409.5.3. (e) The operator shall maintain records of measurements and the training of personnel in evaluation the amount of organic waste in the residual material.

**17409.5.4. Measuring Organic Waste Recovered from Source Separated Organic Waste** (a) Each operating day, the operator shall measure the amount by weight of organic waste separated from the source separated organic waste collection stream after processing for end-use, recovery, or further processing, (b) by using the following protocol:

- (1) Take at least one cubic yard sample from each of the organic waste type separated after processing, representative of a typical operating day and taken either from various times of the day or from various locations within each pile of each of the organic waste types separated after processing, prior to sending to its destination.
- (2) Determine the weight of each sample from each organic waste type.
- (3) Remove any incompatible material and determine the remaining weight of organic waste for each sample.
- (4) Determine a ratio for each type of organic waste by dividing the totals from (b)(3) by the totals of (b)(2).
- (5) Multiply the ratio for each type of organic waste by the total weight of all of the same type of organic waste separated after processing for its destination.
- (6) Determine the total weight of organic waste separated from the mixed waste organic collection stream by adding the sum of all the weights calculate in (b)(5).

17409.5.4. (c)(d) The operator shall conduct a measurement in the presence of the EA when requested and the EA may require the operator to increase the frequency of measurements and/or revise the protocol to improve accuracy.

17409.5.5. Measuring Organic Waste in Residuals Removed from Source Separated Organic Waste Collection Stream. a) Each operating day, the operator shall measure the amount by weight of organic waste present in the residuals removed from the source separated organic collection stream after processing that is sent to disposal, (b) by using the following protocol:

- (1) Take at least one cubic yard sample of the residuals removed from the source separated organic waste stream, representative of a typical operating day and taken either from various times of the day or from various locations within the pile after processing.
- (2) Determine the total weight of the sample.
- (3) Remove any incompatible material and determine the remaining weight of organic waste in the sample.
- (4) Determine the ratio of the organic waste in the residuals by dividing the total from (b)(3) by the total from (b)(2).
- (5) Determine the total weight of organic waste removed from the mixed waste organic collection stream that is sent for disposal by multiplying the ratio determined in (b)(4) by the total weight of the residuals removed from the stream after processing.

17409.5.3. (c)(d) The operator shall conduct a measurement in the presence of the EA when requested and the EA may require the operator to increase the frequency of measurements and/or revise the protocol to improve accuracy.

17409.5.6. Source Separated Organic (SSO) Waste Handling. (a) Source separated organic waste processing shall be kept separate from other solid waste streams. Remnant organic material separated from the gray container collection stream can be combined with the organic material removed from the source separate organic waste collection stream once that material has gone through the measurement protocol in section 17409.5.4.

17409.5.6. (b) Source separated organic waste and organic waste removed from a mixed waste organic collection service for recovery shall be stored away for other activity areas and removed from the site and transported only to another solid waste facility or operation for additional processing, composting,

in-vessel digestion, or together recovery or used in a manner approved by local, state, and federal agencies having appropriate jurisdiction.

17409.5.8. Incompatible Materials Limit in Recovered Organic Waste. (a) Beginning January 1, 2022, a transfer/processing facility or operation shall send organic waste recovered after processing from the source separated organic waste stream and from the mixed waste organic collection stream with no more than 10 percent of incompatible material to the destination it is being sent.

17409.5.8. (b) Using the samples taken from the MW and SSO waste streams, remove incompatible materials and determine the ratio of incompatible material for each type of organic waste, multiply the ratio for each type of organic waste by the total weight of all of the same type of organic waste, add the sum of all the incompatible materials, determine the ratio of incompatible materials by dividing the sum of the outgoing weight of the recovered waste stream and multiply by 100.

17409.5.9. Alternatives to Measurement Protocols. The EA may approve, with the concurrence by the Department, alternative measurement protocols.

17409.5.10. Solid Waste Handling at Consolidation Sites. Consolidation sites are not subject to the above requirements, recordkeeping and reporting requirements, but shall keep SSO streams separate for other solid waste streams and materials shall be transported only to transfer/processing facilities or operations that comply with the above.

17409.5.11. Remnant Organic Material in the Gray Container Collection Stream. (a) Remnant organic material separated from the gray container collection stream is not subject to the organic waste recovery efficiency requirements or incompatible material limit and can be mixed with SSO stream after it has gone through the measurement protocol.

17409.5.11. (b) The operator of a gray container collection stream shall perform loadchecking to identify the amount of visible remnant organic material by conducting one visual loadcheck for every 500 tons SSO received, with at least one random loadcheck per day for each source sector, and report loads with contamination to the jurisdiction. If the operator receives less than 500 tons for the day, a minimum of two loadchecks shall be conducted.

17409.5.11. (b)(4) The operator shall maintain records of rejected or redirected loads, loads with contamination, notices to the jurisdictions, and the training of personnel in evaluating the amount of contamination.

17409.5.11 (b)(5) The EA may approve an alternate frequency if conditions are met.

#### **Recordkeeping and Reporting Requirements**

17414.2. Recordkeeping and Reporting Requirements for MW and SSO Waste. (a) The operator shall keep records of the daily incoming weights of MO and SSO waste, the results of each sample conducted, the daily outgoing weight of material recovered and removed from the MW and SSO waste streams, and the results of the percentage of incompatible materials.

17414.2. (c-e) The records shall be kept in one location, retained for three years, and available for inspections.

**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 (AB 901 requirements)**

18815.5. Reporting Requirements for Transfer/Processors. (d) Commencing with the first reporting period in 2022, (1) A reporting receiving facility that receives material from a mixed waste organic waste stream shall, for purposes of determining the annual average organic content recovery rate, report the quarterly sum of outgoing weights of organic waste recovered, the organic waste that is sent to disposal, and the sum of the daily records of incoming and outgoing weights of material from the mixed waste organic collection stream measured in 17414.2 (a)(2), (3), and (6) above.

18815.5. (d)(2) A reporting receiving facility that receives material from a source separated organic waste stream shall report the quarterly sum of outgoing weights of organic waste recovered and the organic waste that is sent to disposal as measured in 17409.5.1 (d) (1) and (2) above.

## Composting Operations

### Title 14: Natural Resources

#### Division 7. Department of Resources Recycling and Recovery

#### Chapter 3.1: Composting Operations Regulatory Requirements

#### Article 5.0. Composting Operation and Facility Siting and Design Standards

17867. General Operating Standards. (a)(4) The operator of a compostable materials handling operation or facility shall perform loadchecking to identify the amount of visible remnant organic material by conducting one visual loadcheck for every 500 tons SSO received, with at least one random loadcheck per day for each source sector, and report loads with contamination to the jurisdiction. If the operator receives less than 500 tons for the day, a minimum of two loadchecks shall be conducted.

17867. (a)(4)(E) The EA may approve an alternate frequency if conditions are met.

17867. (a)(16) Each operating day, the operator shall determine the monthly percentage of organic waste contained in residuals removed after processing using the following protocol:

- (1) Take at least one cubic yard sample of the residuals removed after processing prior to sending to disposal.
- (2) Determine the total weight of the sample.
- (3) Remove any incompatible material and determine the remaining weight of organic waste for each sample.
- (4) Determine a ratio for each type of organic waste by dividing the total from (a)(16)(B)(3) by the total of (a)(16)(B)(2).
- (5) Determine the total weight of organic waste removed after processing that is sent for disposal by multiplying the ratio above by the total weight of residuals removed after processing.
- (6) – (8) Determine the monthly percentage of organic waste present in the residuals.

17867. (a)(16)(C) The operator shall conduct a measurement in the presence of the EA when requested and the EA may require the operator to increase the frequency of measurements and/or revise the protocol to improve accuracy.

#### Article 8. Composting Operation and Facility Records

17869. General Record Keeping and Reporting Requirements. (d) The operator shall maintain records in a manner approved by the EA, be maintained for three years, and be available for review, which shall include loadchecking records, the number or rejected or redirected loads, received loads with visible contamination, training of personnel in evaluating the amount of contamination, notices provided to jurisdiction, monthly percentage of organic waste contained in residuals, daily outgoing weights of residuals sent to disposal, compost or chopped and ground material produced, and incoming weights by material type.

#### 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 (AB 901 requirements)

18815.7. Reporting requirements for Recycling and Composting Facilities and Operations. (f)

Commencing with the first reporting period in 2022, and in each subsequent reporting period thereafter

a recycling or compost facility or operation shall, if applicable, additionally report the monthly percentage of organic waste contained in residuals removed from processing as calculated pursuant to 17869 (e)(5) (composting operation) or 17896.45 (a)(1)(E) (in-vessel digestion operation).

## **In-Vessel Digestion Operations**

### **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 Standards**

17896.25.1. Loadchecking – Contamination in SSO Waste. (a) The operator of in-vessel digestion operation or facility shall perform loadchecking to identify the amount of visible contamination by conducting one loadcheck for every 500 tons SSO received, with at least one loadcheck per month for each hauler by source sector, and report loads with contamination to the jurisdiction. If the operator receives less than 500 tons for the day, a minimum of two loadchecks shall be conducted.

17896.25.1 (b) The operator shall maintain records of the number or rejected or redirected loads, received loads with visible contamination, training of personnel in evaluating the amount of contamination, and notices provided to jurisdiction.

17896.25.1. (d) The EA may approve an alternate frequency if conditions are met.

#### **Article 3. Operating Standards for In-Vessel Digestion Operations and Facilities**

17896.44.1. Measuring Organic Waste in Residuals (a) Each operating day, the operator shall determine the monthly percentage of organic waste contained in residuals removed after processing using the following protocol (2):

- (A) Take at least one cubic yard sample of the residuals removed after processing prior to sending to disposal.
- (B) Determine the total weight of the sample.
- (C) Remove any incompatible material and determine the remaining weight of organic waste for each sample.
- (D) Determine a ratio for each type of organic waste by dividing the total from (a)(2)(C) by the total of (a)(2)(B)(2).
- (E) Determine the total weight of organic waste removed after processing that is sent for disposal by multiplying the ratio above by the total weight of residuals removed after processing.
- (F) – (H) Determine the monthly percentage of organic waste present in the residuals.

17896.44.1. (b)(c) The operator shall conduct a measurement in the presence of the EA when requested and the EA may require the operator to increase the frequency of measurements and/or revise the protocol to improve accuracy.

17896.44.1. (e) Textiles, carpet, hazardous wood waste, plastic coated paper and material subject to a quarantine on movement issued by a county agricultural commissioner is considered incompatible materials rather than organic waste.

#### **Article 4. Recordkeeping Requirements**

17869. General Record Keeping and Reporting Requirements. (a) The operator shall maintain records in a manner approved by the EA, be maintained for three years, and be available for review, which shall include loadchecking records, the number or rejected or redirected loads, received loads with visible contamination, training of personnel in evaluating the amount of contamination, notices provided to

jurisdiction, monthly percentage of organic waste contained in residuals, daily outgoing weights of residuals sent to disposal, outgoing weights or volumes of organic waste recovered and produced or salvaged materials, and incoming weights of material.

**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 (AB 901 requirements)**

**18815.7. Reporting requirements for Recycling and Composting Facilities and Operations. (f)**

Commencing with the first reporting period in 2022, and in each subsequent reporting period thereafter a recycling or compost facility or operation shall, if applicable, additionally report the monthly percentage of organic waste contained in residuals removed from processing as calculated pursuant to 17869 (e)(5) (composting operation) or 17896.45 (a)(1)(E) (in-vessel digestion operation).



## Solid Waste Landfills

### 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

20700.5. CalRecycle – Long-Term Intermediate Cover 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. The EA may approve, with concurrence by the department an alternative long-term intermediate cover if the operator demonstrates that the alternative is equivalent to 36 inches of earthen material.

#### Article 3. CalRecycle – Handling, Equipment, and Maintenance

20750.1. CalRecycle – Organic Waste Handling (a) For new or expanding solid waste landfills, the operator shall implement organic waste recovery activities, as approved by the EA. The ORGANIC WASTE recovery activities shall be confined to specified, clearly identifiable areas of the site and shall be arranged to minimize health and safety hazard, vector harborage, or other hazard or nuisance, and be limited to volume and storage time as approved by the EA.

20750.1. (b) For purposes of this section, organic waste recovery activities means activities that divert organic waste from disposal to constitute a reduction of landfill disposal.

20750.1. (c) For purposes of this section, expanding means a solid waste landfill proposing to make a significant change to the design or operation as determined by the EA. Changing the hours of operation of a landfill is not considered an expansion.

#### Article 4. CalRecycle – Controls

20901. CalRecycle - Loadchecking in Source Separated Organic Waste. (a) The operator shall implement loadchecking to identify the amount of visible contamination by conducting one loadcheck for every 500 tons SSO received each day, with at least one loadcheck per month for each hauler by source sector and at least one loadcheck per quarter from each service area, and report loads with contamination to the jurisdiction. If the operator receives less than 500 tons for the day, a minimum of two loadchecks shall be conducted.

20901. (b) The operator shall maintain records of the number of rejected or redirected loads, received loads with contamination that exceeds 10 %, training of personnel in evaluating the amount of contamination, and notices provided to operators and jurisdictions.

20901. (c) and (d) The operator shall conduct a loadcheck in the presence of the EA when requested and the EA may approve an alternate frequency if conditions are met.

### Chapter 4: Documentation and Reporting for Regulatory Tiers, Permits, WDRs, and Plans

#### Subchapter 3: Development of Waste Discharge Requirements (WDRs) and Solid Waste Facility Permits

**Article 2. CalRecycle – Applicant Requirements**

21570 CalRecycle - Filing Requirements. (f)(13) For new or expanded solid waste facilities, provide evidence that the operator held a public meeting with any affected groups or disadvantaged communities (as defined by CalEnviroScreen) within 180 days prior to submittal of the permit application package. Provide copies of the notices, a summary of the comments received and responses to the public comments, and any other steps taken by the applicant relative to those comments.

**Article 3.2. CalRecycle – Other Requirements**

21695 CalRecycle – Organic Disposal Reduction Status Impact Report (a) Operators of a solid waste landfill shall submit a status Impact Report (SIR) to CalRecycle that provides and analysis of the potential impact to the landfill resulting from the implantation of the organic disposal reduction requirements, (b) shall be prepared by a CA registered civil engineer or certified engineering geologist, and contain specific information found in (c), and (d) be submitted to CalRecycle no later than 180 days from the effective date of this regulation.

## Local Enforcement Agencies

### **Title 14: Natural Resources**

Division 7. Department of Resources Recycling and Recovery

#### **Chapter 4: Documentation and Reporting for Regulatory Tiers, Permits, WDRs, and Plans**

Subchapter 3: Development of Waste Discharge Requirements (WDRs) and Solid Waste Facility Permits

#### **Article 3. CalRecycle – Enforcement Agency (EA) Requirements**

21660.2. Informational Meeting for New and Revised Full Solid Waste Facilities permit Applications. (a) and (c) The meeting informational meeting for all new and revised full solid waste facilities permit applications conducted by the EA within one mile from the facility that is the subject of the meeting shall now also include one mile from any disadvantaged community as defined, at a minimum, by CalEnviroScreen.

#### **Chapter 5: Enforcement of Solid Waste Standards and Administration of Solid Waste Facilities**

#### **Article 2.2. LEA Performance Standards, Evaluation Criteria, and Duties and Responsibilities.**

18083. LEA Duties and Responsibilities for Inspections. (c) At least once per quarter, the EA shall oversee a minimum of one measurement as described in the above measurements for recovered organic waste at facilities, the organic waste in the residuals after recovery, and in loadchecking requirements.

### **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 3. CalRecycle – Handling, Equipment, and Maintenance**

20750.1. CalRecycle – Organic Waste Handling (a) For new or expanding solid waste landfills, the operator shall implement organic waste recovery activities, as approved by the EA. The ORGANIC WASTE recovery activities shall be confined to specified, clearly identifiable areas of the site and shall be arranged to minimize health and safety hazard, vector harborage, or other hazard or nuisance, and be limited to volume and storage time as approved by the EA.

20750.1. (b) For purposes of this section, organic waste recovery activities means activities that divert organic waste from disposal to constitute a reduction of landfill disposal.

20750.1. (c) For purposes of this section, expanding means a solid waste landfill proposing to make a significant change to the design or operation as determined by the EA. Changing the hours of operation of a landfill is not considered an expansion.

#### **Chapter 4. Documentation and Reporting for Regulatory Tiers, Permits, WDRs, and Plans**

Subchapter 3: Development of Waste Discharge Requirements (WDRs) and Solid Waste Facility Permits

#### **Article 3. CalRecycle – Enforcement Agency (EA) Requirements**

21660.2. CalRecycle – Informational Meeting for New and Revised Full solid Waste Facilities Permit applications. For the required informational meeting held by the EA for any new or revised full solid waste facilities permit applications, (c) The EA shall identify any disadvantaged communities that meets

or exceeds using CalEPA's CalEnviroScreen (Health and Safety Code Section 39711) and the meeting shall be held within one mile from the facility and from any disadvantaged communities affected.

## CalRecycle

### **Title 14: Natural Resources**

#### **Division 7. Department of Resources Recycling and Recovery**

#### **Chapter 12: Short-Lived Climate Pollutants**

#### **Article 3. Organic Waste Collection Service**

18984.12. Waivers and Exemptions Granted by the Department. (a) Low Population Waiver. An incorporated city that disposed of less than 5,000 tons of solid waste in 2014 and that has a total population of less than 5,000 people or a county with census tracts that have a population density of less than 50 people per square mile may apply to CalRecycle for a low population waiver as specified in this section. The waiver shall be good for a period of up to two years.

18984.12. (c) Rural Exemptions. The Department shall grant an exemption from complying with the organic waste collection requirements until January 1, 2025, for jurisdictions that meet the definition of a "Rural Jurisdiction" under the AB 1826 mandatory commercial organics recycling (counties with a population less than 70,000) if the jurisdiction adopts a resolution that includes a finding as to the purpose of and need for the exemption.

18984.13. Emergency Circumstances. (a) Emergency Processing Facility Temporary Equipment or Operational Failure Waivers. If a facility processing a jurisdiction's organic waste notifies the jurisdiction that operational restriction have been imposed on it by a regulatory agency or that a temporary equipment or operational failure will prevent the facility from processing, the jurisdiction may allow the organic waste stream to be deposited in a landfill for up to 90 days from the date of the restriction or failure. The jurisdiction shall notify the Department within 10 days of the waiver decision and shall include the period that the jurisdiction has allowed the organic waste stream to be deposited in a landfill.

18984.13. (b) Disasters and emergency waivers: (1) A jurisdiction may submit a request for a waiver for the disposal of "disaster debris" that cannot be diverted that are subject of a disaster. (2) A jurisdiction may dispose of sediment debris removed from dams, culverts, reservoirs, channels and other flood control infrastructure if the material is subject to a waste discharge requirement issued by the regional water quality control board that requires the average organic content of the debris to be less than five percent.

#### **Article 15. Enforcement Oversight by the Department**

18996.1. Department Evaluation of Jurisdiction requirement. (a)(b) The Department shall evaluate a jurisdiction's compliance with its IR, conduct of inspection, compliance reviews, and route reviews.

18996.1. (c)(d) The Department shall notify the jurisdiction prior to conducting an evaluation and provide the jurisdiction a summary of the Department's findings.

18996.1. (e) If the Department determines that a jurisdiction's ordinance (enforceable mechanism) does not meet the requirement of this chapter, the Department shall notify the jurisdiction of the deficiencies, and the jurisdiction shall have 90 days from that notice to correct the deficiencies.

18996.2. Department Enforcement Action Over Jurisdictions. If the Department finds that a jurisdiction is violating any provisions, the Department may take the following actions:

- (1) Issue a NOV requiring compliance in 90 days. If requested within 60 days, an extension may be granted for an additional 90 days if there is evidence that additional time is needed, and that compliance can be achieved within the 189 days.
- (2) The Department may extend the timeframe for a jurisdiction to comply beyond the 180 days by issuance a Corrective Action Plan (CAP) for up to 24 months if there are extenuating circumstances and the jurisdiction has made substantial effort to comply. A jurisdiction shall submit a written request for the extension at least 30 days prior to the NoV final compliance date with documentation demonstrating its substantial effort to comply. Substantial effort does not include circumstances where a decision-making body of a jurisdiction has not taken the necessary steps to comply including failure to provide staff resources, a failure to provide sufficient funding to assure compliance, or a failure to adopt required ordinances.
- (3) The CAP shall be issued for no longer than 24 months, shall include compliance dates for each milestone, and shall include penalties that may be impose if a jurisdiction fails to comply with the milestones or the final compliance date.

18996.3. Department Enforcement When Jurisdiction Fails to Enforce. If a jurisdiction fails to enforce the requirements, the department may take enforcement action against an entity and also enforcement action against the jurisdiction and may seek administrative penalties against the jurisdiction.

18996.4. Access for Inspection by the Department. An authorized Department employee or agent shall be allowed to enter an entity's premises during normal working hours to conduct inspections and investigations in order to determine compliance. This is not intended to permit an employee or agent of the Department to enter property.

18996.5. Enforcement Action Against Organic Waste Generators Located in Multiple Jurisdictions and Non-Local Entities. A jurisdiction may refer an organic waste generator that has violated a requirement and that has locations in more than one jurisdiction to the Department for review and enforcement action after it has issued a NOV to the entity and may also refer violations of a non-local entity to the Department. The Department may take enforcement action.

18996.6. Department Inspections and Compliance Reviews of State Agencies and Facilities. If the Department finds that a state agency or facility is violating these provisions, the Department may issue a NOV requiring compliance within 90 days and may grant an additional 180-day extension if evidence is provided that additional time is needed.

18996.6. (4) If the Department finds a state agency or state facility fails to comply with the NoV, the Department may take the following enforcement actions: list the state agency or facility on the Organic Waste Recovery Noncompliance Inventory, request that the Department of General Service (DGS) conduct an audit, notify the Governor, and notify the legislature.

18996.7. Department Enforcement Action Regarding Local Education Agencies. If the Department finds a local education agency, is violating these provisions the Department may issue a NoV requiring compliance within 90 days. If the local education agency fails to comply with the NoV, the Department may list the local education agency on the Organic Waste Recovery Noncompliance Inventory.

18996.8. Complaints of Alleged Violations by Jurisdictions and Entities. Any person having information that a jurisdiction or an entity is in violation of a requirement may file a written complaint to the Department. If the complaint is against an entity within the jurisdiction, the Department shall refer the complaint to the jurisdiction for investigation and enforcement. The Department shall commence an investigation within 60 days.

18996.9. Department Enforcement Actions Against Entities. (a) The Department may take enforcement action against organic waste generators, including commercial edible food generators, haulers, and food recovery organizations and services where a jurisdiction has failed to enforce this chapter or where the entity is a non-local entity that is not a state agency or facility or local education agency.

18996.9. (b) If an entity is found in violation, the Department shall:

- (1) Issue a NoV within 60 days for the first violation. If the violation is not corrected, the Department shall issue a Notice and Order to Correct (NOTC) requiring compliance with 30 days and include potential penalties for failing to comply. If the violation continues after the 30 days, the Department shall commence action to impose a penalty no later than 90 days after the issuance of the NOTC.
- (2) For all subsequent violations, the Department shall issue a NOTC requiring compliance with n 30 days and include the potential penalties for failing to comply. If the violation continues after the 30 days, the Department shall commence action to impose a penalty no later than 90 days after the issuance of the NOTC.

18996.9. (c) The Department may grant extensions to the compliance deadlines if it makes finding that the entity is making timely progress toward compliance and there are extenuating circumstances outside its control, such as acts of god and limitations in infrastructure and the jurisdiction is under a CAP.

#### **Article 16. Administrative Civil Penalties for Violations of Requirements of the Chapter**

18997.1. Scope. (a) The Department may impose administrative civil penalties.

18997.3. Department Penalty Amounts. (a) Penalties shall be imposed administratively using the penalty tables (b) for level 4, \$500-2,500 per violation, per day; for level 5, \$1,000-5,000 per violation, per day; and for all subsequent violation, \$5,000-10,000 per violation, per day.

(See pages 41-48 for the specific description of violations and levels of violations.)

18997.4. Organic Waste Recovery Noncompliance Inventory. If the Department finds that a state agency, state facility, or local education agency is in violation, the Department shall send a notice to the entity stating that the department intends to place it on the Inventory if the violation is not corrected within 90 days, and then shall do so if it is not corrected.

18997.5. CalRecycle Procedure for Imposing Civil Penalties. The Department shall serve and accusation on a person against whom civil penalties are being sought; the respondent shall have 15 days to file a request for a hearing; within 30 days of receiving the request the Department shall schedule a hearing within 90 days; and the Director shall issue a written decision within 60 days of the conclusion of the hearing.





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## Recycling and Disposal Reporting System (RDRS)

### News and Recent Events

- [RDRS Registration](#) for reporting entities is due April 30! ([WebPass](#) required)
- Not sure whether your business, facility, or operation needs to register in RDRS? [Try our "Do I need to register in RDRS?" tool!](#)
- Attend our upcoming RDRS Reporting Requirements Workshop May 21 online or in person! ([Public Notice](#))
- **Missed our webinar?** The videos have been posted online for your review.
- Check out [Training and Outreach](#) and click on the links to view how to register each reporting entity type.

## Log into RDRS

Governor Brown signed AB 901 (Gordon, Chapter 746, Statutes of 2015) into law to change how organics, recyclable material, and solid waste are reported to CalRecycle. In the third quarter of 2019, CalRecycle will transition away from the current Disposal Reporting System (DRS) to a brand-new Recycling and Disposal Reporting System (RDRS). The law requires the following businesses to report directly to CalRecycle on a quarterly basis on materials sold and transferred by a reporting entity:

- Recycling facilities
- Composting facilities
- Disposal facilities including landfills
- Transformation facilities
- Engineered municipal solid waste conversion facilities
- Transfer/processor facilities
- Contract haulers
- Food waste self-haulers
- Brokers
- Transporters

## Regulations Development

- Full text of new Title 14, CCR, Division 7, Chapter 9, Article 9.25 ([Westlaw](#))
- [PDF of all regulatory text modifications as approved by OAL](#)
- [Rulemaking Archive](#)
- [Link to statute](#)

## Training & Outreach

- Workshops
  - March 20, 2019 Registration Workshop, Coastal Hearing Room, Cal/EPA Building ([Slides](#) | [Video](#))
  - March 21, 2019 Registration Workshop, South Coast Air Quality Management District Auditorium ([Slides](#) | [Audio](#) | [Video](#))

- April 17, 2019 Registration Webinar, Cal/EPA Building (Public Notice)
  - Background
  - Creating a WebPass and Logging In
  - Food Waste Self-hauler
  - Contract Hauler
  - Transfer/Processing Facility or Operation
  - Disposal Facility
  - Recycling and composting facility or operation
  - Brokers and Transporters
  - Complex Organization/Site w/ multiple activities
  - Assigning security rights and managing contacts
- May 21, 2019 Reporting Requirements Workshop, Byron Sher Auditorium, Cal/EPA Building - **RECORDING WILL BE POSTED SOON** (Slides | Public Notice)
  - List-Reporting Requirements by Entity and Flow
- Methods (Video, 1:03:15 hours)
- References, Documentation & Tools
  - "Do I need to Register in RDRS?" Tool
  - RDRS Registration Guide with a list of all fields to enter
  - RDRS Contacts Management Guide - How to add and manage contacts

## Registration

- RDRS initial registration begins on April 1 for existing businesses that are required to report and are operating on April 1, 2019. The registration deadline for initial registration is April 30, 2019. After April 30, newly-established businesses must register within 30 days of being subject to these reporting requirements.
- Registering a reporting entity in RDRS does not cause that entity to be reclassified as a solid waste handler.
- Recycling and Disposal Reporting System (RDRS) Registration Login
- Create and manage your WebPass
- "Do I need to Register in RDRS?" Tool
- Registration Guide/Manuals
  - RDRS Registration Guide with a list of all fields to enter
  - RDRS Contacts Management Guide - How to add and manage contacts

## Reporting

- Recycling and Disposal Reporting System (RDRS) Login
- Reporting material flows to the Department does not cause that material to be reclassified as solid waste.
- Reporting deadlines by reporting entity for 2019 (third and fourth quarters)
  - (RDRS 2019 Reporting Deadlines)
- Reporting guides and manuals - coming soon.

## Reports

- New public reports for disposal and recycling data (Coming January 2020)
- RDRS reports login for jurisdictions & counties (Coming January 2020)

## How to Contact Us

If you have additional questions or suggestions about these topics, please contact the CalRecycle RDRS team at [RDRS@calrecycle.ca.gov](mailto:RDRS@calrecycle.ca.gov), (916) 341-6777.

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Last updated: May 29, 2019

Solid Waste Facilities: Recycling and Disposal Reporting System  
(RDRS) <https://www.calrecycle.ca.gov/SWFacilities/RDRReporting/>  
Contact: [RDRS@calrecycle.ca.gov](mailto:RDRS@calrecycle.ca.gov), (916) 341-6777

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## RDRS Reporting Requirements Workshop

May 21, 2019

Byron Sher Auditorium, Cal/EPA Building  
1001 I St., Sacramento, CA 95814

Facilitator: Steven Sander, Knowledge Integration Section



## HOUSEKEEPING

- Fire/life/safety
- Recorded
- Restrooms
- Workshop guidelines
- Webcast participation best practices
- Disclaimer



## WORKSHOP GUIDELINES

- Hold your questions until the Q&A portion
- Use the microphone
- Listen actively
- Treat others the way *they* want to be treated (platinum rule)



## A NOTE TO WEBCAST PARTICIPANTS

- Throughout the workshop, please send succinct, straight-to-the-point questions and comments directly related to the material being discussed to the following e-mail address:

[RDRS@CalRecycle.ca.gov](mailto:RDRS@CalRecycle.ca.gov)



## DISCLAIMER

Do not construe the contents of this workshop as legal advice.

No statements made here are legally binding.

This workshop should not be relied upon as a substitute for making your own independent determination whether or not your facility or operation should be registered as a reporting entity in RDRS.

CalRecycle reserves the right to modify RDRS at any time within the scope of the regulations. This training may become deprecated, in which case, it should be replaced by supplemental training material.



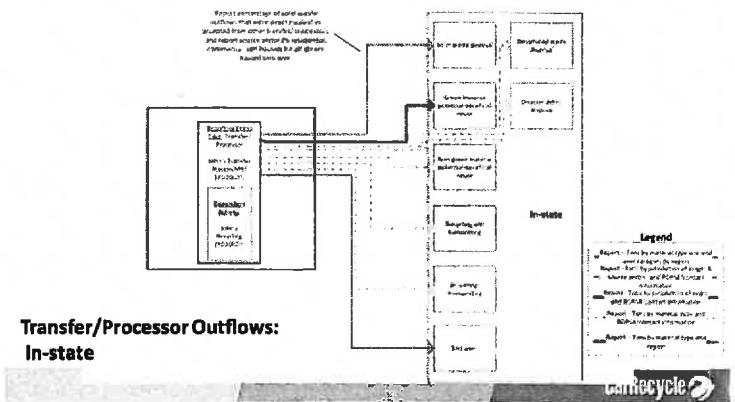
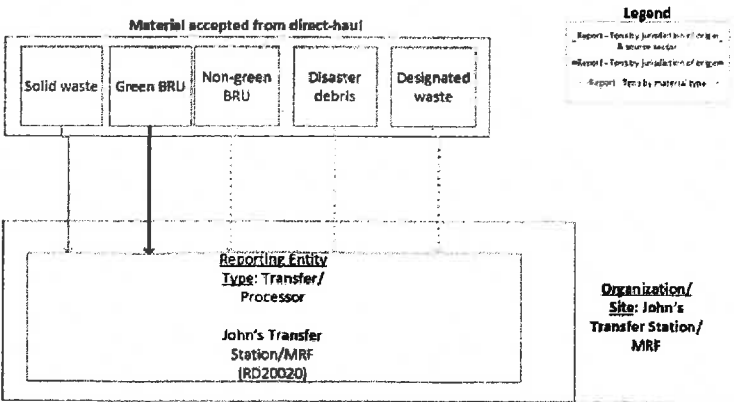
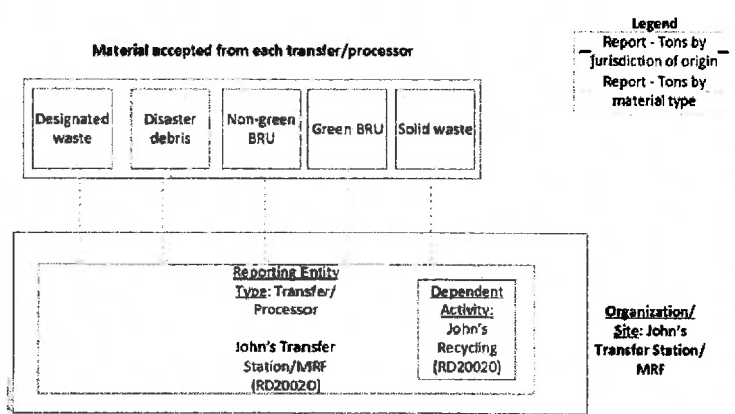
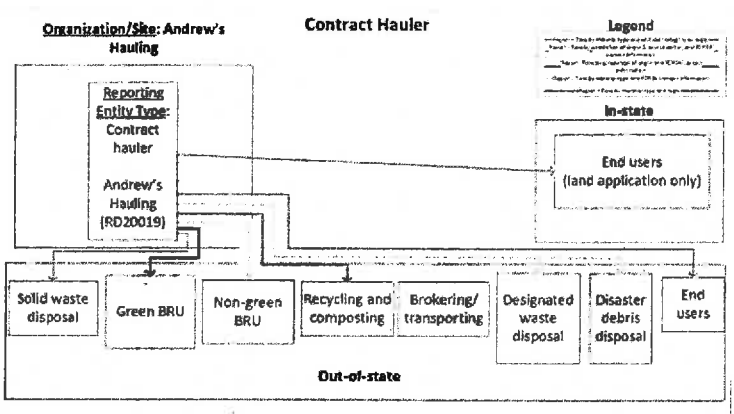
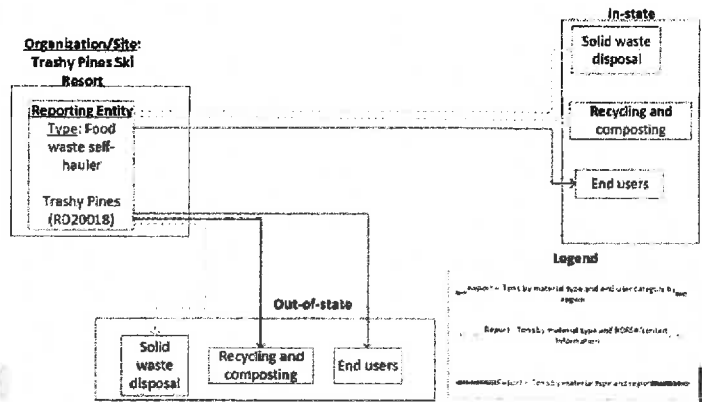
## LEARNING OBJECTIVES

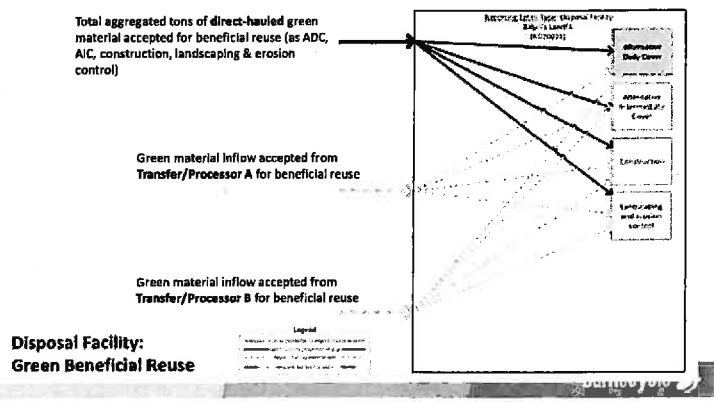
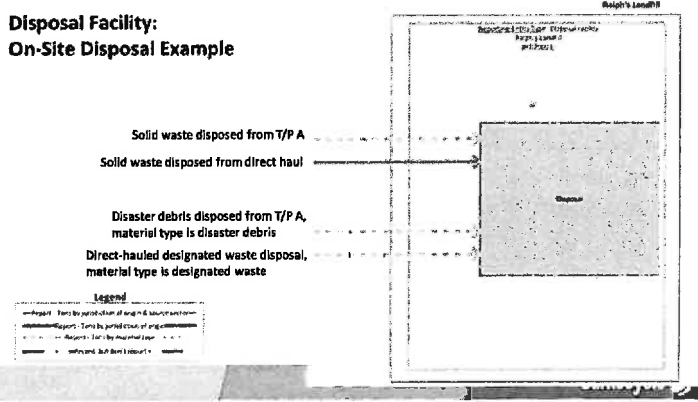
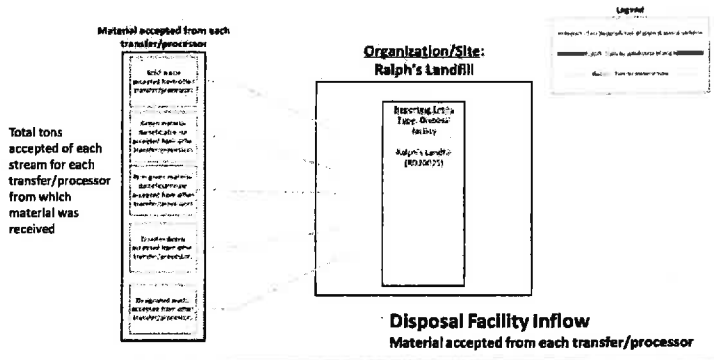
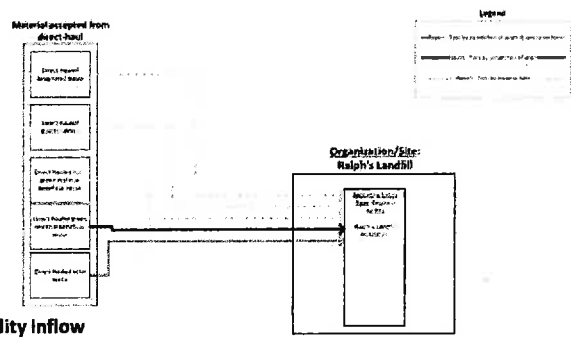
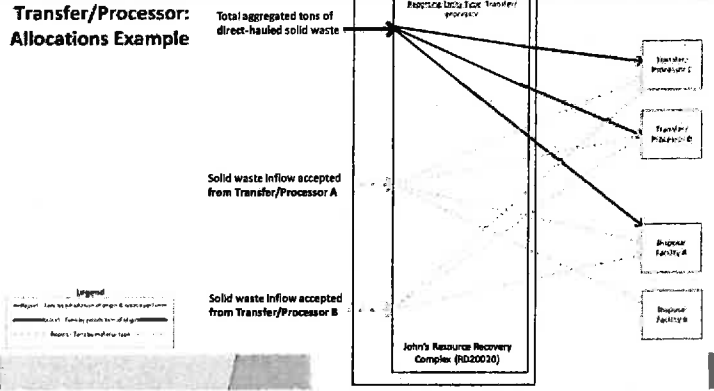
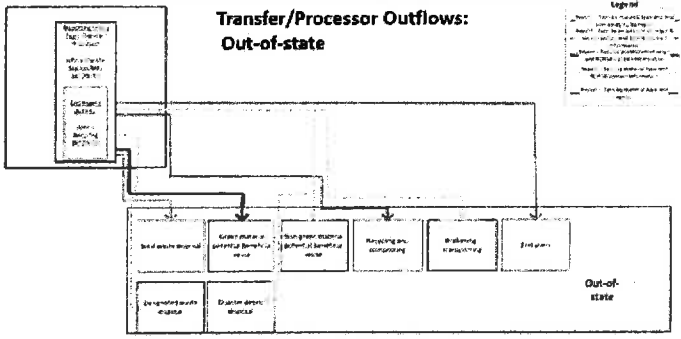
- 1 I know what information I need to record pursuant to RDRS reporting
- 2 I know which measurement methods are acceptable to CalRecycle for data points such as tonnage, source sector, and material type
- 3 I know what the reporting requirements are for my reporting entity(ies)



# AGENDA

- 1:00-1:10pm: Introduction
- 1:10-3:30pm: Reporting Requirements for:
  - Food Waste Self-haulers
  - Contract Haulers
  - Transfer/Processors
  - Disposal Facilities
  - Recycler/Composters
  - Broker/Transporters
- (2:50-3:00pm: Break)
- 3:30-4:15pm: Methods
- 4:15-4:30pm: Close



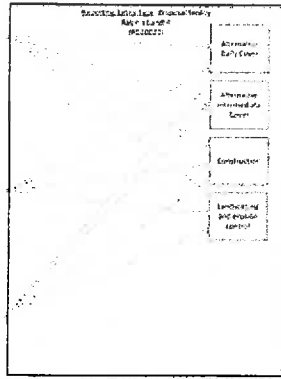


Total aggregated tons of direct-hauled non-green material accepted for beneficial reuse (as ADC, AIC, construction, landscaping & erosion control)

Non-green material inflow accepted from Transfer/Processor A for beneficial reuse

Non-green material inflow accepted from Transfer/Processor B for beneficial reuse

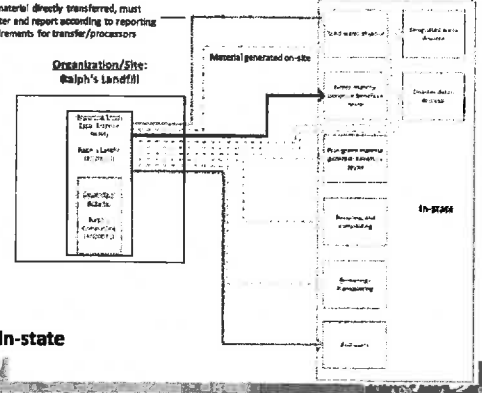
Disposal Facility:  
Non-Green Beneficial Reuse



For material directly transferred, must register and report according to reporting requirements for transfer/processors

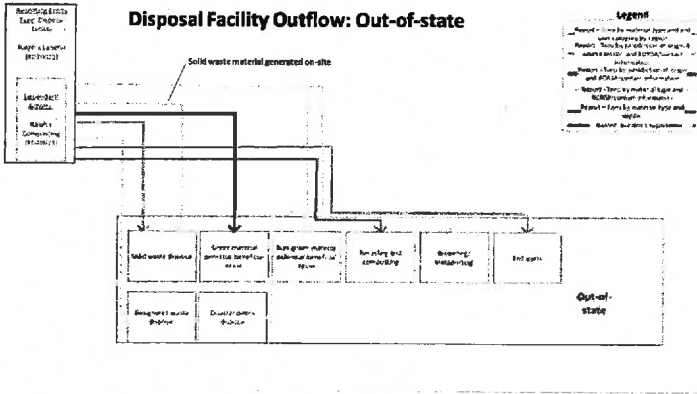
Organization/Site:  
Ralph's Landfill

Disposal Facility Outflow: In-state

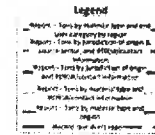


Disposal Facility Outflow: Out-of-state

Recycling and Composting Facilities and Operations: In-state

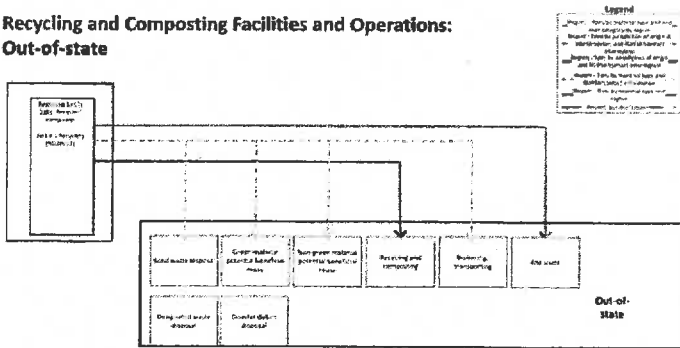


Organization/Site:  
Jackie's Recyclery

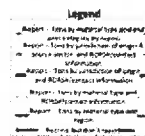


Recycling and Composting Facilities and Operations: Out-of-state

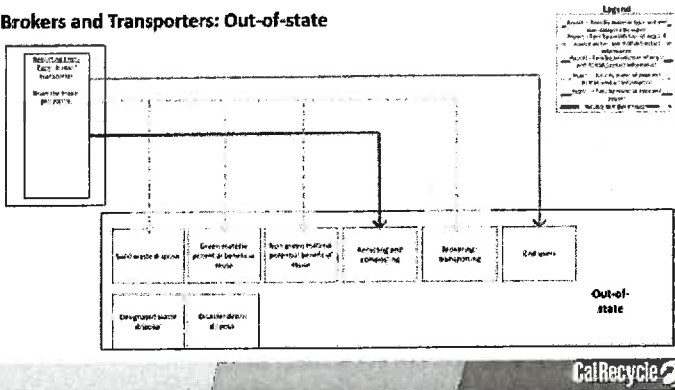
Brokers and Transporters: In-state



Organization/Site:  
Brian the Broker



**Brokers and Transporters: Out-of-state**



**Reporting Methods**

Stream	What information should be recorded?
Solid waste disposal	<ul style="list-style-type: none"> <li>Tons</li> <li>Jurisdiction of origin</li> <li>Source sector</li> <li>RDRS number and contact information (if applicable)</li> </ul>
Disaster debris disposal	<ul style="list-style-type: none"> <li>Tons</li> <li>RDRS number and contact information (if applicable)</li> </ul>
Designated waste disposal	<ul style="list-style-type: none"> <li>Tons</li> <li>RDRS number and contact information (if applicable)</li> </ul>
Green material potential beneficial reuse	<ul style="list-style-type: none"> <li>Tons</li> <li>Jurisdiction of origin</li> <li>RDRS number and contact information (if applicable)</li> </ul>
Non-green material potential beneficial reuse	<ul style="list-style-type: none"> <li>Tons</li> <li>Material type</li> </ul>
Recycling and composting	<ul style="list-style-type: none"> <li>RDRS number and contact information (if applicable)</li> </ul>
Broker/transporter	<ul style="list-style-type: none"> <li>RDRS number and contact information (if applicable)</li> </ul>
End user	<ul style="list-style-type: none"> <li>Tons</li> <li>Material type</li> <li>End user category by region</li> </ul>

**METHODS**

- Indicate in quarterly report which methods were utilized
- Material type
- Estimating tonnages
- Estimating source sector for solid waste

**REPORTING MATERIAL TYPE**

- Report all material sent to a disposal facility as solid waste.
  - Exception: Food waste self-haulers, recycling and composting facilities and operations, and entities sending potential beneficial reuse material to a disposal facility.
- Report materials at the level of segregation at the time they were sold or transferred. It is not necessary to further sort or characterize material beyond that point.
  - Report "grades" of material if that is how it was sold
  - Report based upon applicable industry standards.
  - Report mixed materials as mixed or commingled materials or based on applicable industry standards.
  - Report solid waste mixed with other materials as solid waste.

**REPORTING BENEFICIAL REUSE - ADC/AIC**

- Report tons of ADC and AIC sent/accepted for use by the following material types:
  - Ash and cement kiln dust materials
  - Construction and demolition wastes and materials
  - Compost materials, which include residuals left over from the composting process
  - Green material
  - Contaminated sediment, dredge spoils, foundry sands, energy resource exploration, and production wastes
  - Processed construction and demolition wastes and materials
  - Shredded tires
  - Sludge and sludge-derived materials
  - Treated automobile shredder waste
  - Other material types approved for beneficial reuse by the EA (specify)





## REPORTING BENEFICIAL REUSE (CONT'D)

- Report tons of each material type sent/accepted for use as:
  - Alternative Daily Cover
  - Alternative Intermediate Cover
  - Construction
  - Landscaping and erosion control
- Report according to the standard rules for reporting material type
- Do not include tons of clean or contaminated soil used as cover material, such as daily cover, or for any other uses at the disposal facility



## Questions?



[RDRS@CalRecycle.ca.gov](mailto:RDRS@CalRecycle.ca.gov)



## JURISDICTION OF ORIGIN

- "Jurisdiction of origin" is the place within which material was generated
- Under RDRS, jurisdiction of origin is only required for solid waste.
- A hauler shall provide the jurisdiction of origin at the time of delivery, unless both the hauler and the receiving facility have agreed to periodic reports that will be submitted to the receiving reporting entity within 30 days of the end of the reporting period.
- The hauler shall use any of the following methods to estimate the percentage of solid waste from each jurisdiction:
  - Actual tons collected from each jurisdiction
  - Total volume of bins emptied from each jurisdiction
  - Billing records for customers in each jurisdiction
  - Company dispatcher records of hauling routes and generator locations



## JURISDICTION OF ORIGIN (CONT'D)

- A transfer/processor or disposal facility shall determine the jurisdiction of origin for each load of material accepted by:
  - Asking each person bringing materials at the time of delivery
  - Using periodic reports from the entities delivering materials
  - Other methods to capture the information on each load as it arrives
- If a gatehouse attendant is present for at least one week per quarter, they shall collect jurisdiction of origin information on each load for which they are present.
- If a gatehouse attendant is not present for at least that duration, the facility shall additionally conduct an origin survey at least once per reporting period and for one week in duration. A facility shall apply the jurisdiction percentages obtained during the survey week(s) to tonnages that have not been assigned to a jurisdiction of origin in the reporting period.



## JURISDICTION OF ORIGIN (CONT'D)

- A transfer/processor or disposal facility without a gatehouse attendant present for any of the business hours that only accepts material from specified jurisdictions may assign the solid waste to those jurisdictions based on:
  - Facility usage agreements and restrictions
  - Property records
  - Other records that are representative of the jurisdictional breakdown of the material received.
- A transfer/processor or disposal facility without a gatehouse attendant present during any business hours that has no representative basis for determining jurisdiction of origin may assign the solid waste to the jurisdiction in which the facility is located (host-assigned).



## JURISDICTION OF ORIGIN (CONT'D)

- A transfer/processor shall determine jurisdiction of origin for solid waste and green material potential beneficial reuse sent to a disposal facility or another transfer/processor based on allocations of inbound materials.
- A transfer/processor may adjust the allocations of inbound percentages from facilities or haulers based on facility-specific practices, such as:
  - Tracking and sorting individual loads
  - Segregating the flows from jurisdictions
  - Gathering other relevant information on the composition and recoverability of the materials from each facility or jurisdiction.
- Recycler/composters and broker/transporters shall host-assign jurisdiction of origin for solid waste/green material potential beneficial reuse sent



## Questions?



RDRS@CalRecycle.ca.gov



## SOURCE SECTOR

- "Source sector" means one of these three sources from which solid waste is generated:
  - Contract-hauled single-family residential (e.g., houses)
  - Contract-hauled commercial/multi-family residential (e.g., businesses and apartments)
  - Self-hauled (e.g., hauled by a generator)
- Disaster debris – assign to "self-hauled" source sector
- Designated waste – assign to "self-hauled" source sector



## SOURCE SECTOR (CONT'D): T/PS AND DFS

- When required, a transfer/processor or disposal facility shall estimate the overall tonnages or percentages from each source sector for disposal using any of the following methods:
  - Assigning source sector based on vehicle type, such as:
    - Small vehicles (autos, pickups, small trailers) – self-hauled
    - Side loaders – residential
    - Front loaders – commercial
  - Assigning source sector based on billing records, such as:
    - Cash accounts – "self-hauled"
    - Accounts with jurisdictions/haulers for residential routes – residential
    - Accounts with jurisdictions/haulers for commercial routes – commercial
  - Using periodic reports from haulers on the source sectors of their routes. May request, but not require periodic reports from a hauler.



## SOURCE SECTOR (CONT'D): T/PS AND DFS

- Additional methods to estimate source sector for solid waste:
  - Asking the driver delivering each incoming load
  - Assigning disaster debris and designated waste as "self-hauled"
  - Assigning residual disposal and material sent by the following entities as "self-hauled":
    - Recycling and composting facilities and operations
    - Brokers and transporters
    - Disposal facilities
- If transfer/processor lacks attendant and is unable to estimate source sector based on one of the methods above, assign all tonnage to the sector that makes up most of the delivered material based on operator observations of the site traffic or material disposed.



## SOURCE SECTOR (CONT'D): HAULERS

- Food waste self-haulers – "self-hauled" source sector
- Contract haulers, if asked for information on source sector, shall provide the information at the time of delivery unless the hauler and the receiving facility have previously agreed to periodic reports in lieu of providing information at the time of delivery. Provide report at least 30 days prior to reporting deadline. Use any of the following methods to estimate overall tonnages or percentages of disposal from each source sector sent to the receiving facility:
  - Vehicle type
  - Billing records
  - Dispatcher records of hauling routes, total bin volumes from each source sector, or total weights from each source sector
  - Assigning disaster debris and designated waste to "self-hauled"



## SOURCE SECTOR (CONT'D)

- A reporting entity cannot be subject to penalties in section 18815.10 for inaccuracies or errors in source sector reporting if a method in this section is used.



## Questions?



[RDRS@CalRecycle.ca.gov](mailto:RDRS@CalRecycle.ca.gov)



## ESTIMATING & REPORTING TONNAGES

- A reporting entity who uses certified scales to measure a transaction by weight shall use that measurement, and not an estimate based on volume, when compiling and submitting their report to the Department.
- A reporting entity who **does not** use certified scales, but uses non-certified scales to measure a transaction by weight shall use that measurement, and not an estimate based on volume, when compiling and submitting their report.
- A reporting entity shall use scales to measure tons, (unless they meet one of the exemptions contained on the following slide).



## EXEMPTIONS TO USING SCALES

- Exemptions to using scales to measure tons:
  - Self-haul loads at a transfer/processor or disposal facility may be estimated using volume-to-weight conversion factors.
  - Total contract-hauled inbound tons may be subtracted from the total tons disposed to estimate "self-haul" source sector tonnages.
  - If a transfer/processor accepts an annual average of less than 100 tons of material per operating day (or less than 200 tons per operating day if located in a rural city or county), then they may use volume-to-weight conversion factors or report tonnages weighed at the receiving facility.



## EXEMPTIONS TO USING SCALES

- Exemptions to using scales to measure tons:
  - If a reporting entity sells or transfers materials **other than solid waste** based on volume, they may use material-specific volume-to-weight conversion factors
  - If a reporting entity sends material to another reporting entity with a different RDRS number located at the same site using a conveyance system, estimate and report tonnages transferred by using volume-to-weight conversion factors, flow rates, or belt scales.
  - The disposal facility does not have access to scales and does not receive more than 4,000 tons of solid waste per year from contract haulers (excluding disaster debris)



## EXEMPTIONS TO USING SCALES

- Exemptions to using scales to measure tons:
  - The disposal facility is located in an area prone to inclement weather for three months or more of the year, which does not allow for the adequate operation and maintenance of scales
  - The disposal facility is so remote that the availability of an electric utility to power the scales is prohibitive.
- If volume-to-weight conversion factors are utilized:
  - Indicate in report if conversion factors were used to estimate tons
  - Retain documentation on the basis and usage of factors
  - Update factors every three (3) years
  - Department may require revisions to factors if found unsatisfactory



## Questions?



[RDRS@CalRecycle.ca.gov](mailto:RDRS@CalRecycle.ca.gov)



## TONNAGES TRANSFERRED ON A SITE

- Facilities and operations with the same RDRS number and located on the same site are not required to report tonnages transferred.
- A reporting entity who sends separated recyclables or separated organics to another reporting entity with a different RDRS number located on the same site is not required to report those transferred tonnages. The reporting entity responsible for the off-site sale or transfer of the aggregated material shall report the appropriate tonnages.
- A reporting entity who sends solid waste or potential beneficial reuse material to a transfer/processor or disposal facility with a different RDRS number shall report this information.
- Transfer/processors and disposal facilities shall report tons of solid waste generated on-site by dependent recycling and composting activities.



## Questions?



RDRS@CalRecycle.ca.gov



## LEARNING OBJECTIVES

- 1 I know what information I need to record pursuant to RDRS reporting
- 2 I know which measurement methods are acceptable to CalRecycle for data points such as tonnage, source sector, and material type
- 3 I know what the reporting requirements are for my reporting entity(ies)



  
**CalRecycle**  
STAY  
ENGAGED



Subscribe to the RDRS listserv!  
<https://www2.calrecycle.ca.gov/Listservs/Subscribers/157>



RDRS Web page  
<https://www.calrecycle.ca.gov/facilities/reporting/>



RDRS Coordinator  
(916) 341-6777  
RDRS@CalRecycle.ca.gov

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## **SB 212 Informal Rulemaking Stakeholder Workshop #4**

June 17, 2019, 10:00 AM – 2:00 PM \*  
South Coast Air Quality Management District Conference Center  
Auditorium  
21865 Copley Dr., Diamond Bar, CA 91765

### **AGENDA**

- I. Introduction and Housekeeping**
- II. Staff Presentation on Initial Draft Regulatory Text and Solicitation of Stakeholder Feedback by Section**
  - **Definitions**
  - **Criteria for Determining a Covered Entity**
  - **Stewardship Plans**
  - **Annual Reports**
  - **Annual Program Budget**
  - **Minutes, Books, and Records**
  - **Administrative Fee to Department of Resources Recycling and Recovery**
  - **Enforcement**
- III. General Stakeholder Comments and Questions**
- IV. Closing Remarks**

*\*Please note that CalRecycle may conclude this workshop earlier than the time indicated.*

CalRecycle welcomes written comments on the informal draft regulatory text through Monday, July 1, 2019. Please send comments to [PharmaSharps@CalRecycle.ca.gov](mailto:PharmaSharps@CalRecycle.ca.gov)



# INFORMAL DRAFT REGULATORY TEXT

## PROPOSED REGULATIONS

### PHARMACEUTICAL AND SHARPS WASTE STEWARDSHIP PROGRAM

**TITLE 14: NATURAL RESOURCES**  
**DIVISION 7. DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY**  
**CHAPTER 11. PRODUCT STEWARDSHIP**  
**ARTICLE 4. PHARMACEUTICAL AND SHARPS WASTE STEWARDSHIP PROGRAM**

#### **I. PURPOSE.**

The purpose of this Article is to clarify existing statute and establish administrative procedures to efficiently and effectively implement the department's responsibilities under the law and to provide a uniform competitive business environment to all covered entities, stewardship organizations, program operators, and pharmacies pursuant to Chapter 2 (commencing with section 42030), Part 3, Division 30 of the Public Resources Code.

#### **II. DEFINITIONS.**

(a) Except as otherwise noted, the definitions of this Article supplement and are governed by the definitions set forth in Chapter 2 (commencing with section 42030), Part 3, Division 30 of the Public Resources Code:

(b) "Administrative and operational costs" mean costs to implement and operate a stewardship program, including, but not limited to, collection, transportation, processing, disposal, and education and outreach costs, as well as administrative costs of operating the stewardship organization and administrative fees charged by the department pursuant to subsection (1) of subdivision (a) of section 42034.2 of the Public Resources Code.

(c) "Homebound" has the same meaning as defined in the Medicare Benefit Policy Manual, Chapter 15, 60.4.1.

(d) "Homeless" has the same meaning as "homeless individual" as defined in subsection (5)(A) of subdivision (h) of section 254b of Title 42 of the U.S. Code on

## INFORMAL DRAFT REGULATORY TEXT

1 Public Health and Welfare. (42 U.S.C. section 254b).

2 (e) "Home-generated sharps waste," as defined by section 117671 of the Health and  
3 Safety Code, is defined to include sharps waste that is generated from in-home medical  
4 care as well as from a Residential Care Facility for the Elderly, as defined in Title 22,  
5 Division 3, Chapter 8, section 58032 of the California Code of Regulations.

6 (f) "Local jurisdiction" and "local agency" means a California city, county, city and  
7 county, a joint powers authority, or public service district responsible for household  
8 hazardous waste or residential waste management planning or services.

9 (g) "Minutes, books, and records" means accurate and up-to-date information regarding  
10 a program operator's activities.

11 (h) "Prescription" has the same meaning as defined in Division 2, Chapter 9, section  
12 4040 of the Business and Professions Code.

13 (i) "Significant change" to an approved stewardship plan includes, but is not limited to:

14 (1) An addition or discontinuation of a collection method, whether a mail-back  
15 program, collection receptacle program, or an alternative method.

16 (2) Any changes to a stewardship program that are required by federal or state  
17 laws or regulations adopted or revised after approval of the stewardship plan.

18 (3) Any changes to the convenience standards put forth in subsection (1)(F) of  
19 subdivision (a) of section 42032.2 of the Public Resources Code.

20 (j) "Stewardship program" means a stewardship plan that is implemented and funded by  
21 a covered entity or stewardship organization on behalf of a group of covered entities, as  
22 required by Chapter 2 (commencing with section 42030), Part 3, Division 30 of the  
23 Public Resources Code.

24

### 25 **III. CRITERIA FOR DETERMINING A COVERED ENTITY.**

26 (a) The Department shall consider all manufacturers of covered products that are sold,  
27 offered for sale, or dispensed in California, whether they are program operators or are  
28 represented by a stewardship organization, as the covered entities.

29 (b) The Department will use the priority set forth in subsections(1)(B)-(E) of subdivision  
30 (f) of section 42030 of the Public Resources Code to identify the covered entity for any



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1 covered products, which do not meet the definition of subsection (1)(A) of subdivision (f)  
2 of section 42030 of the Public Resources Code.

### 4 **IV. SUBMITTAL OF PRODUCT LISTS.**

5 Product lists shall be submitted pursuant to subdivision (a) of section 42031 of the  
6 Public Resources Code.

### 8 **V. STEWARDSHIP PLAN SUBMITTAL FOR COVERED DRUGS.**

9 (a) A corporate officer, acting on behalf of the program operator, shall submit to the  
10 department contact information of the corporate officer responsible for submitting and  
11 overseeing the stewardship plan, including, but not limited to:

- 12 (1) Contact name and title
- 13 (2) Name of company or stewardship organization
- 14 (3) Mailing and physical addresses
- 15 (4) Phone number
- 16 (5) Email address
- 17 (6) Internet website address

18 (b) The stewardship plan shall be submitted electronically according to instructions  
19 provided by the department. The date of electronic submittal will be considered the date  
20 of receipt by the department. A hard copy submittal letter referencing the electronic  
21 stewardship plan document with the signature of a corporate officer must be submitted  
22 to the department.

23 (c) The stewardship plan shall be held to at least the same accessibility standards used  
24 by the department on its internet website. These standards include, but are not limited  
25 to, provisions for visually or hearing impaired individuals, availability of text translations  
26 for several different languages, and compliance with the Americans with Disabilities Act.

27 (d) A hard copy of the stewardship plan shall be submitted to the department in addition  
28 to the electronic submittal.

29 (e) The department shall determine if a stewardship plan is complete and notify the  
30 submitting program operator within 30 days. If the department determines that the

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1 stewardship plan is complete, the department's 90-day review period for consideration  
2 of approval of the stewardship plan will commence upon the original date of receipt. If  
3 the department determines that the stewardship plan is incomplete, the department  
4 shall identify for the program operator the required additional information and the  
5 program operator shall resubmit the stewardship plan within 30 days. If the department  
6 determines upon resubmittal that the plan is complete, the department's 90-day review  
7 period for consideration of approval of the plan will commence upon the original date of  
8 receipt of the resubmittal.

9

### 10 VI. STEWARDSHIP PLAN FOR COVERED DRUGS.

11 (a) The information submitted in a stewardship plan for covered drugs shall comply with  
12 all applicable state and federal laws, including, but not limited to, regulations adopted by  
13 the United States Drug Enforcement Administration and include the following  
14 components set forth in subdivisions (a), (b), (c), (e), and (f) of section 42032.2, and  
15 sections 42031.6 and 42033 of the Public Resources Code:

16 (b) Contact Information. Provide contact information per section V(a) of this Chapter.

17 (c) Covered Entity. Contact information for each covered entity participating in the  
18 stewardship plan, including, but not limited to:

- 19 (1) Name of company
- 20 (2) Mailing and physical addresses
- 21 (3) Contact name and title
- 22 (4) Email address

23 Upon request by the department, the internet website address and phone number of  
24 participating covered entities shall be provided, if available. The requested information  
25 shall be submitted within 30 days of the request unless extended as determined by the  
26 department.

27 (d) Covered Products. Comprehensive list of covered drugs sold or distributed by each  
28 participating covered entity that has been verified by the State Board pursuant to  
29 subdivision (c) of section 42031 of the Public Resources Code.

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1 (e) Authorized Collector. Contact information for each authorized collector, including,  
2 but not limited to:

- 3 (1) Name of company
- 4 (2) Mailing and physical addresses
- 5 (3) Region of the state in which the authorized collector is operating
- 6 (4) An explanation for excluding any qualified authorized collectors from  
7 participating in the program as applicable.

8 (f) Any changes to the information in subdivisions (a), (b), (c), and (d) of this section  
9 shall be submitted to the department quarterly, or more frequently as the stewardship  
10 organization desires, according to instructions provided by the department.

11 (g) Authorized Collection Sites. The program operator shall:

12 (1) Provide a list of the potential authorized collectors that have been notified of the  
13 opportunity to serve as an authorized collector and a list of potential authorized  
14 collectors who express interest in participating as an authorized collector as set  
15 forth in subsection (1) of subdivision (b) of section 42032.2 of the Public Resources  
16 Code.

17 (2) Describe what efforts were taken including, but not limited to, email, mail, phone  
18 calls, and site visits to negotiate in good faith with any potential authorized collector,  
19 the results of those negotiations, and the reason(s) for the results.

20 (3) Describe how retail pharmacies were notified of the requirement to make  
21 reasonable effort to serve as authorized collectors in order to meet the minimum  
22 convenience standards in each county as set forth in subsection (1)(F)(i) of  
23 subdivision (a) of section 42032.2 of the Public Resources Code.

24 (4) If there is a retail pharmacy chain in a county in which the minimum threshold is  
25 not met, the program operator shall describe how it ensured the retail pharmacy  
26 chain shall have the greater of at least one location or 15 percent of its locations  
27 serve as authorized collectors in the stewardship plan.

28 (5) Describe how authorized collectors were included as set forth in subdivision (b)  
29 of section 42030 of the Public Resources Code even if the minimum convenience  
30 standards have been met.

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- 1 (h) Agency Determinations. Provide determinations of compliance from the State Board  
2 and any other state agency that reviewed the plan for compliance as set forth in  
3 subsections (1)-(4) of subdivision (b) of section 42032 of the Public Resources Code. If  
4 a determination of noncompliance was issued, a superseding determination of  
5 compliance shall accompany the submittal.
- 6 (i) Program Funding. Describe how participating covered entities will provide funding  
7 for all administrative and operational costs of the stewardship program to be borne by  
8 covered entities, including collection of fees.
- 9 (j). Handling, Transportation, and Disposal System.
- 10 (1) Describe the processes and policies that will be used to safely and securely  
11 collect, track, and properly manage unwanted covered drugs from collection to  
12 disposal, and how all entities participating will operate under and comply with all  
13 applicable state and federal laws and regulations.
- 14 (2) Describe the proposed collection systems that will provide ultimate users  
15 convenient collection and disposal service of covered products.
- 16 (3) Explain how convenience standards will be met for each county, including  
17 providing a drop-off collection system that is the greater of either at least five drop-  
18 off sites or one drop-off site for every 50,000 people and are geographically  
19 distributed to provide reasonably convenient and equitable access to ultimate  
20 users.
- 21 (4) Explain how the determination of geographic spread was developed, including  
22 all factors used to develop the determination. Population considerations shall use  
23 the most recent publically available State of California Department of Finance's  
24 population calculations.
- 25 (5) Describe how frequently the populations will be recalculated to ensure  
26 convenience standards are continually met.
- 27 (6) Explain the tracking mechanism(s) for collection, transportation, and disposal  
28 that will be used.
- 29 (7) Describe the mail-back services to be provided to ultimate users including, but  
30 not limited to:

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1 (A) Locations where preaddressed, prepaid mail-back materials are  
2 distributed.

3 (B) Mechanism to provide preaddressed, prepaid mail-back materials by  
4 request from ultimate users including those who are homeless, homebound,  
5 or disabled through the stewardship program's internet website or toll-free  
6 telephone number.

7 (C) Any other form of collection and disposal system that would render the  
8 covered drug inert and may be used as a supplement service for any county  
9 that does not meet the minimum authorized collection site threshold due to  
10 circumstances out of the program operator's control.

11 (8) Describe the other method(s) of collection of covered drugs that cannot be  
12 accepted or commingled with other covered drugs, including, but not limited to,  
13 separate mail-back program or separate collection receptacles.

14 (9) Describe the service schedule(s) and the frequency that will be implemented to  
15 meet the needs of each authorized collection site. The description shall include, but  
16 not be limited to:

17 (A) How the program operator will ensure receptacles do not reach capacity.

18 (B) How the program operator will train each authorized collection site of its  
19 responsibilities to maintain and make available collection records including  
20 receipt or collection manifest as verification the service was performed. These  
21 documents shall be maintained by the authorized collection site and made  
22 available to the department upon request.

23 (C) What ongoing steps will be taken to verify an authorized collector  
24 maintains compliance with all collection, transportation, and disposal  
25 standards related to the handling of covered drugs, including United States  
26 Drug Enforcement Administration regulations.

27 (D) How each participating collection site will be funded or reimbursed.

28 (10) Describe the process for selecting contractors.

29 (11) Explain the process for providing grants or reimbursements to local  
30 jurisdictions or service providers.

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- 1 (12) Describe the staffing of the stewardship program.
- 2 (k) Collection and Disposal System Records. Describe how and where records will be  
3 maintained on policy and procedures for collection, transporting and disposing of  
4 covered drugs. Maintain records describing any instances of security problems that  
5 occur and what corrective actions are taken to update policies and procedures to  
6 prevent problems and to improve safety and security.
- 7 (l) Ordinance Repeals. Describe how the plan would provide for expansion into local  
8 jurisdictions, including but not limited to, logistics, funding, and absorbing and  
9 transitioning local jurisdiction infrastructure into the program in the event of the repeal of  
10 a local stewardship program ordinance.
- 11 (m) Education and Outreach. Describe how, in accordance with section 42031.6 of the  
12 Public Resources Code and in an effort to promote participation, a program operator  
13 shall do, at a minimum, the following:
- 14 (1) Describe a marketing plan that will publicize and promote the stewardship  
15 program to hospitals, clinics, pharmacies, pharmacists, citizens, and any others,  
16 as necessary, to maximize public education and consumer participation, and  
17 provide information on how and where to return unwanted covered products  
18 through the program. Education and outreach materials may include, but are not  
19 limited to:
- 20 (A) Signage at medical facilities
- 21 (B) Media ads in various locations, for example, television, radio,  
22 newspapers, billboards, and bus stop benches
- 23 (C) Social media
- 24 (D) Brochures or flyers
- 25 (E) Videos
- 26 (F) Public event booths
- 27 (2) Education and outreach materials produced by a program operator shall be  
28 held to at least the same accessibility standards used by the department on its  
29 internet website. These standards include, but are not limited to, provisions for

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1 visually or hearing impaired individuals, availability of text translations for several  
2 different languages, and compliance with the Americans with Disabilities Act.

3 (3) Establish and maintain an internet website that will publicize authorized  
4 collection site locations, contact telephone numbers to find hours of operation  
5 and notification if a collection bin is open or full, accept requests for mail-back  
6 materials, and provide other information to promote the stewardship program.

7 (4) Establish and maintain a toll-free telephone number to provide collection  
8 site information and a means to accept mail-back material requests, disposal  
9 options, and other program information for ultimate users who are homeless or  
10 homebound, or disabled.

11 (5) Propose and describe metrics to evaluate performance of education and  
12 outreach efforts that may include, but are not limited to, consumer awareness,  
13 program usage, and accessibility.

14 (n) Policies and procedures the program operator determines are confidential in nature  
15 may be submitted directly to the department. A cover letter shall be provided explaining  
16 the justification of confidentiality pursuant to section 42036.4 of the Public Resources  
17 Code. In addition to the provisions in section 42036.4 of the Public Resources Code,  
18 records supplied to the department pursuant to this Article that are, at the time of  
19 submission, claimed to be proprietary, confidential, or trade secret shall be subject to  
20 the provisions in Title 14, California Code of Regulations, Division 7, Chapter 1, Article 4  
21 (commencing with section 17041).

22 (o) A program operator submitting a stewardship plan shall provide to the department,  
23 upon request, clarifying information that is related to any component within the  
24 stewardship plan in order to assist the department in its consideration of plan approval.

### 25 26 **VII. STEWARDSHIP PLAN SUBMITTAL FOR HOME-GENERATED SHARPS** 27 **WASTE.**

28 (a) A corporate officer, acting on behalf of the program operator, shall submit to the  
29 department contact information of the corporate officer responsible for submitting and  
30 overseeing the stewardship plan, including, but not limited to:

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- 1 (1) Contact name and title
- 2 (2) Name of company or stewardship organization
- 3 (3) Mailing and physical addresses
- 4 (4) Phone number
- 5 (5) Email address
- 6 (6) Internet website address

7 (b) The stewardship plan shall be submitted electronically according to instructions  
8 provided by the department. The date of electronic submittal will be considered the date  
9 of receipt by the department. A hard copy submittal letter referencing the electronic  
10 stewardship plan document with the signature of a corporate officer must be submitted  
11 to the department.

12 (c) The stewardship plan shall be held to at least the same accessibility standards used  
13 by the department on its internet website. These standards include, but are not limited  
14 to, provisions for visually or hearing impaired individuals, availability of text translations  
15 for several different languages, and compliance with the Americans with Disabilities Act.

16 (d) A hard copy of the stewardship plan shall be submitted to the department in addition  
17 to the electronic submittal.

18 (e) The department shall determine if a stewardship plan is complete and notify the  
19 submitting program operator within 30 days. If the department determines that the  
20 stewardship plan is complete, the department's 90-day review period for consideration  
21 of approval of the stewardship plan will commence upon the original date of receipt. If  
22 the department determines that the stewardship plan is incomplete, the department  
23 shall identify for the program operator the required additional information and the  
24 program operator shall resubmit the stewardship plan within 30 days. If the department  
25 determines upon resubmittal that the plan is complete, the department's 90-day review  
26 period for consideration of approval of the plan will commence upon the original date of  
27 receipt of the resubmittal.

28

### 29 **VIII. STEWARDSHIP PLAN FOR HOME-GENERATED SHARPS WASTE.**



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- 1 (a) The information submitted in a stewardship plan for home-generated sharps waste  
2 shall comply with all applicable state and federal laws, including, but not limited to,  
3 regulations adopted by the United States Drug Enforcement Administration and include  
4 the following components set forth in subdivisions (d)-(f) of section 42032.2, section  
5 42031.6, and section 42033 of the Public Resources Code:
- 6 (b) Contact Information. Provide contact information per section VII(a) of this Chapter.
- 7 (c) Covered Entity. Contact information for each covered entity participating in the  
8 stewardship plan, including, but not limited to:
- 9 (1) Name of company
  - 10 (2) Mailing and physical addresses
  - 11 (3) Contact name and title
  - 12 (4) Email address
- 13 Upon request by the department, the internet website address and phone number of  
14 participating covered entities shall be provided, if available. The requested information  
15 shall be submitted within 30 days of the request unless extended as determined by the  
16 department.
- 17 (c) Covered Products. Comprehensive list of home-generated sharps sold or  
18 distributed by each participating covered entity that has been verified by the State Board  
19 pursuant to subdivision (c) of section 42031 of the Public Resources Code.
- 20 (d) Any changes to the information in subsections (a), (b), and (c) of this section shall  
21 be submitted to the department quarterly, or more frequently as the program operator  
22 desires, according to instructions provided by the department.
- 23 (e) Agency Determinations. Provide determinations of compliance from the State Board  
24 and any other relative authoritative state agency that reviewed the plan for compliance  
25 as set forth in subdivision (b) of section 42032 of the Public Resources Code shall be  
26 submitted to the department. If a determination of noncompliance was issued, a  
27 superseding determination of compliance shall accompany the submittal.
- 28 (f) Program Funding. Describe how participating covered entities will provide funding  
29 for all administrative and operational costs of the stewardship program, including  
30 collection of fees.

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- 1 (g) Handling, Transportation, and Disposal System.
- 2 (1) Describe the process and policies for the mail-back program and other  
3 activities that will be used to safely and securely collect, track, transport, and  
4 dispose of home-generated sharps waste.
- 5 (2) Describe how plan implementation will ensure distribution of home-  
6 generated sharps waste containers and mail-back materials are provided to  
7 ultimate users free of charge and at the point of sale and meet the following  
8 requirements:
- 9 (A) Containers and mail-back materials are distributed in amounts to  
10 accommodate the volume of sharps purchased by the ultimate user.
- 11 (B) Packaging and mail-back materials shall include information on  
12 proper home-generated sharps waste disposal.
- 13 (C) Container labels or packaging materials shall include the stewardship  
14 program internet website and toll-free telephone number.
- 15 (D) Prepaid postage shall be affixed to the container or mail-back  
16 packaging.
- 17 (3) Describe any other collection and disposal activities of covered products  
18 that may be provided in addition to, but not substituted for, the mail-back  
19 program. If using collection sites, describe how each participating collection site  
20 will be funded or reimbursed.
- 21 (4) Explanation of the tracking mechanism(s) and record keeping processes  
22 and procedures for collection, transportation, and disposal that will be used.
- 23 (5) Description of the procedures followed by persons handling home-  
24 generated sharps waste under the stewardship plan and how all entities  
25 participating will operate under and comply with all applicable state and federal  
26 laws and regulations.
- 27 (6) Describe the process for selecting contractors.
- 28 (7) Explain the process for providing grants or reimbursements to local  
29 jurisdictions or service providers.
- 30 (8) Describe the staffing of the stewardship program.

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1 (h) Reimbursement. The program operator shall provide for reimbursement of  
2 transportation of home-generated sharps waste from household hazardous waste  
3 facilities and disposal costs to local agencies who request reimbursement, as required  
4 by subdivision (d) of section 42032 of the Public Resources Code. Reimbursement  
5 requests by local agencies shall be submitted with a declaration under penalty of perjury  
6 that reimbursement expenses are not prohibited.

7 (i) Ordinance Repeals. Describe how the stewardship plan would provide for  
8 expansion into local jurisdictions, including but not limited to, logistics, funding,  
9 absorbing and transitioning local infrastructure, in the event of the repeal of local  
10 stewardship program ordinances.

11 (j) Education and Outreach. As set forth in section 42031.6 of the Public Resources  
12 Code, a program operator shall conduct an education and outreach program to promote  
13 participation in the stewardship program including, but not limited to, the following:

14 (1) Describe a marketing plan that will publicize and promote the stewardship  
15 program to hospitals, clinics, pharmacies, pharmacists, citizens, and any others,  
16 as necessary, to maximize public education and consumer participation, and  
17 provide information on how and where to return unwanted covered products  
18 through the program. Education and outreach materials may include, but are not  
19 limited to:

20 (A) Signage at medical facilities

21 (B) Media ads in various locations, for example, television, radio,  
22 newspapers, billboards, and bus stop benches

23 (C) Social media

24 (D) Brochures or flyers

25 (E) Videos

26 (F) Public event booths

27 (2) Education and outreach materials produced by a program operator shall be  
28 held to at least the same accessibility standards used by the department on its  
29 internet website. These standards include provisions for visually or hearing

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1 impaired individuals, availability of text translations for several different  
2 languages, and compliance with the Americans with Disabilities Act.

3 (3) Establish and maintain an internet website and toll-free telephone number  
4 that will publicize the program, promote safe handling and proper disposal of  
5 covered products, accept requests for mail-back materials, and provide other  
6 information to promote the stewardship program.

7 (4) Describe metrics to evaluate performance of education and outreach efforts  
8 that may include, but are not limited to, consumer awareness, program usage,  
9 and accessibility.

10 (k) Policies and procedures the program operator determines are confidential in nature  
11 may be submitted directly to the department. A cover letter shall be provided providing  
12 the justification of confidentiality pursuant to section 42036.4 of the Public Resources  
13 Code. In addition to the provisions in section 42036.4 of the Public Resources Code,  
14 records supplied to the department pursuant to this Article that are, at the time of  
15 submission, claimed to be proprietary, confidential, or trade secret shall be subject to  
16 the provisions in Title 14, California Code of Regulations, Division 7, Chapter 1, Article 4  
17 (commencing with section 17041).

18 (l) A program operator submitting a stewardship plan shall provide to the department,  
19 upon request, clarifying information that is related to any component within the  
20 stewardship plan in order to assist the department in its consideration of plan approval.

### 21 22 **IX. ANNUAL REPORT SUBMITTAL FOR COVERED DRUGS.**

23 (a) A corporate officer, acting on behalf of the program operator, shall submit to the  
24 department contact information of the corporate officer responsible for submitting the  
25 annual report, including, but not limited to:

- 26 (1) Contact name and title
- 27 (2) Name of company or stewardship organization
- 28 (3) Mailing and physical addresses
- 29 (4) Phone Number
- 30 (5) Email address

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1 (6) Internet website address

2 (b) The annual report shall be submitted electronically according to instructions  
3 provided by the department. The date of electronic submittal will be considered the date  
4 of receipt by the department. A hard copy submittal letter referencing the electronic  
5 annual report document with the signature of a corporate officer must be submitted to  
6 the department.

7 (c) The annual report shall be held to at least the same accessibility standards used by  
8 the department on its internet website. These standards include, but are not limited to,  
9 provisions for visually or hearing impaired individuals, availability of text translations for  
10 several different languages, and compliance with the Americans with Disabilities Act.

11 (d) A hard copy of the annual report shall be submitted to the department in addition to  
12 the electronic submittal.

13 (e) The department shall determine if the annual report is complete and notify the  
14 submitting program operator within 30 days. If the department finds that the annual  
15 report is complete, the department has a 90-day review period for consideration of  
16 approval, set forth in set forth in subdivision (d) of section 42033.2 and subdivision (e) of  
17 section 42032 of the Public Resources Code.

### 18 19 **X. ANNUAL REPORT FOR COVERED DRUGS.**

20 (a) The annual report shall contain the following information:

21 (1) Contact information. Provide contact information for the program operator or  
22 corporate officer responsible for annual report submittal as specified in section  
23 IX(a) of this Chapter.

24 (2) Executive Summary. The purpose of the executive summary is to serve as an  
25 introduction for the program operator's efforts during the reporting period and  
26 provide context for the information in the annual report pursuant to subsection (1)  
27 of subdivision (a) of section 42033.2 of the Public Resources Code. This should  
28 be a brief, concise description of the stewardship program highlights, outcomes,  
29 and achievement of criteria standards set in the approved stewardship plan,  
30 including but not limited to implementation and achievement of collection

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1 convenience standards, outreach and education, and expectations for the  
2 upcoming reporting period.

3 (3) Collection System. Include quantitative information and discussion on the  
4 following categories pursuant to subdivision (b) of section 42033.2 of the Public  
5 Resources Code.

6 (A) Describe efforts between the program operator and potential  
7 authorized collectors to establish collection sites and provide the results of  
8 negotiations pursuant to subdivision (b) of section 42032.2 of the Public  
9 Resources Code.

10 (B) Describe how ultimate users had an opportunity to manage disposal of  
11 their covered drug(s) as described in the approved stewardship plan.

12 (C) Describe how the criteria set forth in the stewardship plan were  
13 achieved for the convenience standard, location and number of  
14 collection sites, geographic distribution of sites, including but not  
15 limited to compliance with collection system requirement pursuant to  
16 subsection (1)(F) of subdivision (a) of section 42032.2 of the Public  
17 Resources Code.

18 (D) Describe best management practices followed by authorized  
19 collectors, which shall include a description of any training provided to  
20 or required of service providers to ensure compliance with federal and  
21 state regulations, and the method of tracking collection(s).

22 (E) For each authorized collection site, include:

- 23 (i) Name, mailing and physical addresses of collection site,
- 24 (ii) Weight of covered drugs collected over the reporting period,
- 25 (iii) Number of collections at each site, and
- 26 (iv) Number of instances that authorized collection site reached  
27 capacity.

28 (F) For mail-back program, include:

- 29 (i) Quantity of containers provided
- 30 (ii) Size of the containers

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1 (iii) Distribution method

2 (iv) Number and weight collected

3 (G) For any applicable other collection method(s), provide a summary that  
4 includes but is not limited to:

5 (i) Method of collection

6 (ii) Name and location

7 (iii) Number of collections

8 (iv) Quantity distributed

9 (v) Weight of covered drugs collected

10 (4) Transportation and Disposal.

11 (A) Describe the methods used to transport and dispose of covered drugs  
12 as described in the approved stewardship plan. The description shall  
13 include any deviation from the approved plan, method to track collections,  
14 and best management practices, which may include any training to comply  
15 with federal and state regulations.

16 (B) For each disposal facility, include:

17 (i) Name

18 (ii) Mailing and physical address

19 (iii) Total weight of covered drugs disposed

20 (5) Safety and Security.

21 (A) Describe incidents with safety and security related to collection,  
22 transportation, or disposal of collected covered drugs pursuant to  
23 subsection (7) of subdivision (b) of section 42033.2 of the Public  
24 Resources Code, including, but not limited to:

25 (i) Location

26 (ii) Description of incident

27 (iii) Identify cause(s) of failure

28 (iv) Parties involved

29 (v) Corrective actions taken

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1 (vi) Regulatory or law enforcement agencies involved and any  
2 litigation, arbitration, or other legal proceedings that result from  
3 each incident

### 4 (6) Education and Outreach.

5 (A) Describe education and outreach activities in context to those  
6 identified in the stewardship plan pursuant to section 42031.6 of the Public  
7 Resources Code.

8 (B) Identify methods used to maximize public education and promote  
9 participation in the approved stewardship plan. Include:

10 (i) Target audiences for the marketing efforts (e.g., physicians,  
11 pharmacies, etc.)

12 (ii) Method of marketing and distribution (e.g. social media, media  
13 ads, videos, etc.)

14 (iii) Quantities

15 (iv) Language(s) used

16 (v) Compliance with the Americans with Disabilities Act

17 (vi) Electronic examples of promotional marketing material

18 (C) Identify internet website address and toll-free phone number for  
19 promotion and outreach of collection system and stewardship program.

20 (D) Describe evaluation of the performance of education and outreach  
21 efforts to determine effectiveness and identify potential changes to those  
22 efforts as a result of the evaluation.

23 (7) Policies and Procedures. Provide updated policies and procedures used to  
24 implement the stewardship program pursuant to section (VI)(n) of this Chapter.

25 (8) Verification. Include an updated and reverified list pursuant to subsection (2)  
26 of subdivision (b) of section 42033.2 of the Public Resources Code for the  
27 following:

28 (A) Updated and verified list of participating covered entities covered by  
29 the stewardship plan and their updated contact information including, but  
30 not limited to:



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- 1 (i) Name of company
- 2 (ii) Mailing and physical addresses
- 3 (iii) Contact name and title
- 4 (iv) Email address
- 5 (B) Updated and verified list of covered products
- 6 (C) Updated and verified list of authorized collectors and their updated
- 7 contact information including, but not limited to:
- 8 (i) Name of company
- 9 (ii) Mailing and physical addresses
- 10 (iii) Contact name and title
- 11 (iv) Email address
- 12 (D) Updated and verified list of authorized collection sites including the
- 13 name and physical address of the site.
- 14 (9) Significant Changes.
- 15 (A) Describe any significant changes to the approved stewardship plan,
- 16 including rationale and results for those changes and department approval
- 17 documentation.
- 18 (B) Include local ordinance repeal(s) resulting in expansion into new
- 19 jurisdictions
- 20 (10) Agency Determination. Identify agency determination(s) of noncompliance,
- 21 if any, for the reporting period.
- 22 (11) Audits.
- 23 (A) An audit of the minutes, books, and records for a 12-month period by
- 24 an independent certified public accountant pursuant to subsection (b) of
- 25 section 42033.4 of the Public Resources Code.
- 26 (B) An independent financial audit of the stewardship program funded by
- 27 the covered entities of the stewardship program. The audit shall be
- 28 conducted in accordance with generally accepted auditing standards in the
- 29 United States of America, and Generally Accepted Government Auditing
- 30 Standards. A Certified Public Accountant (CPA) shall prepare the financial

## INFORMAL DRAFT REGULATORY TEXT

1 audit and submit the audit report to the department. The CPA shall not  
2 perform the non-audit services for the program operator or engage in any  
3 activities that would impair independence. The independent financial audit  
4 shall include, but not be limited to:

5 (i) Stewardship program financial statements, as required by Generally  
6 Accepted Accounting Principles (GAAP).

7 (ii) An opinion on the stewardship organization's compliance with the  
8 financial aspects of section 42034 of the Public Resources Code and  
9 Title 14, Division 7, Chapter 11 Article 4 of the California Code of  
10 Regulations.

11 (iii) Findings and recommendations as they relate to the financial  
12 aspects of the stewardship organization program.

13 (iv) Management Letter, if issued, by the stewardship organization's  
14 CPA.

15 (b) Department shall post report analysis pursuant to section 42033.6 of the Public  
16 Resources Code.

### 17 18 **XI. ANNUAL REPORT SUBMITTAL FOR HOME-GENERATED SHARPS WASTE.**

19 (a) A corporate officer, acting on behalf of the program operator, shall submit to the  
20 department contact information of the corporate officer responsible for submitting the  
21 annual report, including, but not limited to:

22 (1) Contact name and title

23 (2) Name of company or stewardship organization

24 (3) Mailing and physical addresses

25 (4) Phone Number

26 (5) Email address

27 (6) Internet website address

28 (b) The annual report shall be submitted electronically according to instructions provided  
29 by the department. The date of electronic submittal will be considered the date of  
30 receipt by the department. A hard copy submittal letter referencing the electronic annual

## INFORMAL DRAFT REGULATORY TEXT

1 report document with the signature of a corporate officer must be submitted to the  
2 department.

3 (c) The stewardship plan shall be held to at least the same accessibility standards used  
4 by the department on its internet website. These standards include, but are not limited  
5 to, provisions for visually or hearing impaired individuals, availability of text translations  
6 for several different languages, and compliance with the Americans with Disabilities Act.

7 (d) A hard copy of the annual report shall be submitted to the department in addition to  
8 the electronic submittal.

9 (e) The department shall determine if the annual report is complete and notify the  
10 submitting program operator within 30 days. If the department finds that the annual  
11 report is complete, the department has a 90-day review period for consideration of  
12 approval, set forth in set forth in subdivision (d) of section 42033.2 and subdivision (e) of  
13 section 42032 of the Public Resources Code.

14

### 15 **XII. ANNUAL REPORT FOR HOME-GENERATED SHARPS WASTE.**

16 (a) The annual report shall contain the following information:

17 (1) Contact information. Provide contact information for the program operator or  
18 corporate officer responsible for annual report submittal as specified in section  
19 XI(a) of this Chapter.

20 (2) Executive Summary: The purpose of the executive summary is to serve as an  
21 introduction for the program operator's efforts during the reporting period and  
22 provide context for the information in the annual report pursuant to subsection (1)  
23 of subdivision (a) of section 42033.2 of the Public Resources Code. This should  
24 be a brief description of achievement of criteria standards set in the approved  
25 stewardship plan, including but not limited to implementation and achievement of  
26 collection convenience standards, outreach and education, and expectations for  
27 the upcoming reporting period.

28 (3) Collection System. Include quantitative information and discussion on the  
29 following categories pursuant to subdivision (b) of section 42033.2 of the Public  
30 Resources Code.

## INFORMAL DRAFT REGULATORY TEXT

1 (A) Describe how ultimate users of home-generated sharps waste in  
2 California had an opportunity to manage disposal of their home-generated  
3 sharps waste as described in the approved Stewardship Plan.

4 (B) Describe compliance with collection system requirement pursuant to  
5 subsection (1)(F) of subdivision (d) of section 42032.2 of the Public  
6 Resources Code on accordance with the approved stewardship plan.

7 (C) Describe best management practices followed by authorized  
8 collectors, which shall include description of any training provided or  
9 required of service providers to ensure compliance with federal and state  
10 regulations and tracking method for collection.

11 (D) Provide mail-back program data for the previous year that includes,  
12 but is not limited to:

13 (i) Number and size of prepaid containers distributed through point  
14 of sale

15 (ii) Number of containers returned

16 (iii) Weight of returned containers

17 (E) Information on other collection methods made in addition, to but not in  
18 substitution of, the mail-back program, including but not limited to (as  
19 applicable):

20 (i) Description of method

21 (ii) Quantity

22 (iii) Weight

#### 23 (4) Transportation and Disposal.

24 (A) Describe the methods used to transport and dispose of home-  
25 generated sharps waste as described in the approved stewardship plan.

26 The description shall include:

27 (B) Any deviation(s) from the approved plan

28 (C) Method(s) used to track collection(s) and best management practices,  
29 which may include any training to comply with federal and state  
30 regulations.

## INFORMAL DRAFT REGULATORY TEXT

1 (D) For each disposal facility, include:

2 (i) Name

3 (ii) Mailing and physical address

4 (iii) Total weight of home-generated sharps waste disposed.

5 (5) Safety and Security.

6 (A) Describe incidents with safety and security related to collection,  
7 transportation, or disposal of collected home-generated sharps waste  
8 pursuant to subsection (7) of subdivision (b) of section 42033.2 of the  
9 Public Resources Code.

10 (B) Address the following for each incident: location; description of  
11 incident; identify cause(s) of failure, parties involved and corrective actions  
12 taken; regulatory or law enforcement agencies involved and any litigation,  
13 arbitration or other legal proceedings that result from each incident.

14 (6) Education and Outreach.

15 (A) Describe education and outreach activities in context to those  
16 identified in the stewardship plan pursuant to section 42031.6 of the Public  
17 Resources Code.

18 (B) Identify methods used to maximize public education and promote  
19 participation in the approved stewardship plan. Include target of marketing  
20 (e.g., physicians, pharmacies, etc.), method of marketing (e.g. social  
21 media, media ads, videos, etc.), quantity, language, and compliance with  
22 the Americans with Disabilities Act. Include electronic examples of  
23 promotional marketing material.

24 (C) Identify internet website and phone number for promotion and  
25 outreach of collection system and stewardship program.

26 (D) Describe evaluation of the performance of education and outreach  
27 efforts to determine their effectiveness and identify potential changes to  
28 those efforts as a result of the evaluation.

29 (7) Verification. Include an updated and reverified list for the following:

## INFORMAL DRAFT REGULATORY TEXT

1 (A) Updated and verified list of participating covered entities covered by  
2 the stewardship plan and their updated contact information including, but  
3 not limited to: name of company, mailing and physical addresses, contact  
4 name, title, email address.

5 (B) Updated and verified list of covered products.

6 (C) Updated and verified list of authorized collectors and their updated  
7 contact information including, but not limited to:

8 (i) Name of company

9 (ii) Mailing and physical addresses

10 (iii) Contact name and title

11 (iv) Email address

12 (D) Updated and verified list of authorized collection sites including the  
13 name and physical address of the site.

14 (8) Policies and Procedures. Provide updated policies and procedures used to  
15 implement the stewardship program.

16 (9) Significant Changes.

17 (A) Describe significant changes to the approved stewardship plan  
18 including rationale and results for those changes and department approval  
19 documentation.

20 (B) Describe local ordinance repeal(s) resulting in expansion into new  
21 jurisdictions.

22 (10) Agency Determination. Identify agency determination(s) of noncompliance  
23 and for the reporting period.

24 (11) Audits.

25 (A) Include an audit of the minutes, books, and records for a 12-month  
26 period by an independent certified public accountant pursuant to  
27 subsection (b) of section 42033.4 of the Public Resources Code.

28 (B) Include an independent financial audit of the stewardship program  
29 funded by the covered entities of the stewardship program. The audit shall  
30 be conducted in accordance with generally accepted auditing standards in

## INFORMAL DRAFT REGULATORY TEXT

1 the United States of America, and Generally Accepted Government  
2 Auditing Standards. A Certified Public Accountant (CPA) shall prepare the  
3 financial audit and submit the audit report to the department. The CPA  
4 shall not perform the non-audit services for the program operator or  
5 engage in any activities that would impair independence. The independent  
6 financial audit shall include, but not be limited to:

7 (i) Stewardship program financial statements, as required by GAAP.

8 (ii) An opinion on the stewardship organization's compliance with the  
9 financial aspects of section 42034 of the Public Resources Code  
10 and Title 14, Division 7, Chapter 11 Article 4 of the California Code  
11 of Regulations.

12 (iii) Findings and recommendations as they relate to the financial  
13 aspects of the stewardship organization program.

14 (iv) Management Letter, if issued, by the stewardship organization's  
15 CPA

16 (b) Department shall post report analysis pursuant to section 42033.6 of the Public  
17 Resources Code.

### 18 19 **XIII. PROGRAM BUDGET SUBMITTAL.**

20 (a) A corporate officer, acting on behalf of the program operator, shall submit to the  
21 department contact information of the corporate officer responsible for submitting the  
22 program budget, including, but not limited to:

23 (1) Contact name and title

24 (2) Name of company or stewardship organization

25 (3) Mailing and physical addresses

26 (4) Phone Number

27 (5) Email address

28 (6) Internet website address

29 (b) The initial stewardship program budget and annual program budget may be  
30 submitted electronically on or before March 31, 2022 and each year thereafter

## INFORMAL DRAFT REGULATORY TEXT

1 according to instructions provided by the department. The date of electronic submittal  
2 will be considered the date of receipt by the department. A hard copy submittal letter  
3 referencing the electronic annual report document with the signature of a corporate  
4 officer must be submitted to the department.

5 (c) A hard copy of the program budget shall be submitted to the department in addition  
6 to the electronic submittal.

7 (d) The program budget shall be held to at least the same accessibility standards used  
8 by the department on its internet website. These standards include, but are not limited  
9 to, provisions for visually or hearing impaired individuals, availability of text translations  
10 for several different languages, and compliance with the Americans with Disabilities Act.

#### 11 12 **XIV. PROGRAM BUDGETS.**

13 (a) The initial stewardship program budget and annual program budget shall contain  
14 the following information:

15 (1) Anticipated costs and recommended funding level necessary to implement  
16 the stewardship program for cost categories, including, but not limited to the  
17 following:

- 18 (A) Collection
- 19 (B) Transportation
- 20 (C) Processing/disposal
- 21 (D) Administrative costs
- 22 (E) Capital costs
- 23 (F) Education and Outreach
- 24 (G) Target reserve level

25 (2) A narrative description of the cost categories that describe the types of  
26 activities within the category.

27 (3) The first annual program budget must include all actual expenses incurred  
28 during the previous program year.

29 (4) Audits.



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1 (A) An audit of the minutes, books, and records for a 12-month period by  
2 an independent certified public accountant pursuant to subsection (b) of  
3 section 42033.4 of the Public Resources Code.

4 (B) An independent financial audit of the stewardship program funded by  
5 the covered entities of the stewardship program. The audit shall be  
6 conducted in accordance with generally accepted auditing standards in the  
7 United States of America, and Generally Accepted Government Auditing  
8 Standards. A Certified Public Accountant (CPA) shall prepare the financial  
9 audit and submit the audit report to the department. The CPA shall not  
10 perform the non-audit services for the program operator or engage in any  
11 activities that would impair independence. The independent financial audit  
12 shall include, but not be limited to:

13 (i) Stewardship program financial statements, as required by GAAP.

14 (ii) An opinion on the stewardship organization's compliance with the  
15 financial aspects of section 42034 of the Public Resources Code and Title  
16 14, Division 7, Chapter 11 Article 4 of the California Code of Regulations.

17 (iii) Findings and recommendations as they relate to the financial aspects  
18 of the stewardship organization program.

19 (iv) Management Letter, if issued, by the stewardship organization's CPA  
20

### 21 **XV. RECORD KEEPING REQUIREMENTS.**

22 (a) Each program operator or retail pharmacy chain required to comply with Chapter 2  
23 (commencing with §42030, Part 3, Division 30 of the Public Resources Code) shall:

24 (1) Maintain records to support the requirements in this Article. Covered  
25 entities, stewardship organizations, program operators, manufacturers, retail  
26 pharmacies and retail pharmacy chains must maintain records to support  
27 compliance with the regulations. Retail pharmacies or retail pharmacy chains  
28 will maintain and provide access to records required by this Article for 3  
29 years.

## INFORMAL DRAFT REGULATORY TEXT

1 (2) Provide the department with reasonable and timely access, as  
2 determined by the department, to its facilities, operations, and any relevant  
3 records necessary to determine compliance with this Article, upon request.  
4 Covered entities, stewardship organizations, and program operators will  
5 maintain and provide access to records required by this Article for three years  
6 after submission of the annual report which relies upon those records.

7 (3) The department may take disciplinary action against any covered entity,  
8 stewardship organization, program operator, retail pharmacy, or retail  
9 pharmacy chain who fails to provide the department with access pursuant to  
10 this subdivision. If any covered entity, stewardship organization, program  
11 operator, retail pharmacy, or retail pharmacy chain fails to comply after the  
12 imposition of an administrative penalty, the department may immediately  
13 remove the covered entity, stewardship organization, program operator, retail  
14 pharmacy, or retail pharmacy chain from any of the department's list(s) of  
15 those who are in compliance with Chapter 2 (commencing with §42030), Part  
16 3, Division 30 of the Public Resource Code.

17 (4) Retail pharmacies and retail pharmacy chains must provide access to  
18 existing records on all covered products sold or offered for sale in the state  
19 including:

20 (i) The manufacturer of the covered product(s).

21 (ii) The date(s) the retailer purchased the covered product(s) from the  
22 manufacturer, distributor and/or wholesaler.

23 (ii) The date(s) the retailer sold the covered product(s).

24 (iii) Certification letter(s) from the department, if provided by a  
25 manufacturer, to demonstrate that a particular covered product from the  
26 manufacturer is or was subject to a department-approved covered product  
27 stewardship plan. A retail pharmacy/retail pharmacy chain must provide  
28 access to a certification letter only if it is being used as proof of  
29 compliance, pursuant to subsection (b) of section 42035 of the Public  
30 Resources Code, that a covered entity or stewardship organization not

## INFORMAL DRAFT REGULATORY TEXT

1 listed on the department's internet website is in compliance and may sell  
2 or offer for sale pharmaceuticals and/or sharps in California.

### 3 4 **XVI. ADMINISTRATIVE FEE TO DEPARTMENT OF RESOURCES RECYCLING** 5 **AND RECOVERY.**

6 The department will set the administrative fee pursuant to sections 42034 and 42034.2  
7 of the Public Resources Code.

### 8 9 **XVII. STEWARDSHIP ORGANIZATION AUDITS OF COVERED ENTITIES.**

10 Stewardship organizations may conduct an audit of covered entities pursuant to section  
11 42034.4 of the Public Resources Code.

### 12 13 **XVIII. RETAILER, WHOLESALER, DISTRIBUTOR PRODUCT VERIFICATION.**

14 (a) Each distributor, wholesaler, pharmacy, and retailer that sells, offers for sale, or  
15 dispenses a covered product shall:

16 (1) Log onto the department's Internet Web site to verify that covered products  
17 sold, offered for sale, or dispensed are in compliance with the law. Upon  
18 completion of the verification, a printed or electronic proof of website monitoring  
19 certificate shall be obtained and kept for future review and inspection. The proof of  
20 website monitoring will serve as required documentation that supports compliance  
21 with the website monitoring requirements of the statute.

22 (2) Should a noncompliant covered product be identified the distributor, wholesaler,  
23 pharmacy and other retailer must report the discovery to the department to avoid  
24 potential penalties.

25 (3) Reverification and obtaining an updated proof of website monitoring certificate  
26 is required whenever a distributor, wholesaler, pharmacy and other retailer adds a  
27 new covered product that is sold, offered for sale, or dispensed that had not been  
28 previously verified.

29 (4) Upon request by the department, a valid proof of website monitoring certificate  
30 must be presented to the department inspector(s).

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**XIX. CRITERIA TO IMPOSE AN ADMINISTRATIVE PENALTY.**

(a) In assessing or reviewing the amount of an administrative penalty imposed for a violation of this Article, the department shall consider the totality of the circumstances, which may include, but is not limited to, the following:

- (1) The nature, circumstances, extent, and gravity of the violation(s)
- (2) The number and severity of the violation(s)
- (3) Evidence that the violation was intentional, knowing, or negligent
- (4) The size of the violator
- (5) History of violation(s) of the same or similar nature
- (6) The willfulness of the violator's misconduct
- (7) Whether the violator took good faith measures to comply with this chapter and the period of time over which these measures were taken
- (8) Evidence of any financial gain resulting from the violation(s)
- (9) The economic effect of the penalty on the violator
- (10) The deterrent effect that the imposition of the penalty would have on both the violator and the regulated community
- (11) Any other factor that justice may require

**XX. PROCEDURE FOR IMPOSING ADMINISTRATIVE PENALTIES.**

(a) Civil penalties may be administratively imposed in accordance with the procedures outlined in the Administrative Procedures Act at Article 10 of Chapter 4.5 (commencing with section 11445.10) of Part 1 of Division 3 of Title 2 of the Government Code.

(b) The accusation or complaint and all accompanying documents 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 have submitted a stewardship plan for the management of covered products, certified mail or registered mail of the letter

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1 containing the accusation or complaint and accompanying material is mailed,  
2 addressed to the respondent at the latest facility or mailing address(es) on file with  
3 the department. Proof of service of the accusation or complaint shall be the certified  
4 mail receipts or registered mail receipts proving the accusation or complaint and  
5 accompanying materials were sent to respondent by certified mail or registered  
6 mail. For respondents who have not submitted or are not required to submit a  
7 stewardship plan for the management of covered products to the department,  
8 certified mail or registered mail pursuant to the procedures indicated in the  
9 Administrative Procedure Act at subdivision (c) of section 11505 of the Government  
10 Code applies.

11 (c) Civil penalties may be imposed pursuant to subsection (2) of subdivision (a) of  
12 section 42035.2 of the Public Resources Code.



State Water Resources Control Board

**Frequently Asked Questions**

**Per- and Polyfluoroalkyl Substances (PFAS) 13267  
Investigatory Orders Dated March 20, 2019**

As part of a phased investigative approach, the State Water Board issued Statewide 13267 Investigatory Orders WQ 2019-0005-DWQ and WQ 2019-0006-DWQ to determine the presence of per- and polyfluoroalkyl substances (PFAS) at select airports and landfills, respectively, on March 20, 2019.

**LANDFILL PFAS 13267 Order WQ 2019-0006-DWQ, TABLE 2 REFERENCE**

**Attachment 2 of Order WQ 2019-0006-DWQ refers to a Table 2, however, Table 2 does not exist in the Order.**

Reference to Table 2 in PFAS Order WQ 2019-0006-DWQ (i.e. Landfill Order), Attachment 2: In Attachment 2, Section B, Report Submittal, 2nd Paragraph, the last sentence on Page 5 provides reference to general parameters listed in Table 2. This reference to Table 2 is an error. There is no, nor will be, a Table 2 included in Attachment 2 of the landfill Order.

**QUESTIONNAIRE**

**Does the questionnaire need to be completed and sent back even if you plan to sample for PFAS?**

No. Questionnaire responses are due 30 days from the date of the Order only if you have already sampled for the constituents listed in the Order or did not accept PFAS materials.

**LANDFILL SELECTION CRITERIA**

**What was the criteria for landfill selection? Some landfill facilities that received Order WQ 2019-0006-DWQ have no leachate collection system or groundwater wells. Does the Order require the responsible parties to install new wells and leachate sampling points?**

The Order is meant for active and closed landfills that accept or have accepted municipal solid waste in the past, operate under an existing WDR Order with an MRP, and have existing groundwater and leachate monitoring and sampling programs. If a facility does not operate under an MRP and does not have a monitoring system, the responsible party is only required to complete and submit the questionnaire located in Attachment 2 of the Order. The questionnaire must be submitted to the Regional Water Board contact provided in the cover letter.

## **CALIFORNIA ENVIRONMENTAL LABORATORY ACCREDITATION PROGRAM (ELAP)**

It is our understanding that California Environmental Laboratory Accreditation Program (ELAP) does not offer accreditation for non-drinking water matrices (i.e., groundwater and leachate), yet the Order indicates “the analytical laboratory must be accredited by the California Environmental Laboratory Accreditation Program (ELAP) to perform the analytical method for PFAS compliant with Department of Defense (DoD) Table B-15 of Quality Systems Manual (QSM), dated 2017, version 5.1 or later.”

On April 3, 2019, ELAP updated the Field of Testing (FOT) forms 111 and 117 to include the 23 required PFAS plus the 15 optional PFAS analytes in non-drinking water matrices. This is posted on their website:

[https://www.waterboards.ca.gov/drinking\\_water/certlic/labs/announcements.html](https://www.waterboards.ca.gov/drinking_water/certlic/labs/announcements.html). To analyze PFAS samples received from customers who report to the Water Boards, laboratories should use the approved offerings for analysis of non-water drinking water samples.

California laboratories are currently in the ELAP accreditation application process for PFAS analysis per Department of Defense's Quality Systems Manual (version 5.1 or later), Table B-15, for PFAS analysis of non-drinking water matrices. News of accredited laboratories will be published on the ELAP webpage and the State Water Board's PFAS webpage as soon as that information becomes available.

- State Water Board's PFAS webpage - <https://www.waterboards.ca.gov/pfas/>
- California ELAP webpage - [https://www.waterboards.ca.gov/drinking\\_water/certlic/labs/](https://www.waterboards.ca.gov/drinking_water/certlic/labs/)

## **LABORATORY METHOD**

**What is the reason for specifying Department of Defense (DoD) Quality Systems Manual (QSM) Version 5.1 (or later), Table B-15 method, and the 23 parameters required vs 38 listed in the Order?**

There are currently no standardized methods for the analysis of PFAS in non-drinking water aqueous matrices; however, laboratories may still be accredited by California ELAP using proprietary methods if they are also accredited by the Department of Defense for those analytes. US EPA Methods 537 revision 1.1 and 537.1 are only for drinking water and shouldn't be used for these DWQ Orders. California ELAP is accrediting labs for the analytes listed in Table 1 of the PFAS Orders using the Liquid Chromatography Tandem Mass Spectrometry (LC/MS/MS) method compliant with DoD Table B-15 of Quality Systems Manual Version 5.1 (or later). For a lab to be contracted for analysis they must be accredited for the 23 analytes, at minimum, in Table 1 that do not have an asterisk. Not all labs will be capable of analyzing the additional 15 analytes with an asterisk.

## **REPORT DUE DATE**

**The due date for the Final PFAS Report is not clear for those landfills proposing to sample concurrently with the next scheduled monitoring and sampling event.**

If a facility currently operates under an existing Waste Discharger Requirements (WDR) Order with a Monitoring and Report Program (MRP), sampling may be conducted concurrently with the next scheduled monitoring and sampling event. The sampling and analysis results may also be reported along with the regular scheduled report due date. These dates should be proposed in the work plan.



## **NUMBER OF SAMPLING LOCATIONS**

### **Do all wells need to be sampled?**

It is not necessary to sample all well locations. The selected sampling locations must appropriately represent all conditions at your facility. The Regional Water Board will review the selected sample locations presented in the submitted work plan.

## **RESULTS & DATA COMMUNICATION**

### **How will the data collected be used?**

The focus of this effort is to determine the extent of impact from PFAS statewide in order to gather information to support the process for developing a Public Health Goal (Office of Environmental Health Hazard Assessment [OEHHA]), and maximum contaminant level (MCL) for PFAS. Any additional follow-up will be under separate orders. Based on the investigation reports, the Regional Boards may issue new or update existing WDRs and/or MRPs.

### **This is presented as a one-time groundwater screening. How do we conclude no further action needed if no or minor detections occur?**

Any additional follow-up will be under separate orders. Based on the investigation reports, the Regional Water Boards may issue new or update existing WDR Orders and/or MRPs.

### **Has the Water Board considered their communication approach for when data becomes publicly available?**

Sampling, analyses, and data interpretations will be reported by the responsible party or their representatives in the final sampling and analysis report. Final reports will be made accessible to the public through GeoTracker, the Water Boards' data management system for groundwater data.

### **Will the data collected be available on the Groundwater Ambient Monitoring and Assessment Program (GAMA) website?**

PFAS related data uploaded into GeoTracker will be available through GAMA's Groundwater Information System.

## **MUNICIPAL DRINKING WATER SUPPLY WELL TESTING**

### **Are Orders being issued to public water suppliers near suspected PFAS release sites? Are they responsible for testing?**

District engineers, in coordination with the State Water Board's Division of Drinking Water, issued PFAS investigative orders to public water suppliers to sample municipal drinking water supply wells throughout the state. Municipal drinking water supply wells identified are within a 1-mile radius of a municipal solid waste landfill and within a 2-mile radius of airports certified by the Federal Aviation Administration (FAA) to use Aqueous Film-Forming Foam (AFFF) compounds on site.





## State Water Resources Control Board

### NOTICE OF PREPARATION AND NOTICE OF PUBLIC SCOPING MEETING

#### SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR AMENDMENT OF GENERAL WASTE DISCHARGE REQUIREMENTS FOR COMPOSTING OPERATIONS

**NOTICE IS HEREBY GIVEN** that the State Water Resources Control Board (State Water Board) is the lead agency for the subject project. The State Water Board has determined that a Supplemental Environmental Impact Report (SEIR) will be prepared for this project. We are requesting your comments regarding the scope and content of the SEIR. In addition to providing public comments by mail and e-mail, agencies and the public will have the opportunity to provide input during the California Environmental Quality Act (CEQA) scoping. Scoping meeting details are provided on page three of this notice.

#### PROJECT DESCRIPTION

The State Water Board proposes to amend General Waste Discharge Requirements for Composting Operations, [Order WQ-2015-0121-DWQ](#) (General Order). The General Order includes requirements to protect water quality from composting activities while streamlining the permitting process. The General Order applies to commercial and municipal facilities that aerobically compost materials such as green waste, manure, anaerobic digestate, biosolids, food scraps, and scrap paper products. Eligible composting operations are classified into two tiers designed to reduce the threat to water quality. The tiers are based on the amount and type of feedstocks composted and site conditions such as depth to groundwater, percolation rate, and proximity to surface water and drinking water supply wells. Tier II specifications are designed to be more protective of water quality than Tier I specifications.

Currently, manure as a feedstock is only allowed at Tier II facilities. The State Water Board proposes to amend the General Order to **allow herbivore manure (as defined) to be used as a feedstock at Tier I facilities** where groundwater monitoring wells are installed and a groundwater protection monitoring plan is implemented.

The State Water Board also proposes to amend the General Order by **expanding the Agricultural Composting exemption to include non-agricultural sites, allow the composting of both on-site and off-site materials, and increase the export limit. The resulting compost would be returned to the land owned by the same owner of the composting operation and up to 5,000 cubic yards can be exported (sold or given away) annually to be consistent with the small-volume conditional exemption.**

Documents associated with the General Order are available on the State Water Board's Web site at: [http://www.waterboards.ca.gov/water\\_issues/programs/compost/index.shtml#news](http://www.waterboards.ca.gov/water_issues/programs/compost/index.shtml#news)

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | [www.waterboards.ca.gov](http://www.waterboards.ca.gov)

The purpose of the SEIR is to analyze the potential impacts associated with the proposed amendment and to evaluate a reasonable range of alternatives that would avoid or lessen any of the significant impacts that may be identified for the amendment. Probable environmental effects associated with the proposed amendment, which will be addressed in detail in the SEIR, are hydrology and water quality. The State Water Board does not anticipate that the proposed amendment will have any other environmental effects beyond those previously identified in the original Environmental Impact Report prepared for the General Order.

#### **WRITTEN COMMENTS**

Interested persons are encouraged to submit written comments electronically. Comment letters can be submitted by e-mail to [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov) (if less than 15 megabytes in total size) or by fax at (916) 341-5620. E-mail comments are preferred. The subject line should include the phrase "**Comment Letter – CEQA - Composting General Order NOP.**" Written comments also may be delivered via mail to:

Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-2000

or hand-delivered to the following address:

Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24th Floor  
Sacramento, California 95814

Pursuant to the Public Resources Code, Section 21080.4 and CEQA Guidelines, Section 15082, comments should be limited to environmental concerns related to this project and must be submitted within 30 days of receiving this notice. The comment period begins on Monday, May 13, 2019. The deadline for submitting comments is **Friday, June 14, 2019 by 12:00 noon.**

#### **NOTICE OF CALIFORNIA ENVIRONMENTAL QUALITY ACT SCOPING MEETING**

**NOTICE IS HEREBY GIVEN** that the State Water Board will hold a public scoping meeting for the proposed amendment. At the scoping meeting, the project description will be reviewed and input from agencies and the public will be solicited on specific topics that they feel should be discussed in the environmental analysis. Although a quorum of the State Water Board may be present, this is not a hearing, and the State Water Board will not hear any items nor take any action during the meeting. The location and time of the public meeting are provided below:

A scoping meeting will be held at the following location and time:

**May 29, 2019, - 2:30 p.m. to 4:30 p.m.**  
Joe Serna Jr.-CalEPA Headquarters Building  
Training Room 2  
1001 I Street, 2<sup>nd</sup> Floor  
Sacramento, CA 95814

**PARKING, SECURITY, AND ACCESSIBILITY**

A parking garage is located across from the Joe Serna Jr.-CalEPA building with entrances on 10th and 11th Streets between "I" and "J" Streets. Metered parking spaces are also available in the vicinity of the building. For a map, refer to the State Water Board Web site:

<https://calepa.ca.gov/headquarters-sacramento/location/>

Please note: All visitors to the CalEPA Building are required to sign in and receive a badge at the Visitor Services Center located inside the main entrance (10th Street entrance). Valid picture identification may be required. Please allow up to 15 minutes for receiving clearance prior to the scoping meeting.

The CalEPA building is accessible to persons with disabilities. Individuals requiring special accommodations are requested to call (916) 341-5261 at least five working days prior to the meeting. Persons with hearing or speech impairments can contact us by using the California Relay Service Telecommunications Device for the Deaf (TDD). TDD is reachable only from phones equipped with a TDD device. HEARING IMPAIRED RELAY SERVICE: TDD to Voice (800) 735-2929, Voice to TDD (800) 735-2922.

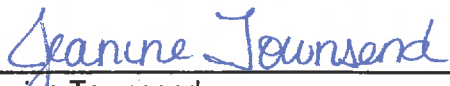
**QUESTIONS AND ADDITIONAL INFORMATION**

General questions concerning this notice may be directed to Frank Roddy at (916) 341-5379 or e-mail [Frank.Roddy@waterboards.ca.gov](mailto:Frank.Roddy@waterboards.ca.gov).

To save paper, the State Water Board strongly encourages interested persons to subscribe to receive information by e-mail. If you would like to receive future announcements about the Order by e-mail, please subscribe to the State Water Board's e-mail list for "Composting Operations" at:

[https://www.waterboards.ca.gov/water\\_issues/programs/compost/index.html#news](https://www.waterboards.ca.gov/water_issues/programs/compost/index.html#news)

\_\_\_\_\_  
Date      May 13, 2019

  
\_\_\_\_\_  
Jeanine Townsend  
Clerk to the Board





# Informational Seminar for Proposed Photovoltaic Modules Regulations

MARCH 25, 2019

Chosu Khin, Ph.D.  
DTSC Policy and Program Support Branch  
Hazardous Waste Management Program



Department of Toxic Substances Control

## Introduction

- Who we are
  - DTSC's hazardous waste management program (HWMP)
- Why we are here
  - DTSC's universal waste management standards
  - Photovoltaic modules as universal waste rulemaking
  - Photovoltaic modules / PV modules / Solar panels

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Department of Toxic Substances Control

## Seminar Topics

- DTSC's oversight of universal waste management
- Proposed PV module regulation
- Rulemaking process projected timeline

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Department of Toxic Substances Control

## Hazardous Waste (HW)

A waste is a hazardous waste if it

- is listed as a hazardous waste
- exhibits characteristic of a hazardous waste
  - Toxic
  - Reactive
  - Ignitable
  - Corrosive



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## Hazardous Waste

### Two Sets of Hazardous Waste Classification

	FEDERAL (U.S. EPA)	CALIFORNIA (DTSC)
<b>LAW</b>	Resource Conservation and Recovery Act (RCRA)	Health and Safety Code - Hazardous Waste Control Law
<b>REGULATIONS</b>	Code of Federal Regulations (CFR) Title 40	California Code of Regulations (CCR) Title 22

Generators are responsible for determining whether a waste is hazardous and to manage the waste according to the applicable management standards.

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Department of Toxic Substances Control

## Hazardous Waste Testing for Toxicity

FEDERAL	CALIFORNIA
<ul style="list-style-type: none"> <li>Toxicity Characteristic Leaching Procedure (TCLP)</li> </ul>	<ul style="list-style-type: none"> <li>Total Threshold Limit Concentrations (TCLC)</li> <li>Waste Extraction Test (WET) - Soluble Threshold Limit Concentrations (STLC)</li> </ul>



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## What is Universal Waste (UW)?

- Hazardous wastes managed under an alternative management standard
- Universal waste criteria:
  - Hazardous
  - Low-risk
  - Generated by a wide variety of generators
  - Generated sporadically by a large number of generators



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## Benefits of Universal Waste Management

- Self implementing authorization
- Streamline UW management for diverse sets of generators
- Divert from solid waste landfills to proper treatment, recycling, or disposal
- Improve implementation of and comply with hazardous waste regulations program
- Conserve resources



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## California Universal Waste Rule

- Applies to
  - Handlers
  - Transporters
  - Destination facilities (Treatment, Recycle, or Disposal)
- **Categorizing as universal waste allows generators to manage the waste as universal waste without testing**

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## California Universal Waste Rule

- Presently includes
  - Batteries
  - Electronic devices
  - Mercury-containing equipment
  - Lamps
  - Cathode ray tubes (CRT) and CRT glass
  - Aerosol cans



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## PV Modules as Universal Waste

- Use and demand for alternative energy sources are expanding in California
- California promotes renewable energy resources
  - Renewables Portfolio Standard
  - California Energy Commission's building standards
- PV module wastes generated now and more expected in the future
- PV module waste management - support and expectation

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## Photovoltaic Module

- A device consisting of photovoltaic cells designed to convert solar radiation into electrical energy
- Includes parts - metal frames, junction boxes, batteries, inverters, wires, and cables
- Various technology (XSi, thin-film)
- Does not include concentrated solar power systems (glass mirrors)



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### How are PV Modules Hazardous?

- Heavy metals (Example: cadmium, lead, arsenic)
- Published literature test results
  - RCRA and non-RCRA
  - Metals above toxicity threshold concentrations
  - Not all PV modules wastes are tested hazardous
- Generators are responsible for the hazardous waste determination
- Universal waste rule applies to wastes that are hazardous
- **Categorizing PV modules allows generators to manage the waste as universal waste without testing**



### A break?

### PV Modules Draft proposed regulations

#### Chapter 10

#### Hazardous Waste Management System-General

### PV Modules Draft proposed regulations § 66260.10 Definitions

- Photovoltaic cell / PV cell / solar cell
- Photovoltaic module / PV module / Photovoltaic panel / Solar panel

### PV Modules Draft proposed regulations

#### Chapter 11

#### Identification and Listing of Hazardous Waste

### PV Modules Draft proposed regulations § 66261.9 Requirements for Universal Waste

- Describes what hazardous wastes are
- Exempts PV modules from fully regulated hazardous waste requirements
- Allows PV modules to be managed as universal waste under chapter 23

## PV Modules Draft proposed regulations

### Chapter 23

### Standards for Universal Waste Management

## Article 1. General § 66273.1 Scope

- Subjects PV modules to universal waste regulations
- Establishes chapter 23 as an alternative set of management standards in lieu of hazardous waste management standards

## Article 1. General § 66273.7.1 Applicability — PV modules

PV modules that are covered	PV modules are not covered
All PV modules that meet the definition of a universal waste	<ul style="list-style-type: none"> <li>• Not yet waste</li> <li>• Does not exhibit hazardous characteristic</li> <li>• Exhibits hazardous characteristic other than toxicity</li> <li>• Destined for recycling by being used in a manner constituting disposal</li> <li>• Destined for disposal as HW</li> <li>• That are managed as HW</li> <li>• No longer a waste</li> <li>• Integrated into electronic devices (Example: calculators)</li> </ul>

## Article 1 General § 66273.9 Definitions

- Photovoltaic cell / PV cell / solar cell
- Photovoltaic module / PV module / Photovoltaic panel / Solar panel



## Article 3 Handlers § 66273.31 Prohibitions

- Universal waste PV modules handler is
  - Prohibited from disposing of PV module waste
    - may send the waste to a destination facility
  - Prohibited from diluting or treating PV modules except
    - responding to accidental releases
    - conducting treatment as specified in chapter 23

## Article 3 Handlers § 66273.32(e) Notification



- For handlers who accept and accumulate PV modules
- Notify DTSC 30 days before accepting the wastes
- Notify for each location
- Submit in writing
  - Name
  - ID number
  - Handler's phone number
  - Mailing address
  - Contact's name
  - Contact's phone number
  - Contact's email
  - PV module types
  - PV modules source
  - 5000 kg



### Article 3 Handlers § 66273.32(f) Annual Reporting

- For handlers who **generate** more than 5000 kg or **accept** more than 100 kg of waste PV modules
  - Submit by February 1 of the following year
  - Submit in writing
- |                          |                          |                                   |
|--------------------------|--------------------------|-----------------------------------|
| • Name                   | • Contact's name         | • Shipped to info                 |
| • ID number              | • Contact's phone number | • Shipment quantity               |
| • Handler's phone number | • Contact's email        | • Shipment location's description |
| • Mailing address        | • PV module types        |                                   |
|                          | • PV modules quantity    |                                   |

### Article 3 Handlers § 66273.33.6 UW Management Requirements for PV Modules

- A universal waste handler complies with
  - Applicability
  - Prohibition on disposal
  - Notification and reporting
  - Label/Marking
  - Accumulation time
  - Personal training
  - Response to prevent releases
  - Offsite shipments
  - Tracking shipments
  - Authorized treatments

### Article 3 Handlers § 66273.34 Labeling/Marking

- Label each PV module or containers holding PV modules
- "Universal Waste-PV module(s)"
- Accumulation start date



### Article 3 Handlers § 66273.39 Tracking Universal Waste Shipments

- Handler shall keep record of each shipment received and sent
  - Name and address of sender/receiver
  - Quantity
  - Date of receipt/departure

### Article 5 Transporters § 66273.51 Prohibitions

- Prohibited from transporting more than 100 kg of PV modules unless they are contained to prevent releases



### Article 7. Treatment § 66273.70 Applicability

- Self authorized for certain treatment activities
  - Removal activities (Level I)
  - Dismantling activities (Level II)
  - Treatment/processing activities (Level III)



### Article 7. Treatment § 66273.71 Authorization for Removal Activities (Level I)

- Self authorized for certain removal activities  
Example: Remove battery or inverter
- Remove as prescribed in the operating manual
- Exempt from § 66273.74 - 66273.77



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### Article 7. Treatment § 66273.72 Authorization for Disassembling/Draining Activities (Level II)

- Dismantle, remove, or segregate components without breaking the glass
- Recycle "scrap metal"
- Comply with notification/reporting/recordkeeping requirements specific to treatment activities



Level II continued

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### Article 7. Treatment § 66273.72 Authorization for Disassembling/Draining Activities (Level II - Compliance)

- Protect the person managing the activities
- Prevent release to the environment
- Send for further treatment
- Recycle or dispose of at a HW disposal facility



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### Article 7. Treatment § 66273.73 Authorization for Treatment (Processing) Activities (Level III – Activities)

- Treatments allowed
  - Treat by intentionally breaking PV modules
  - Removal and dismantling activities
  - Physical treatment (Example: cutting, breaking)
  - Physical separation (Example: color, density)
- Treatments **NOT** allowed under chapter 23
  - Use of chemicals
  - Use of heat



Level III continued

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### Article 7. Treatment § 66273.73 Authorization for Treatment (Processing) Activities (Level III – Compliance)

- Comply with notification/reporting/record keeping requirements
- Comply with safety standards
- Comply with closure plan and financial assurance requirements
- Hazardous waste disposal

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### Article 7. Treatment § 66273.74 Notification

- Notification for authorized treatment:
  - Apply to any handler that dismantles or processes PV modules
  - Submit in writing
  - Notify DTSC 30 days before treating PV modules

- |                          |                          |                     |
|--------------------------|--------------------------|---------------------|
| • Name                   | • Contact's name         | • Treatment methods |
| • ID number              | • Contact's phone number | • After treatment   |
| • Handler's phone number | • Contact's email        |                     |
| • Mailing address        |                          |                     |

NOTIFY

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## Article 7. Treatment § 66273.74 Notification

NOTIFY

- Notification for disposal:
  - Apply to any handler that dismantles or processes PV modules
  - Submit in writing
  - Notify DTSC 15 days before the disposal
- ID number of the handler's facility
- Treatment methods used to generate PV modules to be disposed of
- Name of the HW disposal facility
- ID number of the HW disposal facility
- Address of the HW disposal facility

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## Article 7. Treatment § 66273.74 Annual Reporting



- Any handler that dismantles or processes PV modules
- By February 1 of the following year of treating PV modules
- In writing
  - Handler's name
  - Handler's phone number
  - Handler's mailing address
  - Facility's ID number
  - Days facility operated
  - Contact's name
  - Contact's phone number
  - Contact's email
  - Treatment methods
  - Total quantity of PVM treated
  - Shipped to info (Name, address, phone number)
  - Shipment quantity

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## Article 7. Treatment § 66273.74 Recordkeeping

KEEP RECORDS

- Maintain onsite at handler's facility a copy of
  - notification
  - most recent annual report submitted to DTSC
  - other relevant permits as required
- Must be available onsite upon request
- Send to DTSC by certified mail upon written request

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STANDARDS

## Article 7. Treatment § 66273.75 Treatment (Processing) Standards

- Apply to handlers that process PV modules:
  - Only perform authorized treatments
  - Do not accept HW PV modules for treatment
  - Contain residuals and clean up immediately
  - Comply with worker safety requirements
  - Comply with local zoning requirements

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## Article 7. Treatment § 66273.76 Closure Plan and Financial Requirements

CLOSURE PLAN

- Apply to handlers that process PV modules
- Demonstrate financial responsibility
- Notify DTSC 30 days before treating PV modules
- Make annual adjustment or revise
- Keep the latest closure cost estimate at the facility

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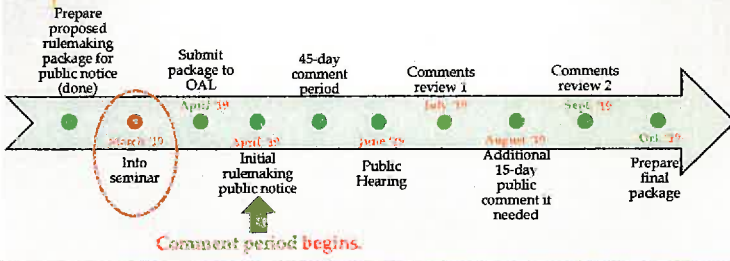
## Article 7. Treatment § 66273.77 Closure of Universal Waste Treatment Facilities

NOTIFY

- Notify DTSC in writing if the treatment facility is closing
- Include
  - Date of the last day for treatment activities
  - Date of the last day for handling activities
  - Date of closure activities completion
- Submit to DTSC within 30 calendar days of last treatment activities

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### PV Modules Rulemaking Timeline



### Contact Information and Web Links

- PVModules@dtsc.ca.gov
- Chosu Khin  
(916)324-2428  
Chosu.Khin@dtsc.ca.gov
- Web links:
  - <https://www.dtsc.ca.gov/HazardousWaste/PVRegs.cfm>
  - <https://www.dtsc.ca.gov/LawsRegsPolicies/Regs/Photovoltaic-PV-Modules-Universal-Waste-Management.cfm>
  - <https://dtsc.ca.gov/ContactDTSC/ELists.cfm>

# Thank You

**UR.3.6. Wet Commodities.** – Wet commodities not in watertight containers shall be weighed only on a scale having a pan or platform that will drain properly.

(Amended 1988)

**UR.3.7. Minimum Load on a Vehicle Scale.** **NOT ADOPTED – CCR § 4001. Exceptions.**

**CCR § 4002.2. Scales (2.20.) (a) Minimum Load on a Vehicle Scale.**

**Except for weighments of ferrous metals, cardboard, paper, rags or plastic, and the weighing of vehicles for registration purposes, a vehicle scale shall not be used for weighing net loads less than the value of 20 scale divisions.**

**CCR § 4002.2. Scales (2.20.) (b) Class III, Class III L and Unmarked Devices Used For Recycling.**

**Except for weighments of ferrous metals, card-board, paper, rags, or plastic, Class III, Class III L and unmarked devices used in recycling shall not be used for weighing net loads less than the value of 20 scale divisions.**

**UR.3.8. Minimum Load for Weighing Livestock.** – A scale with scale divisions greater than 2 kg (5 lb) shall not be used for weighing net loads smaller than 500 d.

(Amended 1989)

**UR.3.9. Use of Manual Weight Entries.** – Manual gross or net weight entries are permitted for use in the following applications only when:

- (a) a point-of-sale system interfaced with a scale is giving credit for a weighed item;
- (b) an item is pre-weighed on a legal for trade scale and marked with the correct net weight;
- (c) a device or system is generating labels for standard weight packages;
- (d) postal scales or weight classifiers are generating manifests for packages to be picked up at a later time; or
- (e) livestock and vehicle scale systems generate weight tickets to correct erroneous tickets.

(Added 1992) (Amended 2000 and 2004)

**UR.3.10. Dynamic Monorail Weighing Systems.** – When the value of d is different from the value of e, the commercial transaction must be based on e.

(Added 1999)

**UR.3.11. Minimum Count.** – A prescription scale with an operational counting feature shall not be used to count a quantity of less than 30 pieces weighing a minimum of 90 e.

(Added 2003)

**Note:** The minimum count as defined in this paragraph refers to the use of the device in the filling of prescriptions and is different from the minimum sample piece count as defined in S.1.2.3. and as required to be marked on the scale by S.6.6.

(Note Added 2004)





## IN THE LOOP

*Tips, information, and musings*

*from the California Department of Resources Recycling and Recovery*

### IN THIS ISSUE:

What We're Working On

What's Coming Up

Quick Features

Video: Contamination: It's a Dirty Word

Social Media

Contact Us!

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### What We're Working On

#### **Weather Stops Work on Camp Fire Debris Removal**

The Incident Management Team for Camp Fire debris removal operations in Butte County has ordered the temporary demobilization all wildfire debris removal crews until March 19, 2019. The recent string of wet weather has created unsafe conditions with oversaturated soil for debris removal workers and truck drivers while limiting the ability of designated landfills to accept material. [See our news release for more information.](#)

#### **CalRecycle Awards \$71,000 to Clear Illegal Dumpsites**

CalRecycle is awarding \$71,132 in cleanup grants to restore public nature areas and animal grazing land in Lassen and Madera counties. The local sites are overrun with illegally dumped appliances, tires, household hazardous waste, electronic waste, construction scraps, and other debris, posing a threat to public health and the environment. [See our news release for more information.](#)

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### [What's Coming Up](#)

#### **CalRecycle March Public Meeting**

10 a.m. Tuesday, March 19

Byron Sher Auditorium, CalEPA Building

1001 I St., Sacramento, CA

You can find the full agenda and other materials for [CalRecycle's March public meeting here](#). If you can't make it in person, [join us by webcast](#) (the link will go live shortly before the meeting begins).

### **Communities, Compost, and Carbon: Social Equity in Organics Management**

Noon Wednesday, March 20  
Coastal Hearing Room, CalEPA Building  
1001 I St., Sacramento, CA

If you can't make it in person, [join us by webcast](#) (the link will go live shortly before the meeting begins).

### **Cradle to Grave Management of Photovoltaics, Electric Vehicle Batteries, and Energy Storage Batteries**

10 a.m. April 3  
California Public Utilities Commission, CPUC Auditorium  
505 Van Ness Ave, San Francisco, CA 94102

For details, see the [Event Information](#) page. If you can't make it in person, [join us by webcast](#) (the link will go live shortly before the meeting begins).

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## **Quick Features**

### **[There's a Grant for That](#)**

CalRecycle manages several grant and loan programs to help local jurisdictions, public entities, and private businesses divert waste from landfills and recycle materials into new products.

**[Capital Fellows Program](#)** CalRecycle is once again participating in the [Capital Fellows Program](#), a 10-month public policy fellowship. Here's a first-person account by CalRecycle's fellow, Ciaran Gallagher.

**[Compost: Good for the Garden, Good for the Planet](#)** While you're sketching out your backyard garden plans and scoping out the seed aisle at your local garden center, you might also consider starting a compost pile.

**Grant Supports Organics Recycling, Food Rescue** A new anaerobic digestion facility in San Luis Obispo County, partially funded through [CalRecycle's Organics Grant Program](#), will process 35,720 tons of organic material per year that would otherwise be landfilled.

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**Video: [Food Waste Prevention](#)**

CalRecycle is working to reduce food waste to decrease greenhouse gas emissions and to help distribute healthy food to needy Californians.



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### What We're Working On

#### **CalRecycle Makes It Easy to Find Earth Day Events Statewide**

The California Department of Resources Recycling and Recovery is out with its annual [Earth Day events calendar](#) to help Californians take action toward a more sustainable future. On Earth Day—Monday, April 22—and throughout April and May, local events ranging from family-friendly activities to community service projects and cleanups give every Californian the opportunity to get involved. [See our news release for more information.](#)

#### **Grants Help Communities Trashed by Illegal Dumping**

The California Department of Resources Recycling and Recovery just awarded \$1 million in grants to help clear communities of illegally dumped materials. The CalRecycle funding will help the cities of Los Angeles, Norwalk, and Oakland improve the health and well-being of their residents by accelerating the cleanup of solid waste including abandoned furniture, tires, shopping carts, and other materials. [See our news release for more information.](#)

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### [What's Coming Up](#)

#### **CalRecycle April Public Meeting**

10 a.m. Tuesday, April 16

Byron Sher Auditorium, CalEPA Building

1001 I St., Sacramento, CA

You can find the full agenda and other materials for [CalRecycle's April public meeting here](#). If you can't make it in person, [join us by webcast](#) (the link will go live shortly before the meeting begins).

**Recycling and Disposal Reporting System (RDRS) Registration Webinar**  
9 a.m. Wednesday, April 17  
Coastal Hearing Room, CalEPA Building  
1001 I St., Sacramento, CA

Businesses with a reporting obligation in the new Recycling and Disposal Reporting System (RDRS) will need to register in the electronic system by April 30, 2019. This webinar will provide guidance on how to register in RDRS for each reporting entity type, as well as complex sites encompassing more than one reporting entity. If you can't make it in person, [join us by webcast](#) (the link will go live shortly before the meeting begins).

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## **Quick Features**

### **[Spotlight: 5 Projects, Laws, and Programs to Watch in 2019](#)**

CalRecycle has a busy year ahead as we work to protect public health and the environment. Check out these new projects, laws, and programs, and stay tuned for regular updates.

### **[Keeping Track: CalRecycle's Top-Read Reports](#)**

CalRecycle publishes more than a dozen reports every year. If reading an entire report seems daunting, check out the executive summary, which provides the big-picture context, key statistics, and basic conclusions. Here's a quick list of CalRecycle's most-read reports.

### **[Planet Protecting-Prom: Dance the Night Away Eco-Guilt-Free](#)**

Corsages and cummerbunds mark prom season just before the end of the school year. Soon students will be shopping for dresses, tuxes, and limos, but at what cost to the environment? If you're a freshman to the world of sustainability, take note of these tips for a planet-protecting prom.

---

### **[Video: You Have Questions, CalRecycle Has Answers](#)**

Are businesses and schools required to recycle? Should you leave the caps on or take them off when you throw plastic bottles in your bin? And what about cartons? We know the intricacies of recycling can be confusing, so we made this video to help you out. Pass it along!

## IN THE LOOP

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### What We're Working On

#### **Crews Accelerate Progress in Unprecedented Wildfire Cleanups**

Dry weather is enabling debris removal crews managed by CalRecycle to accelerate the cleanup of homes and businesses destroyed by the Camp, Woolsey, and Hill fires. [See our news release for more information.](#)

#### **California Boosts Recycling Infrastructure to Curb Plastic and Glass Waste**

CalRecycle has awarded more than \$11 million to five companies in Butte, Fresno, Riverside, and San Bernardino counties to increase the state's recycling infrastructure and reduce greenhouse gas emissions. The businesses will create 68 new jobs and utilize nearly 23,000 tons of recycled material per year to manufacture new products. [See our news release for more information.](#)

#### **Local Projects Prevent 93 Million Pounds of Food Waste**

CalRecycle has awarded \$11 million in grants to 36 local projects that prevent waste, reduce pollution, and combat climate change by getting good food to Californians who need it. [See our news release for more information.](#)

#### **CalRecycle Funds Cleanup of Illegal Dumpsites**

CalRecycle has awarded \$401,560 in cleanup grants to restore 13 agricultural properties in five counties through its [Farm and Ranch Solid Waste Cleanup and Abatement Grant Program](#). The vineyards, orchards, tribe land, and other farm

and ranch lands have been overrun with illegally dumped appliances, scrap metal, tires, and vehicles parts. [See our news release for more information.](#)

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## **What's Coming Up**

### **CalRecycle May Public Meeting**

10 a.m. Tuesday, May 21

Byron Sher Auditorium, CalEPA Building

1001 I St., Sacramento, CA

You can find the full agenda and other materials for [CalRecycle's May public meeting here](#). If you can't make it in person, [join us by webcast](#) (the link will go live shortly before the meeting begins).

### **Pharmaceutical and Sharps Waste Stewardship (SB212) Informal Rulemaking Workshop**

1 p.m. Friday, May 17

Byron Sher Auditorium, CalEPA Building

1001 I St., Sacramento, CA

CalRecycle will conduct an informal rulemaking workshop to present draft regulatory text and solicit stakeholder feedback on Friday, May 17 from 1:00 pm to 5:00 pm in the Byron Sher Auditorium, located at CalEPA Headquarters in Sacramento. If you can't make it in person, [join us by webcast](#) (the link will go live shortly before the meeting begins).

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## **Quick Features from our [Blog](#)**

### **Environmental Justice: Inclusive Decision-Making**

CalRecycle Capital Fellow Ciaran Gallagher traveled with colleagues to Lamont, outside Bakersfield, to present to community members about CalRecycle's Environmental Justice Program, SB 1383 regulations and the organic waste facilities that will be built in the state as a result, and how to participate in the formal rulemaking process.



### [Calculating and Measuring Recycling and Disposal in California](#)

CalRecycle employs several methods to count disposal and recycling rates for various material types. CalRecycle employs several methods to count disposal and recycling rates for various material types. To determine a true recycling rate, you need to have a numerator (what is recycled) and a denominator (what is generated). Material types with a short life span, like single-use beverage containers, are tracked more easily than other materials that have a longer life, such as TVs and computer monitors.

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### [Video: Camp Fire Debris Cleanup](#)

CalRecycle has been tasked with [managing debris removal](#) for more 10,000 parcels in Butte County; so far, 2,401 properties have been cleared. This video gives an up-close look at the ongoing cleanup process.





Gavin Newsom  
Governor

Jared Blumenfeld  
Secretary for Environmental Protection

## Unified Program Newsletter – March 2019

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### CalEPA

#### **CERS Will Be Unavailable To All Users March 28<sup>th</sup> through April 1<sup>st</sup>**

To deploy Version 3 of the California Environmental Reporting System (CERS 3) on Tuesday, April 2, 2019, it is necessary for CalEPA to make CERS access unavailable to **all** business and regulator users beginning Thursday, March 28<sup>th</sup> through Monday, April 1<sup>st</sup>.

Access to CERS 3 will be available beginning Tuesday, April 2, 2019.

- **Facilities with UST Program Reporting Requirements:**  
CalEPA ***strongly*** encourages completing and submitting or discarding any unfinished Underground Storage Tank (UST) Program submittals currently in CERS **prior to Thursday, March 28<sup>th</sup>**. As CERS 3 will incorporate new UST Program reporting requirements, information within unfinished draft submittals currently in CERS may not be available or may no longer be accurate for completion and submittal once CERS 3 deploys.

- **Facilities with APSA Program Reporting Requirements:**  
CalEPA ***strongly*** encourages completing and submitting or discarding any unfinished Aboveground Petroleum Storage Act (APSA) Program submittals and any Business Activities submittals currently in CERS **prior to Thursday, March 28<sup>th</sup>**. As CERS 3 will incorporate new APSA Program reporting requirements, information within unfinished Business Activities and APSA Program draft submittals currently in CERS may not be available or may no longer be accurate for completion and submittal once CERS 3 deploys.

For questions concerning submittal information and reporting requirements, please contact your local regulating Certified Unified Program Agency (CUPA) (<https://cersapps.calepa.ca.gov/Public/Directory>).

**CANCELLED: CERS 3 Enhancement Demonstration Webinars**

Due to unforeseen circumstances, CalEPA will be unable to host the intended webinars as follows:

**March 21<sup>st</sup>, March 28<sup>th</sup>, April 4<sup>th</sup>, April 11<sup>th</sup> and April 18<sup>th</sup>**

In the interim, please refer to the Webinar presentation at <https://cers.calepa.ca.gov/cers-3-project-status/> and click on CERS 3 Webinar Presentation.

**Experience CERS 3 Enhancements NOW!**

Take advantage of the opportunities to access the CERS Testing, Training and Staging environments to become familiar with each of the new CERS 3 enhancements.

- To access the CERS **Testing** environment:
  - Regulator Portal: <https://cersapps.calepa.ca.gov/Testing/Regulator/>
  - Business Portal: <https://cersapps.calepa.ca.gov/Testing/Business/>
  - EDT: <https://cersapps.calepa.ca.gov/Testing/EDT>
- To access the CERS **Training** environment:
  - Regulator Portal: <https://cersapps.calepa.ca.gov/Training/Regulator>
  - Business Portal: <https://cersapps.calepa.ca.gov/Training/Business>
- To access the CERS **Staging** environment:
  - Regulator Portal: <https://cersapps.calepa.ca.gov/Staging/Regulator/>
  - Business Portal: <https://cersapps.calepa.ca.gov/Staging/Business/>
  - EDT: <https://cersservices.calepa.ca.gov/Staging/>

For questions concerning the deployment of CERS 3, or for assistance in accessing the CERS Testing, Training, or Staging environments, please contact [cers@calepa.ca.gov](mailto:cers@calepa.ca.gov).

### **CERS 3 Enhancements Deployed April 2, 2019**

CalEPA, CUPAs, and CUPA Data Services Vendors are diligently progressing toward the completion of development and testing of each of the CERS enhancements, which have been referred to as “the release of CERS 3.0.” CERS 3.0 is anticipated for use beginning April 2, 2019. Each of the CERS 3.0 enhancements is necessary as each is considered to be relative to existing reporting requirements for businesses to lawfully report facility information electronically.

CERS 3.0 will incorporate the following enhancements to the existing CERS system:

- **APSA Program:** Businesses will be able to report information in the new APSA submittal element. The existing language and functionality of Data Field ID 8 (Own or Operate Aboveground Petroleum Storage Tank) will prompt the completion of four new data fields specific to APSA program data, if applicable. The new data fields will indicate whether or not the facility is exempt from preparing and implementing a Spill Prevention, Control and Countermeasure (SPCC) Plan and if so, the date of the SPCC Plan Certification or Date of 5-Year Review, the total aboveground storage capacity of petroleum and the number of tanks in underground areas at the facility. In addition to the miscellaneous document upload option currently available, there will be a specific document upload feature for uploading Tank Facility Statements and available search functionality for APSA reported information.
  - *To ensure a thorough transition of facility submittal data, CalEPA strongly encourages businesses to complete and submit or discard any unfinished APSA submittals in CERS before CERS 3 deploys. Information within unfinished draft submittals will not be available for completion after CERS 3 deploys.*
- **UST Program:**
  - **Unique UST identification number:** CERS will automatically issue a unique and specific tank identification number for each UST reported in CERS. This CERS issued identification number is independent of the identification used by facility owners and will never change, regardless of change in ownership, change in regulator, or change in the identification number issued by the facility owner.
  - **Type of Action:** With the establishment of Tanks In Underground Areas, CERS will provide the options to indicate whether a UST is being transferred to the APSA Program or whether an APSA tank is being transferred to the UST Program. Additionally, a new option to indicate if a facility is splitting into more than one, which would transfer ownership of an existing UST.
  - **Performance Measures Technical Compliance Rate (TCR) Replaces Significant Operational Compliance (SOC) Determination:** The Violation Library includes 36 NEW UST Program violations based Performance Measures

TCR. Performance Measures TCR violations will supersede SOC Determination violations for all inspections occurring on or after October 1, 2018. SOC Determination violations will apply to inspections occurring prior to October 1, 2018. The compliance, monitoring and enforcement (CME) report that reflects UST inspection summary data by regulator (Report 6) will also include Performance Measures TCR data required by the United States Environmental Protection Agency (U.S. EPA).

- **Tank Use and Tank Contents:** The valid value of “07 = Airport Hydrant System” will be added to the existing Data Field ID 439 (Tank Use). The following valid values will be added to the existing Data Field ID 440 (Tank Contents): E85, Biodiesel B6-B99, Biodiesel B100 and Kerosene, while Petroleum Blend Fuel and Ethanol will be removed.
- **Board of Equalization Number (BOE):** The California Department of Tax and Fee Administration is changing the format of BOE numbers that will be issued to new businesses starting spring 2019. CERS will continue the use of the format for existing businesses’ BOE numbers as well as those for state and federal facilities. However, CERS will also be able to accommodate the format on the new nine-digit BOE numbers issued to new businesses.
- ***To ensure a thorough transition of facility submittal data, CalEPA strongly encourages businesses to complete and submit or discard any unfinished UST submittals in CERS before CERS 3 deploys. Information within unfinished draft submittals will not be available for completion after CERS 3 deploys.***
- **CERS Reports and Queries:** Various reports and query capabilities have been revised to include the applicable new data captured in CERS.
- **Electronic Data Transfer:**
  - The data exchange for Dun and Bradstreet numbers will be revised to allow for leading zeros, and valid characters will be limited to 0-9.
  - Schema and code updates for all APSA and UST enhancements.

For additional information, please visit CERS Central (<https://cers.calepa.ca.gov>), the CERS 3 Project Status website (<https://cers.calepa.ca.gov/cers-3-project-status/>), or contact the CERS Technical Support Unit at [cers@calepa.ca.gov](mailto:cers@calepa.ca.gov).

## **State Water Board**

### **Adding Fluid to Hydrostatic Monitored Systems**

The State Water Resources Control Board (State Water Board) has received inquiries regarding the activity of adding fluid to hydrostatically monitored components. Hydrostatic monitoring is a release detection method used to monitor the integrity of both the primary and secondary containment by continuously monitoring the liquid level within the interstitial space. Static fluid level and correct fluid type is essential for hydrostatic monitoring to be effective in monitoring UST components, therefore:

- Adding fluid to hydrostatically monitored components for maintenance or calibration must only be performed by a UST service technician as described in section 2715(f). (California Code of Regulations, tit. 23, div. 3, ch. 16 (UST Regulations), §2638(b).);
- UST service technicians must maintain training by the manufacturer to add fluid, when required (UST Regulations, §2715(f)(2));
- UST service technicians must always add fluid in accordance with the manufacturer's recommendations (UST Regulations, §2638(a)); and
- UST service technicians must insure the correct type of monitoring fluid is used as adding the incorrect fluid type could adversely affect the operation of the monitored component (UST Regulations, §2638(a)).

**Adding hydrostatic fluid in response to an alarm condition always requires a UST service technician to determine and document the cause of the alarm. Adding hydrostatic fluid to prevent the release detection system from alarming is considered tampering and subject to a fine of not less than five thousand dollars or more than ten thousand dollars, by imprisonment in the county jail for not more than one year, or both in accordance with Health and Safety Code, chapter 6.7, section 25299(f)(2).**

For more information regarding hydrostatic monitoring, please contact Mr. Tom Henderson at (916) 319-9128 or by email at [Tom.Henderson@waterboards.ca.gov](mailto:Tom.Henderson@waterboards.ca.gov).

### **Reuse of Pipe After Permanent Closure**

The State Water Board has had many inquiries regarding the reuse of pipe after permanent closure of USTs. Permanent closure requires all components of the UST be properly closed, including associated piping. However, all components of the UST are not required to be permanently closed in the same manner.

Permanent closure must comply with Health and Safety Code, chapter 6.5, division 20 (H&SC) and UST Regulations, section 2672. Permanent closure includes the proper removal and disposal of all solids, fluids and vapors, and the collection of applicable soil

and water samples. If considering reuse of piping in place, the reuse must meet all federal, state, and local rules.

When a single-walled tank is replaced with a double-walled tank, existing double-walled piping that is approved/listed by Underwriters Laboratory (UL) for vapor, pressure or hydrostatic (VPH) monitoring may be subject to reuse if VPH can be installed and operated in accordance with H&SC, section 25290.1(e). UL approved pipe can be found on the pipe matrix at:

[https://www.waterboards.ca.gov/water\\_issues/programs/ust/leak\\_prevention/matrix.shtml](https://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/matrix.shtml)

For more information regarding piping reuse after permanent closure, please contact Mr. Tom Henderson at (916) 319-9128 or by email at [Tom.Henderson@waterboards.ca.gov](mailto:Tom.Henderson@waterboards.ca.gov).

### **Discarding Previously Closed or Removed USTs from Future CERS UST Submittals**

When a UST is permanently closed in place or removed a CERS UST submittal is necessary to report the closure or removal of the UST. This submittal must include the correct Type of Action, either permanent closure in place or removal, and must include the Date of Closure or Removal.

Once the submittal closing or removing the UST(s) has been accepted it is no longer necessary to include the closed/removed UST(s) on future CERS submittals. A new CERS Frequently Asked Questions (FAQ) has been posted on the UST Program CERS FAQ page to assist in discarding the closed/removed tank(s) from future submittals. The new FAQ may be found, under Business User FAQs, for reference at [https://www.waterboards.ca.gov/water\\_issues/programs/ust/cers/faqs.html](https://www.waterboards.ca.gov/water_issues/programs/ust/cers/faqs.html)

For more information on CERS UST submittals, please contact Ms. Lisa Jensen at (916) 319-0742 or by email at [Lisa.Jensen@waterboards.ca.gov](mailto:Lisa.Jensen@waterboards.ca.gov).

### **Duplicate UST Cleanup in CERS**

On January 9, 2019, CalEPA sent instructions to affected local agencies regarding removing duplicate USTs from CERS. In addition, CalEPA provided an Excel spreadsheet with the CERS ID and submittal information to provide affected local agencies the information necessary to address any duplicate USTs in their jurisdiction. On January 29, 2019, CalEPA followed up with a second list of new duplicate USTs and sent that list, and instructions, to only those local agencies with probable duplicate USTs.

It is important for affected local agencies to address duplicate tanks for a variety of reasons, including:

- Potential for mis-reporting the number of USTs on Report 6;



- Energy Policy Act of 2005 reporting by the State Water Board to U.S. EPA; and
- Ensuring only active USTs are assigned a unique CERS Tank ID with the rollout of CERS 3.

If you are an affected local agency, you should plan on completing the instructions for duplicate tank removal before the end of March, 2019.

For more information on duplicate USTs in CERS, please contact Ms. Lisa Jensen at (916) 319-0742 or by email at [Lisa.Jensen@waterboards.ca.gov](mailto:Lisa.Jensen@waterboards.ca.gov).

## **Cal FIRE OSFM**

### **Assembly Bill (AB) 2902 Effective January 1, 2019**

[AB 2902](#), which was approved by the Governor and chaptered into law on September 23, 2018, became effective on January 1, 2019. AB 2902 makes various amendments to APSA as follows:

- a. Clarifies the definition of an 'aboveground storage tank' or 'storage tank' to include a tank or a **container** that has the capacity to store 55 gallons or more of petroleum that is substantially or totally above the surface of the ground.
- b. Excludes from the definition of an 'aboveground storage tank' or 'storage tank' a tank containing hazardous waste or extremely hazardous waste if the owner or operator of the tank has a hazardous waste facilities permit from the Department of Toxic Substances Control or a **permit by rule authorization from a Unified Program Agency** for the storage tank.
- c. Excludes from the definition of an 'aboveground storage tank' or 'storage tank' a tank in an underground area that has the capacity to store less than 55 gallons of petroleum, has secondary containment, and is inspected monthly, if the owner or operator maintains a log of inspection records for review by the Unified Program Agency upon request.
- d. Clarifies the definition of a 'tank in an underground area' to be a **stationary** storage tank.
- e. Clarifies that, **except for an emergency vent that is solely designed to relieve excessive internal pressure**, all piping connected to the tank in an underground area, including any portion of a vent line, vapor recovery line, or fill pipe that is beneath the surface of the ground, and all ancillary equipment, **that is designed and constructed to contain petroleum**, can be visually inspected by direct viewing or has both secondary containment and leak detection that meet the requirements adopted by the Office of the State Fire Marshal (OSFM).

- f. Clarifies that direct viewing of the exterior of a tank in an underground area is not required if inspections of the interstitial space or containment structure are performed or if the storage tank has a mechanical or electronic device that will detect leaks in the interstitial space or containment structure, and alert the tank operator.
- g. Clarifies that if a tank facility has a storage capacity of less than 1,320 gallons of petroleum, the following tanks in an underground area are not subject to APSA:
  - i. The tank holds hydraulic fluid for a closed loop mechanical system that uses compressed air or hydraulic fluid to operate lifts, elevators, or other similar devices.
  - ii. The tank is a heating oil tank.
  - iii. The tank is a sump, separator, clarifier, catch basin, or storm drain.
- h. Clarifies that the owner or operator of a tank facility with a storage capacity of less than 1,320 gallons of petroleum and has one or more tanks in an underground area may use the format adopted by the OSFM to prepare a spill prevention, control, and countermeasure plan.

To view the full text of the bill, visit the California Legislative Information website at [http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB2902](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB2902).

#### **Tanks in Underground Areas (TIUGA)**

Due to the amendments from AB 2902, a revised TIUGA fact sheet is now available on the CAL FIRE-OSFM APSA website at <http://osfm.fire.ca.gov/cupa/apsa>.

***References or links to information cited in this newsletter are subject to change. CalEPA is interested in your comments and suggestions regarding the Unified Program monthly newsletter. Please email your comments and suggestions to: [cupa@calepa.ca.gov](mailto:cupa@calepa.ca.gov).***

**[CalEPA Unified Program Home Page](#)**

## Unified Program Newsletter – April 2019

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### CalEPA

#### [CERS Knowledge Base, Help Articles and FAQs](https://cers.calepa.ca.gov/newsletter-articles/)

(<https://cers.calepa.ca.gov/newsletter-articles/>)

### CERS Unique Tank ID Number

(<https://cers.calepa.ca.gov/wp-content/uploads/sites/11/2019/04/cers-3-underground-storage-tanks-ust-cers-tank-id-number.pdf>)

CERS 3 Enhancement: Underground Storage Tanks (UST) – CERS Unique Tank ID Number

### Aboveground Petroleum Storage Tank Facility Statement Reporting Requirements

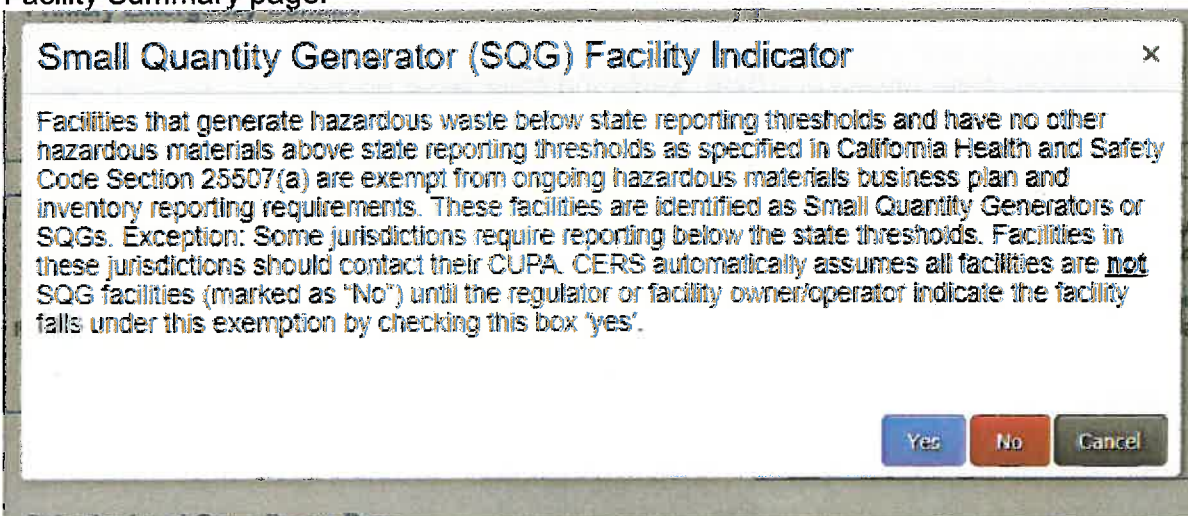
(<https://cers.calepa.ca.gov/wp-content/uploads/sites/11/2019/03/aboveground-petroleum-storage-tank-facility-statement-reporting-requirements.pdf>)

Do I have to file an Aboveground Storage Tank Facility Statement if I have already reported a hazardous Materials Business Plan?

### DTSC

#### Facility Summary Page: “Small Quantity Generator (SQG) Facility Indicator”

The SQG facility indicator on the Facility Summary page may be used by CUPAs to track facilities that generate hazardous waste but are exempt from the Health and Safety Code section 25507 hazardous materials business plan and inventory reporting requirements. The SQG facility indicator provides a means to track hazardous waste generator facilities that are not required to submit a business plan, but would otherwise have notified as a hazardous waste generator if required to do so. CUPAs may change the SQG Facility Indicator from “No” to “Yes” in the Facility Information section of the Facility Summary page.



For more information regarding the SQG facility indicator, please contact Mr. Kevin Abriol at (510) 540-3852 or by email at [Kevin.Abriol@dtsc.ca.gov](mailto:Kevin.Abriol@dtsc.ca.gov)

## **State Water Board**

### **\$6 Million Settlement Reached with Los Angeles County Metropolitan Transportation Authority for Underground Storage Tank Violations**

The State Water Resources Control Board (State Water Board) has reached a \$6 million settlement with Los Angeles County Metropolitan Transportation Authority (MTA) for alleged Underground Storage Tank (UST) violations at 16 facilities owned by MTA.

The State Water Board's Office of Enforcement began an investigation in July, 2015, under the Government Owned and/or Operated Tanks (GOT) initiative after alleged violations were identified during an inspection at one facility owned and operated by MTA. Concerned that similar violations existed at other MTA facilities, inspections were completed at the fifteen remaining facilities by April, 2016. Some of the alleged violations identified include failure to maintain secondary containment, failure to monitor product piping, tampering with leak detection equipment, operating without a permit, failure to maintain primary containment, failure to maintain spill containment requirements, and failure to maintain UST monitoring systems.

Under the terms of the settlement, MTA will pay \$2 million in civil penalties to the State Water Pollution Cleanup and Abatement Account, \$67,050 for reimbursement of enforcement costs, and \$2 million will be suspended with the condition that MTA completes several enhanced compliance actions. The remaining \$2 million is suspended as long as MTA maintains compliance with the UST requirements specified in the judgment for a period of five years.

This settlement is the sixth enforcement action by the State Water Board's Office of Enforcement against a public entity under the State Water Board's GOT initiative that started in 2010 with the assistance of the U.S. Environmental Protection Agency (U.S. EPA). The purpose of the GOT initiative is to ensure that violations associated with USTs owned by local, state, and federal agencies are handled in a similar manner as violations associated with privately owned USTs.

A copy of the settlement agreement is on the State Water Board's website at [http://www.waterboards.ca.gov/water\\_issues/programs/enforcement/orders\\_actions.shtml](http://www.waterboards.ca.gov/water_issues/programs/enforcement/orders_actions.shtml)

For more information regarding the MTA settlement please contact Mr. Brian Taylor at (916) 323-0600 or by email at [Brian.Taylor@waterboards.ca.gov](mailto:Brian.Taylor@waterboards.ca.gov).

### **Azad Amiri and Sarbjit S. Kang Conditionally Banned from Owning or Operating Underground Storage Tank Facilities in California**

After a multi-year investigation by the State Water Board, two El Dorado County businessmen accused of violating multiple UST requirements have been conditionally banned from owning or operating gas stations in California.

In a settlement with the Attorney General's office totaling \$4.25 million, Azad Amiri and Sarbjit S. Kang, along with 13 other defendants, paid a combined \$1 million in civil penalties to the State Water Pollution Cleanup and Abatement account. An additional \$3.25 million penalty will be suspended if the defendants comply with UST laws for five years.

The agreement comes following an investigation that began in 2006, involved 11 facilities in six northern California counties, and led to the 2014 civil complaint that listed a litany of egregious violations, among them: Operating facilities without permits; failing to conduct required testing and maintenance; failing to monitor for leaks; and unlawfully abandoning USTs. Further, the defendants were alleged to have engaged in business practices designed to avoid liability, such as creating shell companies and abusing the discovery process.

Amiri and Kang, who will be allowed to own and operate gas stations in the future only if very strict conditions are met, are also required to employ an Environmental Coordinator at each facility covered to oversee compliance. Additionally, the defendants are required to permanently close and remove all USTs and UST systems at one of the covered facilities.

The State Water Board's investigation was a cooperative effort with Contra Costa County Health Services, El Dorado County Environmental Management Department, Placer County Department of Environmental Health and Human Services, Sacramento County Environmental Management Department, San Joaquin County Environmental Health Department, Yolo County Department of Environmental Health, Yolo County District Attorney's Consumer and Environmental Unit, and the Department of Toxic Substance Control's Office of Criminal Investigations.

A copy of the settlement agreement is on the State Water Board's website at [http://www.waterboards.ca.gov/water\\_issues/programs/enforcement/orders\\_actions.shtml](http://www.waterboards.ca.gov/water_issues/programs/enforcement/orders_actions.shtml)

For more information regarding the Amiri and Kang settlement please contact Mr. Brian Taylor at (916) 323-0600 or by email at [Brian.Taylor@waterboards.ca.gov](mailto:Brian.Taylor@waterboards.ca.gov).

### **Adding Fluid to Hydrostatic Monitored Systems**

The State Water Board has received inquiries regarding the activity of adding fluid to hydrostatically monitored components. Hydrostatic monitoring is a release detection method used to monitor the integrity of both the primary and secondary containment by continuously monitoring the liquid level within the interstitial space. Static fluid level and correct fluid type is essential for hydrostatic monitoring to be effective in monitoring UST components, therefore:

- Adding fluid to hydrostatically monitored components for maintenance or calibration must only be performed by a UST service technician as described in

section 2715(f). (California Code of Regulations, tit. 23, div. 3, ch. 16 (UST Regulations), §2638(b));

- UST service technicians must maintain training by the manufacturer to add fluid, when required (UST Regulations, §2715(f)(2));
- UST service technicians must always add fluid in accordance with the manufacturer's recommendations (UST Regulations, §2638(a)); and
- UST service technicians must insure the correct type of monitoring fluid is used as adding the incorrect fluid type could adversely affect the operation of the monitored component (UST Regulations, §2638(a)).

**Adding hydrostatic fluid in response to an alarm condition always requires a UST service technician to determine and document the cause of the alarm. Adding hydrostatic fluid to prevent the release detection system from alarming is considered tampering and subject to a fine of not less than five thousand dollars or more than ten thousand dollars, by imprisonment in the county jail for not more than one year, or both in accordance with Health and Safety Code, chapter 6.7, section 25299(f)(2).**

For more information regarding hydrostatic monitoring, please contact Mr. Tom Henderson at (916) 319-9128 or by email at [Tom.Henderson@waterboards.ca.gov](mailto:Tom.Henderson@waterboards.ca.gov) or Ms. Laura Fisher at (916) 341-5870 or by email at [Laura.Fisher@waterboards.ca.gov](mailto:Laura.Fisher@waterboards.ca.gov).

#### **AC'CENT Environmental Services Dri-sump Containment Tightness Test Method**

On March 14, 2019, State Water Board staff responded to an inquiry from AC'CENT Environmental Services regarding the use of their Dri-sump Containment Tightness Test (Dri-sump Test) for secondary containment testing. As we understand it, their method introduces a heavy vapor aerosol into the sump and then an air generator "pulls" the soil gases from around the sump into a viewing chamber to determine if the heavy vapor aerosol is present, indicating the sump is not tight. Our response to AC'CENT Environmental Services outlined the requirements regarding methods used for secondary containment testing and explicitly stated that the method may only be used if it meets one of the following, in the following order: 1) the Dri-sump Test method is included in the manufacturer's published guidelines or standards for testing the secondary containment component; 2) there are no manufacturer's published guidelines or standards for testing the secondary containment component and the Dri-sump Test method is specified in industry code or engineering standards; or 3) there are no published manufacturer's guidelines or standards for testing the secondary containment component, there are no applicable industry codes or engineering standards for testing the secondary containment component, and the Dri-sump Test method is approved by a California registered professional engineer for testing the secondary containment component. At this time, the State Water Board has concluded that the Dri-sump Test does not meet any of California's secondary containment testing requirements.

For more information regarding the Dri-sump Test, please contact Mr. Cory Hootman at (916) 341-5668 or by email at [Cory.Hootman@waterboards.ca.gov](mailto:Cory.Hootman@waterboards.ca.gov) or Mr. Tom Henderson at (916) 319-9128 or by email at [Tom.Henderson@waterboards.ca.gov](mailto:Tom.Henderson@waterboards.ca.gov).

### **State Water Board UST Leak Prevention Unit Honors CUPA Staff**

Every year State Water Board staff are privileged to work with dedicated members of the Certified Unified Program Agency (CUPA) UST community. During the past year, two individuals were exceptional in their time and effort provided to State Water Board projects and were recognized during the 2019 CUPA Conference for their contribution.

**Jim Whittle** from the Shasta County Environmental Health Division was heavily involved in last year's violation library update. The 2018 violation library was particularly complex because of the changes required by the new UST regulations and the conversion of U.S. EPA performance measures from significant operational compliance (SOC) to technical compliance rate (TCR). Jim was relentless on perfecting the details and the 2019 UST violation library needed no structural changes that generally occur year to year because of Jim's input. Jim was also instrumental in providing a method to quickly perform the TCR violation count as part of the recent Report 6. The method, affectionately known as the Shasta Method, was provided to dozens of CUPAs, many who praise the method's usefulness.

**Greg Breshears** from the Santa Clara County Environmental Health Department was involved in reviewing several State Water Board draft projects, such as the new TCR and Report 6, hydrostatic monitoring, and new UST regulations. All projects reviewed by Greg were improved in quality and scope. Greg's additions were instrumental in providing a CUPA's perspective to these projects.

State Water Board staff are very proud to work with these individuals and their contributions reflect well on themselves and their organizations. Jim and Greg can easily be recognized by their new fashionable State Water Board baseball hats.

### **UST Compliance for the Energy Policy Act Certification**

The UST provisions of the Energy Policy Act of 2005 (EPAAct) focus on preventing releases. Among other things, they expand eligible uses of the Leaking UST Trust Fund, and include provisions regarding inspection frequency, operator training, delivery prohibition, secondary containment and financial responsibility.

The State Water Board is required by U.S. EPA to certify compliance with the provisions of EPAAct annually. U.S. EPA directed the State Water Board to utilize the California Environmental Reporting System (CERS) to the extent possible to verify that Unified Program Agencies (UPAs) are meeting the federal minimum 3-year facility inspection frequency. Where inspection information was not available in CERS, State Water Board staff requested the information from the UPAs to document compliance. On February 11, 2019, State Water Board staff provided U.S. EPA with a list of all UST systems in operation requiring inspections, and their corresponding inspection dates.



The final certification was presented to U.S. EPA early March, 2019. State Water Board staff appreciates the UPAs timely responses to requested CERS review and updates, making the EAct certification possible.

For more information regarding the EAct Certification please contact Mr. Tom Henderson at (916) 319-9128 or by email at [Tom.Henderson@waterboards.ca.gov](mailto:Tom.Henderson@waterboards.ca.gov).

### **Duplicate UST Cleanup in CERS**

On January 9, 2019, CalEPA sent instructions to affected UPAs regarding removing duplicate USTs from CERS. On January 29, 2019, CalEPA sent a supplemental report with new potential duplicate UST facilities. Finally, on March 13, 2019, CalEPA provided a report identifying facilities with duplicate UST submittals to be addressed. In all, 72 UPAs were notified there may be one or more duplicate USTs in their jurisdiction. It is important for affected UPAs to address duplicate USTs for a variety of reasons, including:

- Potential for mis-reporting the number of USTs on Report 6; and
- EAct reporting by the State Water Board to U.S. EPA.

If you are an affected UPA, you should plan on completing the instructions for duplicate UST removal as soon as possible. For more information regarding duplicate USTs, please contact Ms. Lisa Jensen at (916) 319-0742 or by email at [Lisa.Jensen@waterboards.ca.gov](mailto:Lisa.Jensen@waterboards.ca.gov) or Mr. Daniel Firth at (916) 341-5711 or by email at [Daniel.Firth@waterboards.ca.gov](mailto:Daniel.Firth@waterboards.ca.gov).

### **Discarding Previously Closed or Removed USTs from Future CERS UST Submittals**

When a UST is permanently closed in place or removed a CERS UST submittal is necessary to report the closure or removal. This submittal must include the correct Type of Action, either permanent closure in place or removal, and must include the Date of Closure or Removal.

With the release of CERS 3, any tank which does not have a 'Date of Closure' or 'Removal' will be presented to the facility owner/operator with the first submittal after April 2, 2019. At that time the facility owner/operator will have the opportunity to input the correct closure date.

Once the submittal closing or removing the UST(s) has been accepted it is no longer necessary to include the closed/removed UST(s) on future CERS submittals. A new CERS Frequently Asked Questions (FAQ) has been posted on the UST Program CERS FAQ page to assist in discarding the closed/removed UST(s) from future submittals.

The new FAQ may be found at [https://www.waterboards.ca.gov/water\\_issues/programs/ust/cers/faqs.html](https://www.waterboards.ca.gov/water_issues/programs/ust/cers/faqs.html) under Business User FAQs.

For more information regarding closed or removed USTs, please contact Ms. Lisa Jensen at (916) 319-0742 or by email at [Lisa.Jensen@waterboards.ca.gov](mailto:Lisa.Jensen@waterboards.ca.gov) or Mr. Daniel Firth at (916) 341-5711 or by email at [Daniel.Firth@waterboards.ca.gov](mailto:Daniel.Firth@waterboards.ca.gov).

### **21st CUPA Conference Training Session Presentations**

The 21st Annual CUPA Training Conference was held in Anaheim at the end of February. The State Water Board offered a number of training opportunities and participated in collaborative trainings with other state and local agencies.

#### ***Evaluations – The Process We Hate to Love***

This panel discussion offered insight from four CUPA Program Managers on the hidden benefits found during the UST program evaluation process. Lisa Jensen moderated the panel and noted the excellent ideas brought up during the discussion. The State Water Board would like to thank each of the panelists for their expertise, insight, thoughtful discussion, and dedication to environmental protection:

- Susan Berg, Supervising Hazardous Materials Specialist - Orange County Environmental Health
- Lisa Medina, Manager - Calaveras County Environmental Health
- Kirk Ford, CUPA Manager - Mendocino County Environmental Health
- Jennea Monasterio, Environmental Specialist III - Sacramento County Environmental Management Department

#### ***Performance Evaluations: Determining Findings***

State Water Board staff participated in a comprehensive training organized by CalEPA on CUPA performance evaluations. Each of the four state agencies performing Unified Program Evaluations presented details on the research that goes into identifying findings during the triennial performance evaluation. The State Water Board portion of the presentation may be found at <https://calcupa.org/CMS15/upload-manager/presentations/CUPA-2019/3606-10181-state-water-board-evaluation-training.pdf>

#### ***Catching Up with the New UST Requirements***

Cory Hootman and Tom Henderson of the State Water Board UST Leak Prevention Unit presented a session focused on the implementation of the UST regulations that became effective October 1, 2018, and makes California's UST regulations at least as stringent as the Federal UST regulations. The session covers new UST regulations regarding, but not limited to; 1) designated UST operators; 2) testing and inspections; 3) monitoring; 4) demonstrating compatibility; 5) new and revised required forms; 6) installations; and 7) upgrades. Attendees became familiar with the most up-to-date UST regulations.

A copy of this presentation is on the California CUPA Forum webpage at [https://calcupa.org/CMS15/upload-manager/presentations/CUPA-2019/2033-3401-catching\\_up\\_cupa\\_2019.pdf](https://calcupa.org/CMS15/upload-manager/presentations/CUPA-2019/2033-3401-catching_up_cupa_2019.pdf).

For more information regarding the session Catching Up With the New UST Requirements, please contact Mr. Cory Hootman at (916) 341-5668 or by email at [Cory.Hootman@waterboards.ca.gov](mailto:Cory.Hootman@waterboards.ca.gov) or Mr. Tom Henderson at (916) 319-9128 or by email at [Tom.Henderson@waterboards.ca.gov](mailto:Tom.Henderson@waterboards.ca.gov).

### ***Advanced Data Mining in CERS, Make the Data Work for You***

Lisa Jensen of the State Water Board collaborated with Sacramento County Environmental Management Department's (Sacramento County) Jennea Monasterio and Christopher Brozek to provide background on the tools the State Water Board uses to review CERS data and the transition to a semi-automated tool developed by Sacramento County to perform an in-depth review of UST construction and monitoring information. The tool makes short work of identifying potential anomalies in any monitoring and construction information in UST CERS submittals. To obtain the tool developed by Sacramento County, send an email to Jennea Monasterio at [MonasterioJ@sacounty.net](mailto:MonasterioJ@sacounty.net). The presentations from State Water Board and Sacramento County may be found at:

- State Water Board: <https://calcupa.org/CMS15/upload-manager/presentations/CUPA-2019/8002-10181-swb-cers-advanced-use-with-notes-for-cupas.pdf>
- Sacramento County: <https://calcupa.org/CMS15/upload-manager/presentations/CUPA-2019/10-9708-presentation-for-conference,-cb-2-27.pdf>

### ***TIUGA-Tanks in Underground Areas***

Cory Hootman of the State Water Board, Jennifer Lorenzo of the Office of the State Fire Marshal (OSFM), and Sande Pence of San Diego's Department of Environmental Health provided an overview and update of the Aboveground Petroleum Storage Act (APSA) program as it relates to Tanks in Underground Areas (TIUGAs), including an in-depth discussion on the piping requirements for TIUGAs per the fire code. The presentation included a discussion on the transition of TIUGAs from the UST program to the APSA program.

A fact sheet for TIUGAs is on the California CUPA Forum webpage at <https://calcupa.org/CMS15/upload-manager/presentations/CUPA-2019/5701-2023-tiuga-factsheet.pdf>.

For more information regarding the session TIUGA-Tanks in Underground Areas, please contact Mr. Cory Hootman at (916) 341-5668 or by email at [Cory.Hootman@waterboards.ca.gov](mailto:Cory.Hootman@waterboards.ca.gov) or Ms. Jennifer Lorenzo of OSFM at (916) 263-1801 or by email at [Jennifer.Lorenzo@fire.ca.gov](mailto:Jennifer.Lorenzo@fire.ca.gov).

### ***International Code Council California Specific Exams Revised***

The State Water Board convened a committee of designated UST operators, UST service technicians, UST inspectors, and other stakeholders to revise the California

specific International Code Council (ICC) UST exams to reflect changes in UST statute, regulations, and reference materials. Specifically, the California UST Inspector, California UST Service Technician, and California UST System Operator exams were revised to modify content regarding, but not limited to; issuance of UST operating permits, red tag requirements, and overflow prevention equipment inspection requirements. In addition, the references used to study for these exams have been updated to include the most recent published editions. State Water Board staff will provide notification when the exams become available and post to the webpage with updated content. Although subject to change, we expect the revised exams to be offered beginning in July, 2019.

For more information regarding the revised California specific ICC UST exams, please contact Mr. Cory Hootman at (916) 341-5668 or by email at [Cory.Hootman@waterboards.ca.gov](mailto:Cory.Hootman@waterboards.ca.gov).

## **Cal FIRE OSFM**

### **Preparing an APSA Submittal in CERS**

A fact sheet to assist owners/operators of tank facilities in completing and submitting an APSA submittal in CERS is now available on the CERS Help Materials website at <https://cers.calepa.ca.gov/about-cers/help-materials/>. Refer to the fact sheet called 'Preparing an APSA Submittal'.

### **Is My Facility Regulated Under APSA?**

(<https://cers.calepa.ca.gov/wp-content/uploads/sites/11/2019/04/is-my-facility-regulated-under-apsa.pdf>)

How do I know if my facility is regulated under APSA and what types of aboveground storage tanks, containers and equipment are regulated under APSA?

### **TIUGAs**

Due to the amendments from Assembly Bill 2902 (Statutes of 2018, Chapter 721), which became effective January 1, 2019, the TIUGA fact sheet called 'OSFM Guide to Tanks in Underground Areas' has been revised and is now available on the CAL FIRE-OSFM APSA website at <http://osfm.fire.ca.gov/cupa/apsa>.

***References or links to information cited in this newsletter are subject to change. CalEPA is interested in your comments and suggestions regarding the Unified Program monthly newsletter. Please email your comments and suggestions to: [cupa@calepa.ca.gov](mailto:cupa@calepa.ca.gov).***

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### CalEPA

#### CERS Knowledge Base, Help Articles and FAQs

(<https://cers.calepa.ca.gov/newsletter-articles>)

#### How to Create User Name and Password

(<https://cers.calepa.ca.gov/wp-content/uploads/sites/11/2019/05/How-to-create-a-CERS-Username-and-Password.pdf>)

#### **CERS 3.0 has released! What's New?**

The CERS 3.0 release includes enhancements to CERS 2.0 relative to the following Unified Program elements: Aboveground Petroleum Storage Act Program (APSA), Underground Storage Tank (UST) Program, Compliance Monitoring and Enforcement (CME) reporting and California Environmental Reporting System (CERS) Reports.

Click here [CERS 3 Changes Overview](#) for additional information regarding the CERS 3.0 enhancements and changes.

(<https://cers.calepa.ca.gov/wp-content/uploads/sites/11/2019/02/CERS-3-Change-Summary.pdf>)

#### **2019 Unified Program Violation Library Revisions in CERS**

The Data Steering Committee and Enforcement Steering Committee have approved the 2019 Unified Program Violation Library revisions as suggested by the Violation Library Workgroup. CalEPA information technology personnel have begun making the revisions to the existing Violation Library in the CERS testing environment. CalEPA quality assurance/quality control (QA/QC) of the revisions made in the CERS testing environment is scheduled to begin no later than July 8, 2019.

By August 31, 2019, the 2019 Violation Library revisions should be reflected in all related documents and systems (i.e. CUPA-specific violation libraries, violations in all applicable Unified Program inspection checklists, local data management systems, etc.). Unified Program Agencies should contact the appropriate data services vendors to ensure the CERS Violation Library in local data management systems reflect the 2019 revisions in CERS. Once QA/QC in the CERS testing environment is completed, the Violation Library revisions will be published in the CERS production environment. The new revisions to the CERS Violation Library are scheduled to go live in the production environment on September 1, 2019.

If you have any questions, please contact Kareem Taylor at (916) 327-9557 or by email at [kareem.taylor@calepa.ca.gov](mailto:kareem.taylor@calepa.ca.gov).

### **Imperial County Responds to CalEPA's Notice of Intent to Deny CUPA Certification**

On August 31, 2018, the Imperial County Fire Department (ICFD) submitted an application to become the Certified Unified Program Agency (CUPA) for the County of Imperial. On April 3, 2019, Secretary Blumenfeld issued a [Notice of Intent](#) to deny the ICFD application, citing a number of inconsistencies and gaps in the application. (<https://calepa.ca.gov/wp-content/uploads/sites/6/2019/05/Imperial-Notice-of-Intent-to-Deny-CUPA-Application-remained-4-3-19.pdf>)

On May 6, 2019, ICFD submitted a revised application and request for a second public hearing.

The state's Department of Toxic Substances Control (DTSC) currently serves as the CUPA for Imperial County on the public's behalf. To learn more, read the Imperial County Fire Department's [response letter](#) addressed to Secretary Blumenfeld and the [revised Application for CUPA Certification](#).

(<https://calepa.ca.gov/wp-content/uploads/sites/6/2019/05/Imperial-CFD-CUPA-Application-Response-Letter-5-6-19.pdf>)

(<https://calepa.ca.gov/wp-content/uploads/sites/6/2019/05/Imperial-CFD-CUPA-Application-revised-5-2019.pdf>)

Attachments accompanying the revised application are available below. CalEPA will post further details when the public hearing is scheduled.

**Attachment 1: Board of Supervisor's Authorization to Apply**

<https://calepa.ca.gov/wp-content/uploads/sites/6/2019/05/Imperial-CFD-CUPA-App-5-2019-Attachment-1.pdf>

**Attachment 2: Draft Ordinance**

<https://calepa.ca.gov/wp-content/uploads/sites/6/2019/05/Imperial-CFD-CUPA-App-5-2019-Attachment-2.pdf>

**Attachment 3: Sample Consolidated Permit**

<https://calepa.ca.gov/wp-content/uploads/sites/6/2019/05/Imperial-CFD-CUPA-App-5-2019-Attachment-3.pdf>

**Attachment 4: CERS User Guide**

<https://calepa.ca.gov/wp-content/uploads/sites/6/2019/05/Imperial-CFD-CUPA-App-5-2019-Attachment-4.pdf>

**Attachment 5:** Reporting and Auditing Requirements

<https://calepa.ca.gov/wp-content/uploads/sites/6/2019/05/Imperial-CFD-CUPA-App-5-2019-Attachment-5.pdf>

**Attachment 6:** Imperial County Area Plan

<https://calepa.ca.gov/wp-content/uploads/sites/6/2019/05/Imperial-CFD-CUPA-App-5-2019-Attachment-6.pdf>

**Attachment 7:** Surcharge Transmittal Report

<https://calepa.ca.gov/wp-content/uploads/sites/6/2019/05/Imperial-CFD-CUPA-App-5-2019-Attachment-7.pdf>

**Attachment 8:** Annual Single Fee Summary Report

<https://calepa.ca.gov/wp-content/uploads/sites/6/2019/05/Imperial-CFD-CUPA-App-5-2019-Attachment-8.pdf>

The original application submitted by ICFD and state agency comments regarding the original application are available at <http://www.calepa.ca.gov/CUPA/>.

## **DTSC**

### **Public Workshop on Administrative Penalties Regulations to Evaluate Possible Revisions**

To All Interested Community Members and Stakeholders:

The Department of Toxic Substances Control will hold a public workshop on June 7, 2019, to evaluate the current Administrative Penalties Regulations (22 CCR 66272.60-66272.69) for violations of California's Hazardous Waste Control Law and discuss possible revisions to the regulations.

This workshop will offer the opportunity for public discussion, and is intended to gather comments and opinions from the public regarding whether the Administrative Penalties Regulations should be reexamined and potentially revised.

**The public workshop will be held at the following time and location:**

**Date: June 7, 2019**

**Time: 9:00 a.m. –12:15 p.m. (PDT)**

**Location: Boardroom, DTSC Sacramento Regional Office, 8800 Cal Center Drive, Sacramento California**

Please register for this event by clicking on the following Eventbrite link: [Click here](#). Registration is required. Seats are limited to 40 participants. Registration will be available until 5:00 p.m. on June 3, 2019.

(<https://www.eventbrite.com/e/public-workshop-on-penalties-regulations-to-evaluate-possible-revisions-registration-61048461592?aff=DTSCLists>)

A similar public workshop will be conducted in Southern California in late July or August 2019, and a detailed announcement will be issued to community members and stakeholders at least two weeks prior to the workshop.

The preliminary workshop agenda is available on the Eventbrite registration page link above.

For your reference, here is a link to the current Administrative Penalties Regulations:

[Penalty Regulations](#)

([https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I3BDE97B0D4BB11DE8879F88E8B0DAAAE&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I3BDE97B0D4BB11DE8879F88E8B0DAAAE&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default))))

***References or links to information cited in this newsletter are subject to change. CalEPA is interested in your comments and suggestions regarding the Unified Program monthly newsletter. Please email your comments and suggestions to [cupa@calepa.ca.gov](mailto:cupa@calepa.ca.gov).***

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# **Agenda Item IX**

## **ARTICLES OF INTEREST**



**DRAFT**  
**City/County of \_\_\_\_\_**  
**Tobacco Waste Reduction Ordinance**

**Findings and Intent**

- 1) The purpose of this chapter is to protect the health, safety and welfare of the public and of the environment by ensuring the safe and proper disposal of tobacco waste, reducing the use of tobacco by underage consumers, and encouraging product design that minimizes negative impacts on human health and the environment at every stage of the product's lifecycle.
- 2) It is the intent of the County to enact a Product Stewardship Program for tobacco waste as the most effective way of protecting public health and safety and the environment.
- 3) The County of \_\_\_\_\_ has an obligation to protect the environment, the economy, and public health.
- 4) Peer-reviewed evidence found TPW contains hazardous chemicals, such as acetate/rayon filters, pesticides, heavy metals, nicotine, ethyl phenol for flavoring, adhesives, and other additives found acutely toxic to aquatic tested at various exposures. Disposal of such substances into municipal landfills or incineration is generally recognized as unsafe.
- 5) Studies indicate that up to two thirds of cigarette butts are littered, clogging sewer drains, blighting parks and beaches and contributing to estimated cleanup costs of \$11 billion yearly for U.S. litter alone. This litter exists at a financial cost to residents and an environmental cost to natural resources.
- 6) Tobacco waste can take hundreds of years to break down in the environment. It is not just the accumulation of plastics that harms the environment; it is also the fragments and toxins released during photo-decomposition that pollute our soil and water.
- 7) Tobacco waste, laced with chemicals and often ingested by animals, can injure or poison children, pets, and wildlife.
- 8) Studies published in the peer-reviewed journal Tobacco Control estimate the percentage of smokers who litter to range from 75 percent to 92 percent. It is estimated that 845,500 tons of cigarette butts become litter around the globe each year.
- 9) Cigarette butts have consistently been the single most-recovered item since collections began among volunteer groups, including the Ocean Conservancy and its International Coastal Cleanup event, which cleans litter in waterways, beaches, and parks in the State of California.

- 10) Although the citation rate for littering cigarette waste is annually about five times that of general litter from vehicles, as reported in the California Department of Motor Vehicles' citation statistics, cigarette butts remain at the top of the list for litter on our highways.
- 11) The California Department of Transportation has estimated the costs to clean up cigarette butts at forty-one million dollars (\$41,000,000) annually.
- 12) The City and County of San Francisco has estimated costs for city abatement of cigarette butts at over six million dollars (\$6,000,000) annually.
- 13) From 2006 to 2008, the American Association of Poison Control Centers reported approximately 12,600 cases of children ingesting cigarettes or cigarette butts. Children under six years of age are especially prone to cigarette butt ingestion.
- 14) From 2015 to 2017, there were an estimated 2035 e-cigarette explosion and burn injuries presenting to US hospital emergency departments. Recent reports find electronic smoking device waste at high schools, imposing costs and health risks.
- 15) The well-documented and common occurrence of cigarette butt ingestion by domestic animals points to the larger impact that improperly discarded cigarette butts have on the environment and wildlife.
- 16) As early as the mid-1960s, the Surgeon General of the United States judged cigarette filters to be useless in reducing harm to the average smoker.
- 17) A 2017 review published in the Journal of the National Cancer Institute concluded that filter ventilation has contributed to the rise in lung adenocarcinomas among smokers and recommended that the FDA consider regulating its use, up to and including a ban.
- 18) The National Institute on Drug Abuse reports that E-cigarettes are popular among teens and are now the most commonly used form of tobacco among youth in the United States. Their easy availability, alluring advertisements, various e-liquid flavors, and the belief that they're safer than cigarettes have helped make them appealing to this age group.
- 19) A study of adult smokers in Europe found those who used e-cigarettes were less likely to stop smoking than those that didn't use e-cigarettes. Those that used e-cigarettes also smoked more cigarettes than those who didn't. In another study of more than 800 people who said they were using e-cigarettes to help them quit traditional cigarette smoking, only nine percent reported having quit when asked a year later.

- 20) E-cigarettes pose a serious human and environmental health threat. Instead of merely being thrown away, these complex electronic devices present simultaneously a biohazard risk with potential high quantities of leftover or residual nicotine and an environmental health threat as littered electronic waste. There have been examples of electronic cigarette explosions causing death and bodily harm.
- 21) E-cigarette's endocrine-disrupting plastics, lithium ion batteries and electronic circuit boards require disassembly, sorting and proper recycling and disposal. Their instructions are not required to say anything about disposal. Electronic waste (e-waste) already presents a daunting environmental quandary and is notoriously difficult to recycle. When littered, broken devices can leach metals, battery acid and nicotine into the local environment and urban landscape.

## **Definitions**

- 1) **Tobacco Product means:**
  - a. Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, dissolvables, electronic smoking devices, snus, pipe tobacco, and snuff.
  - b. Any electronic smoking device.
  - c. Notwithstanding any provision of paragraph (1) to the contrary, "Tobacco Product" includes any component, part, or accessory of a Tobacco Product, whether or not sold separately. "Tobacco Product" does not include drugs, devices, or combination products authorized for sale by the United States Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.
- 2) **Electronic Smoking Devices** also known as e-cigarettes, e-vaporizers, or electronic nicotine delivery systems, means an electronic device that can be used to deliver an inhaled dose of nicotine, or other substances, including any component, part, or accessory of such a device, whether or not sold separately. "Electronic smoking device" includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor. More than 460 different e-cigarette brands are currently on the market.
- 3) **Person** means any natural person, partnership, cooperative association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity.
- 4) **Tobacco Retailers** are any Person who sells, offers for sale, possesses for sale, or exchanges or offers to exchange for any form of consideration, tobacco or Tobacco Products to a consumer. "Tobacco Retailing" shall mean doing any of these things. This definition is without regard to quantity of Tobacco Products sold, offered for sale, exchanged, or offered for exchange.

- 5) **Plastic** refers to any synthetic material made from organic polymers such as polyethylene, PVC, nylon, acetate, etc., that can be molded into shape while soft and then set into a rigid or slightly elastic form. Includes all plastics #1-#7, as well as any new variants.
- 6) **Producer** shall be determined, with regard to tobacco products that are sold, offered for sale, or distributed in the County as meaning one of the following:
  - a. The Person who Manufactures tobacco products and who sells, offers for sale, or distributes tobacco products in the County under that Person's own name or brand.
  - b. If there is no Person who sells, offers for sale, or distributes tobacco products in the County under the Person's own name or brand, the Producer of tobacco products is the owner or licensee of a trademark or brand under which the tobacco products are sold or distributed in the County, whether or not the trademark is registered.
  - c. If there is no Person who is a Producer of tobacco products for purposes of paragraphs (a) and (b), the Producer of Tobacco products is the Person who brings the tobacco products into the County for sale or distribution.
- 7) **Product Stewardship** refers to an approach to limiting the impact of waste on public health and safety, protecting the environment and ensuring wise use of public resources by holding the producers of products responsible for the cost of recycling or disposal of the waste created by the use of their products.
- 8) **Product Stewardship Program (Program)** means a program financed and operated by Producers to collect, transport, and dispose of tobacco waste.
- 9) **Stewardship Organization** means a 501(c)3 non-profit organization designated by a group of Producers to act as an agent on behalf of each Producer to operate a Product Stewardship Program.
- 10) **Tobacco Waste** refers to any portion of a product intended for the use of tobacco which is not consumed during use. This includes biodegradable and non-biodegradable filters, plastic tips, packaging, electronic smoking devices and their constituent parts and batteries once they are discarded.

### **The Stewardship Organization**

1. A Stewardship Organization may be designated to act as an agent on behalf of a manufacturer or manufacturers in operating and implementing the stewardship program required under this chapter. Any stewardship organization that has obtained such designation must provide to the County a list of the manufacturers and brand names that the stewardship organization represents within sixty days of its designation by a manufacturer as its agent, or within sixty days of removal of such designation
2. A designated Stewardship Organization shall be registered as a California 501(c)(3) organization (California Corporations Code Section 5000 et. seq.). Stewardship organization will follow all requirements of California law, including holding regular public meetings and providing public information as required. The Board of Directors for

the Stewardship Organization must have a majority representing California-based companies.

### **Product Stewardship Program**

1. Requirement for Sale. This section shall apply only to Producers whose tobacco smoking products are sold and/or distributed in the County and to Retail Stores who sell tobacco smoking products in the County. Each Producer must:
  - a) Operate, individually or jointly with other Producers, a Product Stewardship Program approved by the County: or
  - b) Enter into an agreement with a Stewardship Organization to operate, on the Producer's behalf, a Product Stewardship Program approved by the County.
  
2. Product Stewardship Program Costs.
  - a) A Producer, group of Producers, or Stewardship Organization must pay all administrative and operational fees associated with their Product Stewardship Program, including, but not limited to, the cost of collecting, transporting, recycling and/or disposing of tobacco waste collected from Consumers and from public areas of the County.
  - b) No Person, Producer, group of Producers or Stewardship Organization may charge a specific point-of-sale fee to Consumers to recoup the costs of their Product Stewardship Program, nor may they charge a specific point-of-collection fee at the time the tobacco waste is collected from Consumers or delivered for disposal.
  - c) A Producer, group of Producers, or Stewardship Organization must pay all costs incurred by the County in the administration and enforcement of their Product Stewardship Program. Exclusive of fines and penalties, the County shall only recover its actual cost of administration and enforcement under this Ordinance and shall not charge any amounts under this Ordinance in excess of its actual cost.
  - d) A Producer, group of Producers, or Stewardship Organization must pay all collection, transportation and disposal costs of tobacco waste beginning no later than 180 days after the effective date of the Ordinance. *If after 180 days of the effective date of the Ordinance, the County incurs any costs resulting from the collecting, transporting, and disposing of tobacco waste due to delays in implementation of an approved Stewardship Plan, the Producer, Group of Producers, or Stewardship Organization must reimburse the County in full for such costs. Reimbursement shall be paid each month.*

### **Product Stewardship Plan**

1. Plan Content. Each Product Stewardship Program shall have a Product Stewardship Plan

“Plan” that contains each of the following:

- a) Certification that the Product Stewardship Program will accept all tobacco waste, regardless of who produced them, unless excused from this requirement by the County as part of the approval of the Plan;
- b) Contact information for the individual and the Entity submitting the Plan and for each of the Producers participating in the Product Stewardship Program;
- c) A description of the tobacco waste collection program, including collection, recycling and disposal plans for all tobacco waste products.
- d) Plans for collection of tobacco waste from County Sanitation and Household Hazardous Waste facilities and local school districts.
- e) Plans for regular cleanup and disposal of tobacco waste from County parks, beaches, streets, storm drains and other public spaces, or; plans to compensate County for costs of such cleanup programs and fines from Total Daily Maximum Load (TMDL) Trash Amendments in Stormwater capture systems prorated by percentage of tobacco waste established in local baseline methodologies.
- f) A starting date when collection of tobacco waste will begin.

## 2. County Review and Approval

- a) No Producer, group of Producers, or Stewardship Organization may begin collecting tobacco waste to comply with this Ordinance until it has received written approval of its Product Stewardship Plan from the County. *The County will continue collection, transportation and disposal of tobacco waste on an interim basis if there is any delay in establishing a Stewardship Program as required.*
- b) Product Stewardship Plans must be submitted to the County for approval. The initial Plan must be submitted within 90 days of the effective date of the Ordinance.
- c) Within 30 days after receipt and review of a Product Stewardship Plan, the County will determine whether the Plan complies with the requirements of this Ordinance and of any Ordinances previously adopted.
- d) As part of its approval, the County may set reasonable performance goals for the Program.
- e) If the County approves a Plan, it shall notify the applicant of its approval in writing.
- f) If the County rejects a Plan, it shall notify the applicant in writing of its reasons for rejecting the Plan.
- g) An applicant whose Plan has been rejected by the County must submit a revised Plan to the County within thirty (30) days after receiving notice of the rejection. The County may require the submission of a further revised Plan or, at its sole discretion, the County may develop, approve and impose its own Product Stewardship Plan or an approved Plan submitted by other Producer(s) pursuant to this chapter. Plan may be submitted no more than two times for approval.
- h) If the County rejects a revised Product Stewardship Plan or any other subsequently revised Plan, the Producer(s) at issue shall be out of compliance with this Ordinance and shall be subject to the enforcement provisions contained in this Ordinance.
- i) At least every three years, a Producer, group of Producers or Stewardship Organization operating a Product Stewardship Program shall update its Product Stewardship Plan and



submit the updated Plan to the County for review and approval.

- j) A Producer who begins to offer tobacco products for sale in the County after the adoption of Product Stewardship Plan, must submit a Product Stewardship Plan to the County or provide evidence of having joined an existing approved Product Stewardship Program within sixty (60) days following the Producer's initial offer for sale.
- k) Any proposed changes to a Product Stewardship Plan must be submitted in writing to the County and approved by the County in writing prior to implementation of any change.

### **Promotion and Outreach**

A Product Stewardship Program must compensate the County for all education and outreach on tobacco product waste prevention and abatement. The educational material shall at a minimum include printed information with all products sold or distributed in the County, signage at businesses which sell covered products, a web site, as well as print ads, radio and television ads. Content, frequency and distribution shall all be conducted by the County and reimbursed by the Stewardship Organization. All advertising should identify the Stewardship Organization and include contact information.

### **Underage Use**

Although state law already includes restriction on sale and distribution of tobacco products to minors, studies indicate that minors find easy access to tobacco products through a number of avenues, especially online sales. Stewardship Plan shall include information on additional efforts Stewardship Organization will take to minimize underage use of tobacco products in the County and include in their Plan and Annual Report.

### **Reporting**

1. On or before May 1, \_\_\_\_ (or at a later date as approved in writing by the County and in each subsequent year, every Producer, group of Producers, or Stewardship Organization operating a Product Stewardship Program must prepare and submit to the County an annual written report describing the Program activities during the previous reporting period. The report must include, at minimum, the following:
  - a) A list of Producers participating in the Product Stewardship Program;
  - b) The amount, by type and by weight, of tobacco waste collected from Consumers during the reporting period;
  - c) The name and location of facilities at which tobacco waste products were recycled and/or disposed;
  - d) Whether policies and procedures for collecting, transporting, and disposing of tobacco waste, as established in the Plan, were followed during the reporting period and a description of any noncompliance;
  - e) How the Product Stewardship Program complied with all other elements in the Product

Stewardship Plan approved by the County, including its degree of success in meeting any performance goals set by the County as part of its approval of the Program; and  
f) Any other information that the County may reasonably require.

2. For the purposes of this section, "reporting period" means the period beginning January 1 and ending December 31 of the same calendar year.

## **Enforcement**

1. The County may enforce the provisions of this Ordinance through a civil action for civil penalties in the amounts established herein, and any other civil remedy, including prohibitory and mandatory injunctive relief, filed in the Superior Court for the County of \_\_\_\_\_ to compel and enforce the provisions herein against any Producer, group of Producers, or Stewardship Organization who violates this Ordinance. In addition to any relief available to County to enforce this Ordinance, the County shall also be entitled to recover its reasonable attorneys' fees and costs incurred in enforcing this Ordinance.
2. For any violation of this Ordinance, the County may sue to recover civil penalties in the amount of \$10,000.00 per day for every day on which a violation exists. For purposes of calculating the civil penalties to be established hereunder, each day on which the Producer, group of Producers, or Stewardship Organization fails to comply with the requirements of this Ordinance, after having received a written notice of violation issued by the County, shall constitute a separate offense.
3. In addition to the civil relief available to the County set forth above, any violation of this Ordinance shall also constitute a misdemeanor punishable under the laws of the State of California. The District Attorney, the County Counsel, or any City Attorney shall be authorized to enforce the provisions of this Ordinance within their respective jurisdictions. In the event of such criminal enforcement, the following criminal penalties apply to violations of this Ordinance:
  - a) Violation as Misdemeanor. Violations of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor.
  - b) The County Sheriff and/or any other police or law enforcement agencies located within the County's jurisdiction may issue a Notice to Appear Citation for any misdemeanor pursuant to California Penal Code Section 853.6 for any violation of this Ordinance.
  - c) Penalty for Misdemeanor. Any Producer, group of Producers, or Stewardship Organization found to be in violation of any provision of this Ordinance, or who fails to comply with any of its requirements, shall upon conviction thereof be punished by imprisonment in the county jail for not more than six months, or be fined not more than one thousand dollars (\$1,000.00), or by both. Each day such violation continues shall be

considered a separate offense.

- d) To the extent that the County, the incorporated cities, and the districts within said County have adopted code enforcement ordinances applicable to their jurisdictions, this Ordinance shall be enforceable by said governmental entities under said ordinances as land-use or code-enforcement violations consistent with said ordinances.

#### **Conflict with State or Federal law**

This Ordinance shall be construed so as not to conflict with applicable federal or state laws, rules or regulations. Nothing in this Ordinance shall authorize the County to impose any duties or obligations in conflict with limitations on municipal authority established by state or federal law at the time such action is taken. The County shall suspend enforcement of this Ordinance to the extent that said enforcement would conflict with any state or federal legislation.

#### **CEQA Findings**

The County finds that this Ordinance falls within the activities described in Section 15061(b)(3) of the CEQA Guidelines which are deemed not to be "projects" for the purposes of CEQA, because it can be seen with certainty that the adoption of the Ordinance will not have a significant effect on the environment. The County Manager is directed to prepare and file an appropriate notice of exemption.

#### **Severance Clause**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this Ordinance. The Governing Board of the County hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsection, sentence, clause or phrase be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

#### **Effect of Headings in Ordinance**

Title, division, part, chapter, article, and section headings contained herein do not in any manner affect the scope, meaning, or intent of the provisions of this Ordinance.

This Ordinance was introduced, and the title thereof read at the regular meeting of the County Board of Supervisors on \_\_\_\_\_ and further reading was waived by a majority vote of those Supervisors present.

This Ordinance shall take effect and be in full force on and after thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days from the date of its passage it shall be published once with the names of the members of the Board of Supervisors voting for and against the same, said publication to be made in a newspaper of general circulation published in the County.

**Exemptions**

A) The Director of Public Works, or the director's designee, may exempt an affected business or person from the requirements set forth in this chapter for a one-year period upon the affected business or person showing, in writing, that this chapter would create an undue hardship or practical difficulty not generally applicable to other businesses or persons in similar circumstances. The decision to grant or deny an exemption shall be in writing, and the Director's or the director's designee's decision shall be final.

B) An exemption application shall include all information necessary for the Director of Public Works or the director's designee to make a decision, including but not limited to documentation showing factual support for the claimed exemption.

C) The Director of Public Works or director's designee may approve the exemption application in whole or in part, with or without conditions.

D) The decision of the Director or Director's designee shall be final and may not be appealed to any other person or body.

# County **ORDINANCE NO.**

## **AN ORDINANCE ESTABLISHING A PRODUCT STEWARDSHIP DISPOSAL PROGRAM FOR HOUSEHOLD BATTERIES**

The County of \_\_\_\_\_ ordains as follows:

### **SECTION 1. GENERAL PROVISIONS**

The County of \_\_\_\_\_ (County) finds and declares all the following:

- (a) The purpose of this Ordinance is to enact a producer responsibility program for Household Batteries
- (b) The purpose of this Ordinance is to assure that the costs associated with the handling and recycling of Household Batteries are primarily the responsibility of the producers and not retail stores and government agencies.
- (c) The purpose of this Ordinance is to assure that producers of Household Batteries, while working to achieve the goals and objectives of this Ordinance, should have the flexibility and are mandated to partner with those private, nonprofit business and government enterprises that provide collection and processing services to develop and promote a safe and effective battery collection and disposal system.
- (d) The purpose of this Ordinance is to provide for the safe and convenient collection, reuse, and recycling of 100 percent of the used Household Batteries discarded in the County with no additional fee to the Consumer either added to the receipt or for disposal.
- (e) The purpose of this Ordinance is to protect public health and safety as batteries contain metals and corrosive materials that can impact water quality and also have been demonstrated to be responsible for the increase in fires in products due to design flaws, improper storage, during transport in shipments and at materials handling and disposal facilities.

### **SECTION 2. DEFINITIONS**

For the purposes of this Ordinance, the following terms have the following meanings, unless the context clearly requires otherwise:

- (a) "Consumer" means a person who has lawfully obtained, and who possesses, Household Batteries and who resides in the County.

“Director” means the Director of the County Agency with oversight authority of the program.

(b) “County” means the geographic area that includes the unincorporated area of \_\_\_\_\_ County, California and the incorporated cities within the County.

(c) "Household Batteries" means batteries used primarily for household and personal uses, including nickel-cadmium, alkaline, carbon-zinc, Li Ion, NiMH and other batteries generated as non-RCRA waste similar in size to those typically generated as household waste. "Household Batteries" does not include lead-acid batteries such as motor vehicle batteries or those batteries that are sealed and irretrievable inside electronic waste products. If batteries are not removable, the product must be part of a producer funded take-back program.

(d) “Embedded Batteries” are those household batteries that have been embedded in the product and either glued in or made non-removable so as to be unable to be removed easily by the consumer without tools.

(d)“Person” means an individual, firm, sole proprietorship, corporation, limited liability corporation, general partnership, limited partnership, limited liability partnership, association, cooperative, or other legal entity, however organized.

(e) “Producer” shall be determined, with regard to Household Batteries or Embedded Batteries that are sold, offered for sale, or distributed in the County as meaning any of the following:

1. The Person who Manufactures Household Batteries and who sells, offers for sale, or distributes Household Batteries in the County under that Person's own name or brand.
2. If there is no Person who sells, offers for sale, or distributes Household Batteries in the County under the Person's own name or brand, the Producer of Household Batteries is the owner or licensee of a trademark or brand under which the Household Batteries are sold or distributed in the County, whether or not the trademark is registered.
3. If there is no Person who is a Producer of Household Batteries for purposes of paragraphs (1) and (2), the Producer of Household Batteries is the Person who brings the Household Batteries into the County for sale or distribution.

(f) “Product Stewardship Program” or “Program” means a program financed, designed, and operated by Producers to collect, transport, and dispose of Household Batteries or Embedded Batteries.

(g) “Retail Store” means any retail or on-line store which sells Household Batteries to a

Consumer.

- (h) “Stewardship Organization” means an organization designated by a group of Producers to act as an agent on behalf of each Producer to operate an Extended Producer Responsibility (EPR) Program.

### **SECTION 3. THE STEWARDSHIP ORGANIZATION**

(a) A Stewardship Organization may be designated to act as an agent on behalf of a manufacturer or manufacturers in operating and implementing the stewardship program required under this chapter. Any stewardship organization that has obtained such designation must provide to the department a list of the manufacturers and brand names that the stewardship organization represents within sixty days of its designation by a manufacturer as its agent, or within sixty days of removal of such designation.

(b) A designated Stewardship Organization shall be registered as a California 501(c)(3) organization (California Corporations Code Section 5000 et. seq.). Stewardship Organization will follow all requirements of California law, including holding regular public meetings and providing public information as required.

### **SECTION 4. PRODUCT STEWARDSHIP PROGRAM**

(a) Requirement for Sale. This section shall apply only to Producers whose batteries are sold and/or distributed in the County and to Retail Stores who sell batteries in the County. Each Producer must:

1. Operate, individually or jointly with other Producers, a EPR program approved by the County; or
2. Enter into an agreement with a Stewardship Organization to operate, on the Producer's behalf, an EPR Program approved by the County.

(b) Extended Producer Responsibility Program Costs.

1. A Producer, group of Producers, or Stewardship Organization must pay all administrative and operational fees associated with their Product Stewardship Program, including, but not limited to, the cost of promoting, collecting, transporting, and disposing of batteries collected from Consumers and the recycling or disposal, or both, of packaging collected with the Household Batteries.
2. No Person, Producer, group of Producers or Stewardship Organization may charge a specific point-of-sale fee to Consumers to recoup the costs of their EPR Program, nor may they charge a specific point-of-collection fee at the time the Household Batteries are collected from Consumers or delivered for

disposal. The cost must be internalized into the price of the product.

3. A Producer, group of Producers, or Stewardship Organization must pay all costs incurred by the County in the administration and enforcement of their EPR Program. Exclusive of fines and penalties, the County shall only recover its actual cost of administration and enforcement under this Ordinance and shall not charge any amounts under this Ordinance in excess of its actual cost.
4. A Producer, group of Producers, or Stewardship Organization must pay all collection, transportation and disposal costs of Household Batteries beginning no later than 180 days after the effective date of the Ordinance. *If after 180 days of the effective date of the Ordinance, the County incurs any costs resulting from the collecting, transporting, and disposing of Household Batteries due to delays in implementation of an approved Stewardship Plan, the Producer, Group of Producers, or Stewardship Organization must reimburse the County in full for such cost including labor to manage them. Reimbursement shall be paid each month.*

## **SECTION 5. RETAILER PARTICIPATION**

Any retail location which sells batteries shall be required to participate in the Product Stewardship Program. Participating businesses shall provide convenient locations to display collection containers provided by the Stewardship Organization and shall prominently display signage provided informing customers of the availability of the service and how to participate. For online sales, they must prominently promote the recycling program and provide free mail-back program or direct them to a battery stewardship program with in store collection that the online retailer is participating in. Participating locations shall take reasonable precautions to ensure proper and safe compliance with the requirements of the program. Failure to participate or to follow the requirements of the program may result in penalties or other enforcement action by the County.

## **SECTION 6. PRODUCT STEWARDSHIP PLAN**

- (a) Plan Content. Each Product Stewardship Program shall have a Product Stewardship Plan "Plan" that contains each of the following:
  1. Certification that the Product Stewardship Program will accept all Household Batteries, regardless of who produced them, unless excused from this requirement by the County as part of the approval of the Plan;
  2. Contact information for the individual and the Entity submitting the Plan and for each of the Producers participating in the EPR Program;



3. A description of the Household Batteries collection program that will be made available to every Retail Store in the County. The Household Battery collection program shall include: (1) A convenient location within the Retail Store for the “take-back” from the Consumer of Household Batteries at no cost to that Consumer. (2) An appropriate receptacle or receptacles for the collection of Household Batteries within the Retail Store. (3) Mailback program for batteries sold on the internet.
4. A description of training and safety procedures that will be made available to every Retail Store in the County participating in the Household Batteries collection program.
5. Information about what requirements will be placed on participating locations, including reasonable plans for compensation for any time or effort required of participating businesses or their employees.
6. Plans for collection of Household Batteries from County Household Hazardous Waste facilities and other local government sponsored collection sites, including reasonable plans for compensation for any time or effort required of participating businesses or their employees.
7. Plans for collection of Household Batteries from Nonprofit Charitable Reuser organizations defined in PUBLIC RESOURCES CODE SECTION 41904 s defines a nonprofit charitable reuse organization as follows: "Nonprofit charitable reuser" means a charitable organization, as defined in Section 501(c)(3) of the federal Internal Revenue Code, or a distinct operating unit or division of the charitable organization, that reuses and recycles donated goods or materials and receives more than 50 percent of its revenues from the handling and sale of those donated goods or materials.”
8. The date the collection of Household Batteries will begin which shall not be more than 60 days after the approval of the Plan.

(b) County Review and Approval

1. No Producer, group of Producers, or Stewardship Organization may begin collecting Household Batteries to comply with this Ordinance until it has received written approval of its Product Stewardship Plan from the County. *The County will continue collection, transportation and disposal of Household Batteries on an interim basis if there is any delay in establishing a Stewardship Program as required.* Cost recovery will be assessed for any County provided services required by Program delays.
2. Product Stewardship Plans must be submitted to the County for approval.

The initial Plan must be submitted within 90 days of the effective date of the Ordinance.

3. Within 30 days after receipt and review of a Product Stewardship Plan, the County will determine whether the Plan complies with the requirements of this Ordinance and of any Ordinances previously adopted.
  - a. As part of its approval, the County may set reasonable performance goals for the Program.
  - b. If the County approves a Plan, it shall notify the applicant of its approval in writing.
  - c. If the County rejects a Plan, it shall notify the applicant in writing of its reasons for rejecting the Plan.
- (c) An applicant whose Plan has been rejected by the County must submit a revised Plan to the County within thirty (30) days after receiving notice of the rejection. The County may require the submission of a further revised Plan or, at its sole discretion, the County may develop, approve and impose its own Product Stewardship Plan or an approved Plan submitted by other Producer(s) pursuant to this chapter.
- (d) If the County rejects a revised Product Stewardship Plan or any other subsequently revised Plan, the Producer(s) at issue shall be out of compliance with this Ordinance and shall be subject to the enforcement provisions contained in this Ordinance.
  1. At least every three years, a Producer, group of Producers or Stewardship Organization operating an EPR Program shall update its Product Stewardship Plan and submit the updated Plan to the County for review and approval.
  2. A Producer who begins to offer Household Batteries for sale in the County after the adoption of Product Stewardship Plan, must submit a Product Stewardship Plan to the County or provide evidence of having joined an existing approved Product Stewardship Program within sixty (60) days following the Producer's initial offer for sale.
  3. Any proposed changes to a Product Stewardship Plan must be submitted in writing to the County and approved by the County in writing prior to implementation of any change.

## **SECTION 7. RECYCLING OF HOUSEHOLD BATTERIES**

- (a) Compliance with Applicable Law. Each EPR Program must comply with all local, state, and federal laws and regulations applicable to its operations, including laws and regulations governing the collection, transport, treatment and recycling/disposal of Household Batteries.
- (b) Treatment and Disposal. Each EPR Program must arrange to recycle Household Batteries unless the County authorizes the disposal of Household Batteries.

## **SECTION 8. PRODUCT STEWARDSHIP PROGRAM PROMOTION AND OUTREACH**

- (a) A Product Stewardship Program must promote the program to Consumers. The Product Stewardship Plan shall include the proposed outreach program which is subject to approval by the County. Program shall at a minimum include signage at participating locations, as well as print ads, radio and television ads. Content, frequency and distribution shall all be pre-approved by the County.

## **SECTION 9. REPORTING**

- (a) On or before May 1, \_\_\_\_ (or at a later date as approved in writing by the County and in each subsequent year, every Producer, group of Producers, or Stewardship Organization operating a Product Stewardship Program must prepare and submit to the County an annual written report describing the Program activities during the previous reporting period. The report must include, at minimum, the following:
  1. A list of Producers participating in the Product Stewardship Program;
  2. The amount, by type and by weight, of Household Batteries collected from Consumers at each Retail Store and other collection locations;
  3. The name and location of facilities at which Household Batteries were recycled and/or disposed;
  4. Whether policies and procedures for collecting, transporting, and disposing of Household Batteries, as established in the Plan, were followed during the reporting period and a description of any noncompliance;
  5. Whether any safety or security problems occurred during collection, transportation, or disposal of Household Batteries during the reporting period and, if so, what changes have or will be made to policies, procedures, or tracking mechanisms to alleviate the problem and to improve safety and security;

6. How the Product Stewardship Program complied with all other elements in the Product Stewardship Plan approved by the County, including its degree of success in meeting any performance goals set by the County as part of its approval of the Program; and

7. Any other information that the County may reasonably require.

- (b) For the purposes of this section, “reporting period” means the period beginning January 1 and ending December 31 of the same calendar year.

#### **SECTION 10 - STEWARDSHIP PLANS – FEES**

- (a) The Board of Supervisors authorizes the Director to charge fees to any Producer, group of Producers, or Stewardship Organization participating in a Stewardship Plan to cover all costs that the County incurs in administering and enforcing this Chapter. Fees shall not exceed actual costs to the County.

#### **SECTION 11. ENFORCEMENT**

- (a) The County may enforce the provisions of this Ordinance through a civil action for civil penalties in the amounts established herein, and any other civil remedy, including prohibitory and mandatory injunctive relief, file in the Superior Court for the County of \_\_\_\_\_ to compel and enforce the provisions herein against any Producer, group of Producers, or Stewardship Organization who violates this Ordinance. In addition to any relief available to County to enforce this Ordinance, the County shall also be entitled to recover its reasonable attorneys’ fees and costs incurred in enforcing this Ordinance.
- (b) For any violation of this Ordinance, the County may sue to recover civil penalties in the amount of \$1,000.00 per day for every day on which a violation exists. For purposes of calculating the civil penalties to be established hereunder, each day on which the Producer, group of Producers, or Stewardship Organization fails to comply with the requirements of this Ordinance, after having received a written notice of violation issued by the County, shall constitute a separate offense.
- (c) In addition to the civil relief available to the County set forth above, any violation of this Ordinance shall also constitute a misdemeanor punishable under the laws of the State of California. The District Attorney, the County Counsel, or any City Attorney shall be authorized to enforce the provisions of this Ordinance within their respective jurisdictions. In the event of such criminal enforcement, the following criminal penalties apply to violations of this Ordinance:
1. Violation as Misdemeanor. Violations of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor.

2. The County Sheriff and/or any other police or law enforcement agencies located within the County's jurisdiction may issue a Notice to Appear Citation for any misdemeanor pursuant to California Penal Code Section 853.6 for any violation of this Ordinance.
  3. Penalty for Misdemeanor. Any Producer, group of Producers, or Stewardship Organization found to be in violation of any provision of this Ordinance, or who fails to comply with any of its requirements, shall upon conviction thereof be punished by imprisonment in the county jail for not more than six months, or be fined not more than one thousand dollars (\$1,000.00), or by both. Each day such violation continues shall be considered a separate offense.
- (d) To the extent that the County, the incorporated cities, and the districts within said County have adopted code enforcement ordinances applicable to their jurisdictions, this Ordinance shall be enforceable by said governmental entities under said ordinances as land-use or code-enforcement violations consistent with said ordinances.

#### **SECTION 12 - STEWARDSHIP PLANS—REGULATIONS, PERFORMANCE STANDARDS, AND REPORT TO BOARD.**

- (a) The Director may adopt regulations necessary to clarify, implement, administer, and enforce this Chapter.
- (b) The Director may work with a Stewardship Plan Operator to define goals for collection amounts, education, and promotion for a Stewardship Plan.
- (c) The Director shall report as requested to the Board of Supervisors concerning the status of all Stewardship Plans and recommendations for changes to this Chapter.

#### **SECTION 13. CONFLICT WITH STATE OR FEDERAL LAW**

This Ordinance shall be construed so as not to conflict with applicable federal or state laws, rules or regulations. Nothing in this Ordinance shall authorize the County to impose any duties or obligations in conflict with limitations on municipal authority established by state or federal law at the time such action is taken. The County shall suspend enforcement of this Ordinance to the extent that said enforcement would conflict with any state or federal legislation.

#### **SECTION 14. CEQA FINDINGS**

The County finds that this Ordinance falls within the activities described in Section 15061(b)(3) of the CEQA Guidelines which are deemed not to be "projects" for the purposes of CEQA, because it can be seen with certainty that the adoption of the Ordinance will not have a significant effect on the environment. The County Manager is directed to prepare and file an appropriate notice of exemption.

**SECTION 15. SEVERANCE CLAUSE**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this Ordinance. The Governing Board of the County hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsection, sentence, clause or phrase be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

**SECTION 16. EFFECT OF HEADINGS IN ORDINANCE**

Title, division, part, chapter, article, and section headings contained herein do not in any manner affect the scope, meaning, or intent of the provisions of this Ordinance.

This Ordinance was introduced, and the title thereof read at the regular meeting of the County Board of Supervisors on \_\_\_\_\_ and further reading was waived by a majority vote of those Supervisors present.

This Ordinance shall take effect and be in full force on and after thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days from the date of its passage it shall be published once with the names of the members of the Board of Supervisors voting for and against the same, said publication to be made in a newspaper of general circulation published in the County.

On a motion by Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, the foregoing Ordinance was passed and adopted by the Board of Supervisor of the County, this \_\_\_\_\_ day of \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Chair of the County

ATTEST:

\_\_\_\_\_  
, County Board Secretary

ORDINANCE CODE PROVISION APPROVED  
AS TO FORM AND CODIFICATION:

\_\_\_\_\_

County Counsel

Date: \_\_\_\_\_





# Proper handling and disposal of E-cigarettes and other vaping devices

## Step 1

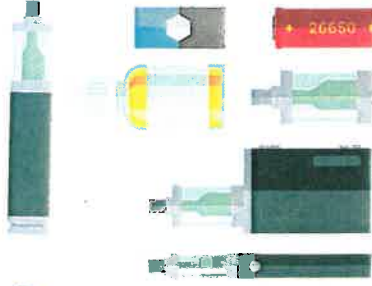
Always wear new nitrile gloves when handling e-cigarettes and vaping devices



## Step 2

Place all confiscated parts into a sealed container or bag for storage.

- This includes:
- Devices and batteries
  - E-liquids and bottles
  - Tanks, cartridges, and pods



## Step 3

Transport to a hazardous waste disposal site.

To find the nearest location, visit:

<https://www.calrecycle.ca.gov/HomeHazWaste/Directory/>



## Don't



Handle e-cigarettes with bare hands

Rinse or throw e-liquids in the sink or toilet

Throw any component in the trash or recycling bin





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# NEWS RELEASE

OFFICE OF PUBLIC AFFAIRS

**For Immediate Release:** May 7, 2019

Release #2019-14

**Media Contact:** [Lance Klug](#)

## Crews Accelerate Progress in Unprecedented Wildfire Cleanups

SACRAMENTO—Dry weather is enabling debris removal crews managed by the California Department of Resources Recycling and Recovery to accelerate the cleanup of homes and businesses destroyed by the Camp, Woolsey, and Hill fires. Almost 200 crews, consisting of three to five workers each, are now removing wildfire ash, debris, concrete, metal, and contaminated soil from properties in Butte, Los Angeles, and Ventura counties in which homeowners are participating in the state-managed debris removal program.

- In Butte County, 141 crews clear an average of 100 properties per day.
- In Los Angeles and Ventura counties, 44 crews clear an average of 28 properties every three days.

“Wildfire debris removal crews are making extraordinary progress clearing remnants of these unprecedented disasters and putting these communities in a position to rebuild,” CalRecycle Director Scott Smithline said. “These debris removal crews, along with local, state, and federal partner teams, are working six days a week to help restore these neighborhoods. Our objective, always, is conducting our debris removal operations safely and efficiently.”





Various stages of debris removal operations in Butte County including pre-debris removal (left), active debris removal (middle) and completed lot (right).

## California's Consolidated Debris Removal Program

Implemented under the leadership of the [California Governor's Office of Emergency Services \(CalOES\)](#) and local governments, the Consolidated Debris Removal Program offers survivors of the Camp, Woolsey, and Hill fires a streamlined option to clear their properties.

Following the removal of household hazardous waste from burned parcels (Phase 1), CalRecycle oversees and manages contractors to conduct Phase 2 of debris removal operations at no out-of-pocket cost to property owners. To participate, owners must grant cleanup crews access to their property by returning signed Right-of-Entry agreements to their local government.

### Phase 2 Progress Report as of May 6, 2019

Order of Operations	Butte County (Camp)	Los Angeles County (Woolsey)	Ventura County (Woolsey/Hill)
Participating properties	10,734	831	96
<b>Step 1–Site Assessment and Documentation</b>			
Sites assessed	8,806	820	95
Asbestos surveys completed	7,056	818	94
<b>Step 2–Debris Removal</b>			
Debris removal completed	2,401	600	66
<b>Step 3–Confirmation Sampling</b>			
Sample results approved	726	455	53
<b>Step 4–Erosion Control Measures</b>			
Erosion control completed	349	241	34
<b>Step 5–Final Inspection</b>			
Final inspection completed	299	195	15

### Phase 2 Debris Removal Tonnage as of May 2, 2019

Type of Waste	Camp Fire Debris Removal	Woolsey Fire (Los Angeles) Debris Removal	Woolsey/Hill Fire (Ventura) Debris Removal
Ash, debris, and soil	473,656 tons	182,505 tons	23,075 tons
Concrete	99,540 tons	52,421 tons	10,815 tons
Metal	9,195 tons	3,423 tons	525 tons
Contaminated soil	89,839 tons	44,411 tons	5,286 tons
<b>Total</b>	<b>672,230 tons (1.3 billion lbs.)</b>	<b>282,760 tons (565 million lbs.)</b>	<b>39,701 tons (79 million lbs.)</b>

Affected residents can find answers to their questions about the Phase 2 debris removal process by emailing inquiries to [debrisquestions@caloes.ca.gov](mailto:debrisquestions@caloes.ca.gov) or by contacting local representatives at the Debris Removal Operations Center (DROC) in their community:

Butte County DROC  
900 Fortress St.  
Chico, CA 95973  
(530) 399-0434

Los Angeles County/Ventura County DROC  
26610 Agoura Road  
Calabasas, CA 91302  
(626) 979-5370

Property owners who prefer to conduct their own cleanup or hire private contractors to remove wildfire debris may do so, but they should be aware of local safety and environmental standards and requirements. Find more information on alternate cleanup programs and find additional resources for wildfire survivors on the following local recovery websites:

- [ButteCountyRecovers.org](http://ButteCountyRecovers.org)
- [LACounty.gov/LACountyRecovers](http://LACounty.gov/LACountyRecovers)
- [VenturaCountyRecovers.org](http://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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Last updated: May 7, 2019

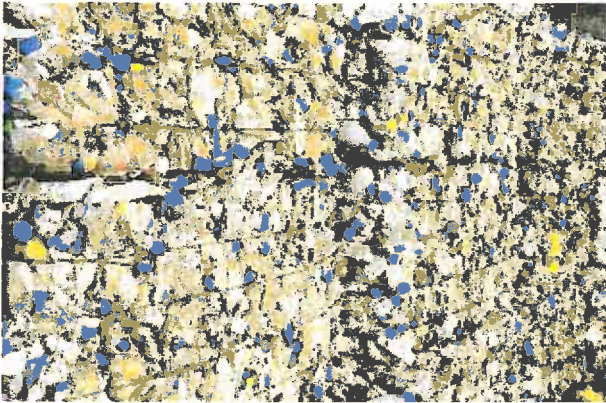
News Room <https://www.calrecycle.ca.gov/NewsRoom/>

Public Affairs Office: [opa@calrecycle.ca.gov](mailto:opa@calrecycle.ca.gov) (916) 341-6300

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# Plastics recovery efforts receive millions in state funding - Resource Recycling News

*Colin Staub*



Five plastics recycling projects will take in a total of \$11.7 million in California state grants. The awarded companies are targeting scrap plastic from a variety of sources.

The California Department of Resources Recycling and Recovery (CalRecycle) [recently approved](#) its 2018-19 Recycled Fiber, Plastic and Glass Grant Program recipients. All five awardees are targeting some amount of plastics with the funds.

The program uses state money to support the expansion of recycling infrastructure, according to CalRecycle documents. During the latest round of funding, the department received and evaluated 14 applications.

Below are the details on the five businesses that came away with grant dollars.

**FDS Manufacturing:** The Pomona, Calif.-headquartered food and agriculture packaging producer was selected to receive \$3 million for a melt-filtration unit, pelletizer and extruder to process an additional 2,000 tons per year of PP and PE. The resulting recycled plastic will be used in manufacturing angle board, bins, pallets and other products. FDS also has a plant in Fowler, Calif.

**Envision Plastics:** The reclaimer, which is headquartered in Reidsville, N.C. but has a plant in Chino, Calif., will receive \$2.9 million to install equipment that will produce decontaminated, food-grade HDPE from post-consumer containers and agricultural film.

“The project will create a high-value recycled plastic feedstock material that can be used to manufacture goods and products made in California and nationally,” CalRecycle wrote. The project is estimated to divert from landfill 3,480 tons per year of containers and film.

**Roplast Industries:** The Oroville, Calif. bag manufacturer was awarded \$2.5

million for a new de-inking system allowing the company to recycle 2,500 more tons per year of LDPE, which will be used by the company to produce retail and reusable grocery bags. The de-inking system is produced by Spanish company Cadel Deinking. Plastics Recycling Update, sister publication to Resource Recycling, [wrote about](#) the company and its technology in early 2017, after it presented at Association of Plastic Recyclers (APR) Technical Forum. Cadel [was also a finalist](#) for the FlexPack Recovery Challenge because its technology can be used to separate different polymers in multimaterial flexible packaging.

**Netafim:** The irrigation products company will receive \$2 million to expand its recycling of used HDPE farming irrigation tubing. It will collect used tubing and transport the material to the company's recycling facility, where the tubing will be shredded, washed and pelletized. The pellets will go to Netafim's manufacturing plant, where they'll be used to produce new tubing.

"Once this recycled content irrigation tubing reaches end of life, it will be collected by Netafim in a closed-loop recycling process," according to CalRecycle.

Based in Fresno, Calif., Netafim USA is a subsidiary of Israeli irrigation equipment manufacturer Netafim.

**Shark Glass Recycling West:** This company was awarded \$1.3 million to establish a windshield recycling facility processing glass into feedstock for fiberglass insulation. As part of that process, the company will extract polyvinyl butyral (PVB) from the used windshields. The plastic makes up about 8 percent of a typical windshield. This material will be sent from California to related company [Shark Glass Recycling North America](#) in Lavonia, Ga., where it will be processed into a replacement for PVC in carpet tiles, according to CalRecycle. Georgia is a hub for carpet production.

The Shark companies are part of the Danish PVB recycling company Shark Solutions.

Additionally, nine projects [applied for funding](#) but were not selected:

- Aemerge, requesting \$1.5 million for components of a system that converts medical plastic waste to natural gas for steam production and electricity generation.
- Allegiant Commodities, requesting \$3 million for a facility to sort, grind, wash and sell PET flakes.
- Al's Plastics, asking for \$2.9 million to upgrade an existing LDPE and HDPE reprocessing line.
- Andros Engineering Corp., requesting \$2.9 million for an agricultural film wash line and pelletizing system.
- BioCellection, asking for \$3 million to install new chemical recycling equipment in the [GreenWaste MRF](#) in San Jose, Calif.
- CarbonLite Industries, requesting \$3 million for a new plastics Nos. 3-7 sort, wash and processing line at the company's Riverside, Calif. facility
- Ionobell, asking for \$3 million for its system of producing battery materials from post-consumer mixed plastics
- University of California, Berkeley, requesting \$1.7 million for recycling equipment to process campus recyclables at the university.



- VSP Labs, requesting \$265,000 for a project that would recover and put through a gasification process the scrap plastic and liquid material produced by grinding eyeglass lenses.

*Photo credit: hiv360/Shutterstock*

*A version of this story appeared in [Plastics Recycling Update](#) on May 15.*

### ***More stories about processing***

- [Two companies vie to take over mixed-waste MRF](#)
- [Company plans second glass processing plant](#)
- [Innovation will be key to growth in plastics recovery](#)





## Navigating EPA's Hazardous Waste Pharmaceuticals Rulemaking (Part One)

*Part one of a two-part series breaks down how EPA's finalized standards will impact healthcare providers, retailers, pharmacies and reverse distributors.*

Cristina Commendatore | Jun 03, 2019

For healthcare facilities and pharmaceutical reverse distributors that generate and manage hazardous waste pharmaceuticals, the current regulatory and compliance landscape can be not only confusing to

follow, but it can end up being a maze of potential complications.

The U.S. Environmental Protection Agency (EPA) recently finalized its standards for managing hazardous waste pharmaceuticals, and it did so for two primary reasons. The first is an effort to streamline the rule to address concerns regarding the difficulty of implementing EPA's Resource Conservation and Recovery Act (RCRA) regulations for the management of hazardous waste pharmaceuticals generated at healthcare facilities and managed at reverse distributors. (Reverse distributors are entities that help healthcare facilities calculate and receive credit from pharmaceutical manufacturers when healthcare facilities have unused pharmaceuticals that they no longer need.)

#### **Related: EPA Finalizes Standards for Managing Hazardous Waste Pharmaceuticals**

Second, EPA explained that pharmaceuticals entering the environment, via draining, flushing or other means, are having a negative effect on aquatic ecosystems and on fish and animal populations. This has led to the nationwide prohibition of disposing hazardous waste pharmaceuticals down the drain.

The final rule, which was published in the Federal Register on February 22, can be dissected into three major areas—which begin to take effect in nonauthorized states on August 21. The first part of the rule, Subpart P, which is bulk of the rule, creates more flexible regulations for the healthcare sector and smaller quantity generators (SQGs), prohibits sewer disposal of hazardous waste for all states and eliminates some regulations that also fall under the Food and Drug Administration (FDA). The second part of the rule provides regulatory and national consistency on how RCRA applies to reverse distribution and reverse logistics. And the third part of the rule eliminates over-the-counter nicotine replacement therapies as a hazardous waste.

Authorized states have until July 1, 2021, to adopt Subpart P, and authorized states that require a statutory amendment must adopt Subpart P by July 1, 2022.

Cara Simaga, director of regulatory affairs at Stericycle, a healthcare waste management company, explains that generators still struggle with what constitutes a hazardous waste and why pharmaceutical waste is considered hazardous waste. She says healthcare facilities and generators can prepare for implementation of the first phase of the final rule in August by following EPA guidance and checking in on EPA's list of frequently asked questions, which are expected to be updated. She adds that individual states should also get the word out to generators located in their state.



Simaga believes the rule will help reduce the compliance burden for the healthcare sector since, in many cases, the rule will allow a generator to drop to a lower generator status qualification. However, she says, the most problematic part of the rule is P-listed hazardous waste—or waste on EPA's P list, which is considered acutely toxic. There are roughly

200 chemicals on that list, including Coumadin and nicotine, which are common pharmaceuticals used in healthcare.

“The issue, especially with P-listed waste, is that [those wastes] are considered so toxic that even the empty container needs to be managed and disposed of as a hazardous waste,” explains Simaga. “That is something that for years a lot of hospitals have struggled with. Then, the other issue is that you can only generate up to 2.2 pounds, or 1 kilogram, per month of this waste. If you go over that, you are now considered a large quantity generator (LQG), and that is the highest category and most regulated level of generator.”

Simaga has worked with behavioral health facilities that have been considered LQGs solely because of the amount of nicotine waste they have. But to her, that has never made sense.

“It wasn't EPA's intent to regulate these types of facilities that much,” she explains. “But it's just how things have worked out because the law says it is a P-listed waste, meaning the empty container needs to be collected and managed. And that has caused a lot of headaches over the years. This [finalized] rule will really help make management of that waste easier.”

Elise Paeffgen, a Washington, D.C.-based attorney for Alston & Bird's Environment, Land Use & Natural Resources Group, counsels clients in the pharmaceutical, medical device, healthcare and logistics industries on hazardous, controlled substance and medical waste compliance and enforcement matters. She points out that several changes will come down the pike for reverse distributors.





Reverse distributors will experience changes to credit processing practices and to their contracts that will have to be updated and aligned with the new EPA regs. For instance, reverse distributors won't be able to accept drugs more than a year past expiry, so they might have to make that change in their contracts.

Another big change regarding expired products focuses on what pharmaceuticals reverse distributors can and cannot accept, as well as what states will adopt in terms of the rule. States could end up adopting less stringent requirements, which they have the option of doing, or adding on broader or more stringent regulations.

“On the reverse distributor side, there will be a lot of changes out of the gate,” explains Paeffgen. Reverse distributors are going to have to closely monitor the states so that when things are changing, their acceptance policies and their contracts will keep up with all the state changes. A lot of the changes will not be very significant to reverse distributors that are already large quantity generators.”

Here is a more in-depth look at how the finalized standards and changes to Subpart P and the sewer ban will impact healthcare

providers, retailers, pharmacies and reverse distributors.

## Healthcare Facilities

When it comes to healthcare facilities, Paeffgen believes there will be even more focus from EPA and state environmental agencies. She urges healthcare facilities to take a close look at their operations now, as well as when the new rule takes effect in their states.

“There has been a ton of enforcement action in the last 10 years, and I think that will continue to increase with a lot of the focus of enforcement on waste characterizations on health systems, hospitals and doctors’ offices,” says Paeffgen. “Are they understanding that they are generating hazardous waste? And are they managing that waste appropriately—both onsite and at disposal? If it’s something that has credit potential, they can send it to a reverse distributor.”

The benefit for healthcare facilities is that under the finalized rule, they no longer need to triple rinse containers, which has been a challenge under current EPA regs and guidance. Now, under the new rule, there are standards for different types of containers.

## The Sewer Ban

The sewer ban will take effect this August at every state and at every healthcare facility, even if they only generate very small quantities of hazardous waste. This must be implemented across the board, and facilities will have to ramp up their training and communications with healthcare staff.







“A lot of it was driven by environmental concerns with the growing quantities of pharmaceuticals in drinking water and how our water sources impact fish and wildlife,” says Paeffgen. “It’s part of RCRA, so it takes effect as soon as the new regulations take effect in August. I understand that a lot of facilities are still flushing drugs—including some controlled substances that are hazardous waste—so this will be a change for a lot of facilities.”

Paeffgen adds that noncompliance penalties can be significant under RCRA—maximum penalties can exceed \$40,000 per violation.

Simaga stresses the importance of generators and facilities thoroughly examining what they tell their staff can and cannot go down the drain. She also says it’s important for states to get the word out to their generators.

“Even though companies like us have been trying to shout this from the rooftop that this is coming, there are still folks out there who may not have gotten that message,” she explains. “You need to take a hard look at what you told your staff can go down the drain. If you have a policy that all of your controlled substances go down the drain, you have to analyze which ones are a hazardous waste. Have you ever evaluated that? If any pharmaceutical is going down the drain and if you haven’t done that evaluation to determine which ones are hazardous and which are not, how do you know if you are putting the right or wrong stuff down the drain?”

## Retailers and Pharmacies

One of the key distinctions EPA has made in the rulemaking is between the “front-of-the-store” return, or over-the-counter (OTCs) pharmaceuticals and dietary supplements, and prescription pharmaceuticals. OTCs and dietary supplements will continue to be sent to reverse distributors, while the new regulations will apply to prescription hazardous waste pharmaceuticals.





EPA is in the process of developing FAQs to address that distinction and whether there can be some dual management between those OTCs and prescription pharmaceuticals.

“Like healthcare facilities, the landscape is changing in terms of what can and cannot be sent to reverse distributors,” explains Paeffgen.

“That landscape remains the same whether coming from a retailer or pharmacy; they all fall under the umbrella of healthcare facilities under the rule. If a consumer is returning their prescription to the pharmacy and the pharmacy has already gotten reimbursed from an insurance company, it would be something the pharmacy could not send to a reverse distributor—that is one change that pharmacies in particular will have to be mindful of.”

## Subpart P and the Nicotine Exemption

Another significant change for retailers is the amendment to the P listing for nicotine products. FDA-approved OTC nicotine replacement therapy products—think gums, lozenges, patches or items that can be bought at retail stores—are now excluded from the acute hazardous waste listing. However, prescribed inhalers and e-cigarettes or e-juices will still be regulated as P-listed hazardous waste.

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### AMENDMENT OF THE NICOTINE LISTING

- The P075 listing for nicotine is being amended such that FDA-approved over-the-counter nicotine

## replacement therapies will no longer be included under the P075 listing for hazardous waste

- EPA has concluded that nicotine patches, gums and lozenges do not meet the regulatory criteria for acute hazardous waste
- Nicotine patches, gums and lozenges can be discarded as non-hazardous waste



≠ P075

14

Because the nicotine exemption is a much less stringent regulation, states will have the option of whether to include it in their rulemaking.

“For healthcare facilities, this would mean that if they drop that nicotine gum on the ground, when they go to dispose of it, that is no longer P-listed waste,” explains Simaga. “It could go into the trash, so could the empty wrapper and the blister packs from it ... This will help those behavioral facilities drop to lower generator status levels. If it’s a prescription nicotine product, it is still a P-listed waste.”

*Read part two, which covers enforcement trends and practical steps facilities can take to ensure compliance under EPA’s finalized rule.*

**Source URL:** <https://www.waste360.com/legislation-regulation/navigating-epa-s-hazardous-waste-pharmaceuticals-rulemaking-part-one>



## NEED TO KNOW



## Report: Impact of Plastics Reveals "Severe" Climate Damage

*Center for International Environmental Law study recommends solutions, including phasing out single-use plastics.*

Waste360 Staff | May 21, 2019

In 2019 alone, the production and incineration of plastic will add more than 850 million metric tons of greenhouse gases (GHG) to the

atmosphere—equal to the pollution from 189 new 500-megawatt coal-fired power plants. That’s according to a new report from the Center for International Environmental Law (CIEL) titled “Plastic & Climate: The Hidden Costs of a Plastic Planet.”

The study was conducted by CIEL, Environmental Integrity Project, FracTracker Alliance, Global Alliance for Incinerator Alternatives (GAIA), 5 Gyres and Break Free From Plastic.

The report gathers research on the greenhouse gas emissions of plastic at each stage of the plastic lifecycle —from its birth as fossil fuels through refining and manufacture to the massive emissions at (and after) plastic’s useful life ends—to create a comprehensive review to date of the climate impacts of plastic .

“Humanity has less than 12 years to cut global greenhouse emissions in half and just three decades to eliminate them almost entirely. The massive and rapidly growing emissions from plastic production and disposal undermine that goal and jeopardize global efforts to keep climate change below 1.5 degrees of warming,” said Carroll Muffett, CIEL president, in a statement. “It has long been clear that plastic threatens the global environment and puts human health at risk. This report demonstrates that plastic, like the rest of the fossil economy, is putting the climate at risk as well. Because the drivers of the climate crisis and the plastic crisis are closely linked, so too are their solutions: humanity must end its reliance on fossil fuels and on fossil plastics that the planet can no longer afford.”

With the ongoing, rapid expansion of the plastic and petrochemical industries , the climate impacts of plastic are poised to accelerate dramatically in the coming decade, threatening the ability of the global community to keep global temperature rise below 1.5 degrees celsius,

according to the report. If plastic production and use grow as currently planned, by 2030, emissions could reach 1.34 gigatons per year—equivalent to the emissions released by more than 295 500-megawatt coal power plants. By 2050, the production and disposal of plastic could generate 56 gigatons of emissions, as much as 14 percent of the earth’s entire remaining carbon budget.

According to the report, plastic in the environment is one of the least studied sources of emissions—and a key missing piece from previous studies on plastic’s climate impacts. Oceans absorb a significant amount of the greenhouse gases produced on the planet—as much as 40 percent of all human-produced carbon dioxide since the beginning of the industrial era. The report highlights how a small but growing body of research suggests plastic discarded in the environment may be disrupting the ocean’s natural ability to absorb and sequester carbon dioxide. The study also uses conservative assumptions to create a projection of plastic’s climate impacts under a business-as-usual scenario, meaning that the actual climate impacts of plastic are likely to exceed these projections.

The report identifies a series of actions that can be taken to reduce these climate impacts, concluding that the most effective way to address the plastic crisis is to dramatically reduce the production of unnecessary plastic, beginning with national and global bans on nearly all single-use, disposable plastic.

Proposed solutions include:

- Ending the production and use of single-use, disposable plastic .
- Stopping development of new oil, gas and petrochemical infrastructure.

- Fostering the transition to zero waste communities.
- Implementing extended producer responsibility as a critical component of circular economies.
- Adopting and enforcing ambitious targets to reduce greenhouse gas emissions from all sectors, including plastic production.

“There is no such thing as an ‘end-of-life’ for plastic as it continues to pose a significant threat to the climate long after it reaches the final phase of its lifecycle,” said Doun Moon, GAIA research associate, in a statement. “Waste incineration, also referred to as waste-to-energy, is the primary source of greenhouse gas emissions from plastic waste management, even after considering the electricity that can be generated during the process. The industry’s plans to massively expand both petrochemical production and waste incineration are incompatible with the urgent need for climate mitigation. Our analysis evidently shows that waste prevention coupled with reduced plastic production is by far the most effective way to reduce GHG emissions, and practically the only path forward in order to turn the tide on ever-intensifying climate change.”

Access the full report [here](#).

**Source URL:** <https://www.waste360.com/plastics/report-impact-plastics-reveals-severe-climate-damage>





## Tequila Neat, Hold the Waste: A Look at One Distiller's Zero Waste Efforts

*Mexico-based distiller Tequila Cazadores creates tequila using a seven-step sustainable and zero waste production process.*

Cristina Commendatore | May 21, 2019

As tequila continues to rise in popularity, with tequila exports to the

U.S. reaching 20.4 million cases in 2018, it's worth looking at how the libation is produced and its impact on the planet.

Tequila Cazadores was originally born in Los Altos de Jalisco, Mexico, in 1922, and the spirit was created by Don Jose Maria to share with friends and family. In 1973, Maria's grandson, Don Felix, officially opened the first Cazadores distillery, where the tequila is created using a seven-step sustainable and zero waste production process, including double distillation, double fermentation and a careful maturation process.

Since its inception, Tequila Cazadores, which is known for using only blue agave, has always kept sustainability as a top priority. Today, the distillery houses a biomass boiler, making it 100 percent biomass fueled—60 percent of the biofuel is used to produce the tequila and comes from spent agave fibers, which equates to about 11,000 tons a year. The other 40 percent comprises roughly 8,000 tons of carbon-neutral, renewable fuel sources like clean waste wood, biomass briquettes, sawdust, coconut shells and tree cuttings.





Together, organic materials fill the biomass boiler, where they are transformed into the fuel needed to generate steam power required for the agave sugar extraction process, cooking and distillation of the brand's tequila, which continues to rely on the original recipe from 1922.

Additionally, as Cazadores is part of the Bacardi portfolio, the brand adheres to the company's no-straw movement to reduce plastic pollution .

“As the popularity of tequila grows, it is more important than ever to implement sustainable solutions to ensure the future of the industry,” says Tania Oseguera, Tequila Cazadores master tequilier and brand ambassador. “This is why Tequila Cazadores is proud to have established a green operation from beginning to end at our award-winning distillery, which prioritizes environmental responsibility and employee safety every day.”

In order to become a master tequilier, Oseguera underwent extensive training and received official certification by the Mexican Tequila Academy. Born in Jalisco, Oseguera is passionate about the brand's dedication to crafting a 100 percent blue weber agave tequila in the most responsible way possible, from employing local agave farmers to reducing waste during production.





This year, Tequila Cazadores received an honorable mention in the Bacardi Good Spirited awards for maintaining its zero waste-to-landfill status as it continues to reuse and recycle all the waste it produces. Additionally, the company continuously strives to improve recycling efforts every day, says Oseguera.

Agave is used to not only create the tequila but to power the distillery as well. The bagasse, or leftover agave fibers without sugar, are converted into biofuel that powers the biomass boilers used during extraction, cooking and distillation. This process has helped Tequila Cazadores reach an 80 percent reduction in greenhouse gas emissions.

The brand also uses agave sourced from local farmers, and the company treats the residual liquids from the distillation process and uses the byproduct (*vinazas* in Spanish) to irrigate fields.





“We reuse and recycle all of our waste,” explains Oseguera, who leads distillery tours for the company and educates groups from all over the world on all aspects of tequila. “During harvest, leaves are left behind to fertilize the soil and the best hijuelos, or offshoots, are replanted to continue to grow quality agave. After distillation, treated product waste, called *vinaza*, is used as an organic fertilizer for our agave fields.”

“We waste less agave. Extracting by diffuser lets us obtain 99 percent of the sugar needed from each plant, which is more than many other tequila producers can,” she adds.





In addition to Tequila Cazadores' sustainable tequila-making process, the company's laboratory and offices are powered by solar tubes, and moving forward, the company will begin sourcing clean energy through a wind-powered source. Currently, more than 99 percent of the distillery's electrical needs are met through renewable energy. Oseguera also adds that the company has reduced its noise pollution by 20 percent.

Here is a closer look at some of the accolades and awards the company has received in recent years for its sustainability efforts:

- In 2016, the Mario Molina Institute recognized Tequila Cazadores as one of the distilleries with the lowest carbon footprint. The Mario Molina Institute is a nonprofit that promotes sustainable development and vigorous economic development.
- In 2017, the Tequila Cazadores distillery earned a PROFEPA (Mexico's environmental protection agency) "clean industry status" certification from the Mexican government's environment council for best-in-class legal compliance, safety and environmental practices.
- In 2016, the distillery received the Sustainable Office Award from Bacardi Limited's Good Spirited Sustainability Awards. With the use of a single office, the company's energy consumption by cooling systems was reduced by 83 percent in carbon dioxide greenhouse gas emissions.

**Source URL:** <https://www.waste360.com/waste-reduction/tequila-neat-hold-waste-look-one-distiller-s-zero-waste-efforts>

# Basel changes may further disrupt e-plastic movement - E-Scrap News

*Colin Staub*



The move this month by 187 governments to alter a global waste treaty will mean further uncertainty for U.S. scrap plastic exports.

Major plastics-related changes to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, [first proposed](#) by the government of Norway last year, were [approved](#) by all countries that have ratified and are party to the treaty. The changes take effect Jan. 1, 2021.

The Basel Convention, which went into effect in 1992 and is supported by the United Nations, has the goal of limiting global trade in hazardous wastes, especially between developed and developing countries. The United States has signed but not ratified the agreement, meaning it did not have a vote in last week's discussions.

What the recent Basel shifts mean for recycled plastic exporters is not yet entirely clear, but experts predict a significant amount of disruption.

Exports of well-sorted material, particularly single-resin loads, will be able to continue, though they will probably be subject to additional inspections to determine that they're clean.

However, for containers of mixed plastics – a category that e-plastics generally fall into – movement will be more difficult. They will be subject to new notification and consent rules by sending and receiving parties. And some of the markets for U.S. scrap plastics that have seen the biggest growth in recent years will likely be restricted under the new rules.

“It is going to be very challenging for the future of our industries,” said Steve Wong, executive director of the China Scrap Plastics Association. Wong added that the changes will have a “bigger impact” on the global scrap plastic industry than the [Chinese import restrictions that took effect last year](#).

## Undoing exemptions on scrap plastic

There were several major changes that were approved in the recent Basel discussions, which took place over two weeks in Geneva. They are summarized in a [draft document](#) of the agreement, posted by the Basel Action Network (BAN) advocacy organization.

The first significant shift is that a large portion of the scrap plastic shipments that were previously exempt from Basel rules will now come under the purview of the treaty.

Currently, “solid plastic waste” is exempt from any Basel controls, by way of an annex to the convention titled Annex IX. Those rules allow virtually all commonly recycled plastic resins, or a mixture of plastic resins, to be shipped without having to meet any specific Basel requirements.

However, last week’s decision will mean a new solid plastic waste entry is replacing existing Annex IX verbiage. Under the new listing, exemptions will only be made for shipments “almost exclusively consisting” of a single resin type. The list of allowable resins includes most common recyclables, but it excludes PVC.

The new entry for exemptions also includes a note about certain types of mixed plastic shipments that will be allowed. Containers will be exempt from the rules if they contain “mixtures of plastic wastes, consisting of polyethylene (PE), polypropylene (PP) or polyethylene terephthalate (PET), provided they are destined for separate recycling of each material and in an environmentally sound manner, and almost free from contamination and other types of wastes.”

That phrasing seems to leave a lot open to interpretation, but the bottom line is the new exemptions will likely only allow very clean shipments. Making a determination about whether a load hits the quality threshold will require additional enforcement and inspection activities on the part of the receiving country.

That fact could create issues for exporters.

“It creates a burden on shippers of plastic scrap to prove that their material meets those exceptions,” said Adina Renee Adler, assistant vice president for international affairs for the Institute of Scrap Recycling Industries (ISRI).

Meanwhile, shipments that don’t meet the above criteria will become subject to new “[prior informed consent](#)” requirements. For countries that have ratified the convention, this requires special notification of the destination country before the shipment is approved as well as additional documentation of how the material is processed.

In addition, the parties added a new classification identifying plastic waste that is contaminated with hazardous materials as identified in separate Basel guidelines. These include materials that are flammable, poisonous, toxic to human health and more. It’s unclear whether e-plastics will fall into this category because some contain flame retardants.



Finally, the Basel country representatives approved the development of a Partnership on Plastic Waste workgroup that will bring together stakeholders to discuss plastic waste challenges in the future.

## Impact for the U.S.

Under existing Basel policy, countries that are [members](#) of the Organisation for Economic Co-operation and Development (OECD), generally considered non-developing nations, can receive Basel-controlled material from non-party countries such as the U.S. That means trade with Canada and Mexico, two of the [largest current destinations](#) for U.S. scrap plastic, will not be impacted by the Basel changes – nor will shipments to most European nations and a handful of other countries, including South Korea.

However, since China drastically reduced imports of recovered plastics material, U.S. exporters have begun sending significantly higher tonnages to countries such as India, Thailand, Vietnam and Malaysia. Those shipments would be covered by the recent changes.

The convention does allow for certain bilateral and multilateral agreements between countries, and these agreements supercede Basel requirements. The U.S. has [several of these agreements](#) in place – with the Philippines and Malaysia, for instance. But those agreements lay out guidelines for imports into the U.S., rather than exports to the Asian nations.

The Basel changes drew swift reactions from recycling stakeholders and environmental organizations.

Jim Puckett, executive director of BAN, which advocates for stricter control of hazardous waste shipments, praised the move.

“The fact that the U.S. will no longer be able to use the rest of the world as a plastic waste dump is a very significant victory for the environment and global justice,” Puckett said in a [statement](#). BAN also [published a document](#) laying out how the changes will impact the recycling industry.

ISRI, which previously expressed opposition to the changes, reiterated its position that recycling is “part of the solution to the global issue of plastic pollution.”

In a [statement](#), the organization wrote that the changes “will create an administrative burden that will make it harder for countries without recycling capacity to export collected plastics to countries with the infrastructure in place.”

ISRI added that it will participate in the plastic waste workgroup.

Even though the rules don’t officially take effect for 18 months, the impact may come down the line sooner than that.

“Asian countries will implement these amendments ahead of time,” Wong of CSPA told Plastic Recycling Update. “Some will use it as a reference for importation of scrap plastics.”

Wong predicts a lot of recycling facilities in countries that have been major importers will close down in the near future, and he anticipates the Basel amendment will spur further movement toward recycling at the point of generation.

“In this case, the recyclers have to move to where the goods or where the scraps are, at the source,” he said.

*Photo credit: Sheila Fitzgerald/Shutterstock*

*A version of this story appeared in [Resource Recycling](#) on May 14.*

### ***More stories about e-plastics***

- [Sims and HP collaborate on e-plastics recycling](#)
- [Chemical recycling may offer help on e-plastics](#)
- [Federally backed research effort eyes e-scrap](#)





DEEP DIVE

## What recycling end market development looks like in 2019

What was once a public sector-driven effort has more private interest. Now, industry professionals say, there are more players on the field and they're better at working together.

Katie Pyzyk

By

Published May 8, 2019

In the aftermath of China's recyclable scrap import bans and tightened contamination standard — as well as subsequent restrictions from other Southeast Asian countries — domestic market development has regained a sense of priority after many feel it lagged in recent years. Except now, industry professionals say, modern end market development is going to look different.

Last fall, the EPA held what was described as its first Recycling Summit, intended to bring together government and private sector leaders to strengthen the U.S. recycling industry. That event, and a pledge signed by participants, outlined four key action areas — one of which is "strengthening secondary materials markets."

In the months since then, as some people have focused on the recycling industry's negative fallout from China's changes, others have been touting the progress on growing domestic end markets — especially in the paper and plastics sectors.

"If we're going to solve this situation, we have to create more domestic markets," said Wayne Gjerde, recycling market

development coordinator at the Minnesota Pollution Control Agency and a National Recycling Coalition (NRC) board member. "Sometimes need and opportunities don't always come together at the same time. Sometimes you have to create the opportunity."



*EPA Recycling Summit Credit: US EPA, Eric Vance*

## **Back to the beginning**

The recycling industry has undergone changes during the last 30 years, including market fluctuations, the types of materials managed and how materials are collected and processed. End market development is another area that has been in flux and looks different now than it did when Americans began recycling en masse in the late 1980s and early 1990s.

Betsy Dorn, principal at Circular Matters, was a recycling consultant for the EPA's grant programs "back in the '80s when all the recycling market development used to go on." She has seen changes to recycling end market development, especially which entities lead the charge. "Back in the '80s and '90s, recycling market development was largely a focus of state governments and the EPA," she said.

"A lot of programs came online in the '90s" and put a focus on "creating capacity at the state level," Gjerde said, citing Minnesota, California and Pennsylvania as industry leaders. Those states are among the few that consistently maintained end market development agencies and initiatives while other state programs waned.

China's effect on U.S. recycling markets isn't a modern phenomenon. Around 2003, China began extensively purchasing foreign recyclable materials and "there became less of a sense of need to do domestic recycling end market development," Dorn said. After that, more work went into "supply development — getting more recycling programs in place — and there was less focus on market development."

Up to about "10 years ago you would see some of the biggest investments coming from [government] end market development grants," said Kim Holmes, senior director of recycling and diversion at the Plastics Industry Association. "But to cultivate demand, it's really got to come from private industry."

Measuring progress also depends on how you define "end market development." According to Dylan de Thomas, vice president of industry collaboration at The Recycling Partnership, it's important to remember that "recycling is a business. And while market development still should occur and people welcome support in that space, the markets themselves react as well ... Where there was a heavier reliance on overseas markets, you're seeing a bigger opportunity for the free market to respond."

**"If we're going to solve this situation, we have to create more domestic markets ... Sometimes need and opportunities don't always come together at the same time. Sometimes you have**



## to create the opportunity.”

Wayne Gjerde

*Minnesota Pollution Control Agency & National Recycling Coalition*

In the past, some corporate end market development looked similar to how the growing field does today — “a corporation identified a benefit to using a commodity to put into their new product versus using the virgin piece... whether that was financial [or] whether it was because they wanted to do something right for the environment,” said Jason Pelz, vice president of recycling projects for the Carton Council of North America and circular economy director for Tetra Pak. “Where the government side came in was maybe they would ask for help building a mill or putting in a system.”

Although experts say the corporate sector has a more pronounced presence in the recycling space now than 20 years ago, recycling was not devoid of corporate or association involvement during its formative years. The NRC launched the Buy Recycled Business Alliance decades ago, in which companies voluntarily committed to increase their purchase of recycled content products.

Dorn said today's corporate market development puts a large focus on two areas: overcoming technological barriers such as with sorting and recovering materials from a MRF, and then figuring out what to do with those materials. That includes determining how to get more recycled content products in the marketplace and stimulate demand for them.

In addition to greater corporate involvement, more industry nonprofits and associations are emerging and working toward solutions — especially as new items are accepted for recycling. For

example, The Recycling Partnership and the Carton Council both formed in the past 10 years. These types of organizations launch numerous initiatives to raise awareness about recycling certain materials and using recycled content — such as the The Association of Plastic Recyclers' Demand Champions program — and many leverage grants or collaborations with other organizations to improve end markets.

The current level of recycling end market development activity is seen as a good start, but even more needs to be done as demand for recycled content grows.

"The system as it exists is not going to be sufficient in supply to meet that need," Holmes said. "We have to fill the gap and accelerate research and development and infrastructure."



*Cart-tagging in Atlanta, Georgia Credit: The Recycling Partnership*

### **Cutting contamination**

Recently, “contamination” has been one of the most uttered words behind “China” in recycling discussions. The U.S. hasn’t adopted recyclable material contamination standards like China, but

quality plays a prominent role in determining whether a material can find a home domestically.

"The supply is here, but not in the form or quality people necessarily need to use it," Holmes said. "If [processors] know they can sell material, they'll invest" in the appropriate equipment upgrades. Sorting and processing infrastructure upgrades are a key method to reduce recyclable material contamination and have gained favor as strong areas of opportunity for investment.

High-quality processed materials are in demand and capable of being used in more end-product applications than low-grade materials. "We really believe in quantity *and* quality... Without that quality, you can't have a market," de Thomas said. "That's why we're dedicating so many of our resources to fighting contamination."

Companies and partner organizations continue devising new ways to use high-quality material and are getting away from the idea of re-manufacturing it into exactly the same products. For example, PET bottles are finding new homes as auto parts, and "films are not necessarily going back into film applications, but a broader range of products" such as building and construction materials, Holmes said.

"We can't think in only little loops ... We have to think in bigger models than just a 'bottle-to-bottle' system," she said. "That's what's been exciting with some of our end market development work... finding where those opportunities are and connecting the industry segments."





**Director Maia Bellon**  
@maiabellon

The next chapter of WA's recycling story was just signed by [@GovInlee](#). The Sustainable Recycling Act of 2019 is big-time legislation that will improve how [#WArecycles!](#) Thank you to Rep. [@JaredMead](#) and Sen. [@MonaDas](#) for your support and leadership. [#waleg](#)

41 2:25 PM - Apr 29, 2019

[See Director Maia Bellon's other Tweets](#)

## Bringing it all together

Collaboration is crucial to advancing modern recycling end markets, and government, private industry, nonprofits and even the public are all seen as having a role in the recycling industry's success. Thankfully, the individual players are said to be doing a better job of working together than in decades past.

For the Carton Council, "there were times years ago where we felt... there were very few folks out there willing to sit down and talk, but the number of folks willing to talk has increased," Pelz said. "For the whole recycling value chain to work you can't have a broken piece. Either you've got all the links working, or it doesn't stay together."

Although recycling coalitions and associations secure funding to bolster and modernize domestic recovery and recycling systems, “there is still a role for federal and state agencies to play, so I would encourage them to stay engaged on this issue,” Holmes said. “That support — and that of private industry — will help us reach the point of change.”

Some of the local government efforts currently underway include Phoenix awarding a 10-year contract to turn mixed plastics into fuel at a local business campus and Boston considering recyclable material economic development approaches in its “zero waste” plan.

Recent state examples include Colorado's NextCycle business incubator program to improve recyclable material end markets and the state of Washington's newly passed law authorizing the creation of a Recycling Development Center. Texas also has end market development legislation in the works similar to Washington's. Other states, such as Massachusetts and California, continue to offer recycling business development grants.

“No matter what, there's a role for government to play,” de Thomas said. “It's thrilling that the EPA is paying so much attention to recycling as an issue.”

But Dorn cautions that regardless of who's involved, those working on end market development should carefully consider what has been attempted and accomplished in the past before launching new projects.

In some cases, she said, “activities are being planned and executed today without even really any awareness of what used to happen... and are not building on past markets.” She recommends devising a holistic market development strategy instead of one-off projects, in addition to integrating recycling end market development into

economic development efforts.

"In the past, it was recognized that creating jobs through recycling-based businesses and building markets for recyclable materials should be a part of the ongoing economic development activity going on across the country at all levels of government, and involving the private sector," Dorn said. "That's how we're going to get to the circular economy, by it being integrated into the fabric of how our economy works throughout the whole country."

In a recent report, the Oregon Department of Environmental Quality similarly offered words of caution for end market development. It urged people to figure out exactly which problem they're trying to solve because certain elements — such as a new package or product with recycled content — might be viewed favorably from an end market development standpoint, but not from the standpoint of conserving resources or reducing pollution.

"We're getting back to what we did before... creating end markets in various states" and also across regions with inter-state projects, Gjerde said. He points to work in Minnesota where governmental end market development builds on past work, yet centers on materials that currently are locally abundant — such as agricultural plastic, as well as mixed paper that can be made into compostable food service items, egg cartons and insulation.

**"That's how we're going to get to the circular economy, by it being integrated into the fabric of how our economy works throughout the whole country."**

Besty Dorn  
*Circular Matters*

Just as new uses for products continue to emerge as the industry

evolves, the recyclable materials receiving attention for end market development have shifted over time. Past attention went more toward recovered fiber materials, whereas now the attention is on plastics, de Thomas said. “There is a greater complexity to the type of plastics in the market now so we’re responding to that. The paper market is more settled now than it was back then, so you’re seeing more of the free market responding.”

Despite the current challenges, many believe the recycling industry will overcome its issues and move forward.

“I don't think we should give up, I think we should try to fix where it needs to be fixed,” Pelz said. When it comes to end market development, “I do think [we’re] making a dent. Is it making a dent quick enough? Probably not. But the truth is, I don’t know that it can go any faster [because] developments take a while... It never moves as quickly as you would like it to.”

Gjerde agrees that “it's going to take time, money and effort to get where we need to go,” especially with continuing the current end market development momentum, he said. “Recycling is not dead, it’s just going to change.”

**Environmental Services Joint Powers' Authority  
Board of Directors' Meeting**

**Thursday, June 20, 2019**

# **Technical Advisory Group**

## **Breakout Session**

**Solid Waste Management 101: CalRecycle Electronic Annual Reports  
Marshalle Graham, CalRecycle**



[Home](#) » [Local Government](#) » [Annual Report](#) » [Sample](#)

## Electronic Annual Report (EAR)

CalRecycle's Electronic Annual Report (EAR) helps jurisdictions reduce the time and effort needed to complete their legally required annual self-evaluation of solid waste diversion performance. The CalRecycle-designed annual reporting system has been used by nearly all California cities, counties and approved regional agencies beginning with the 2000 report year.

For the 2007 report year and beyond, the report reflects the changes made to the goal measurement system as a result of the passage of Senate Bill 1016 (Wiggins, Chapter 343, Statutes of 2008). The changes mostly involved developing a new calculation to determine per capita disposal. Additionally, the electronic report has been incorporated into the [Local Government Information Center \(LoGIC\)](#) application.

Jurisdiction contacts use their unique WebPass to sign in. The EAR user's guide listed under "EAR Help Documents" shows you what the report looks like and how it works. You may also view the notification letter announcing the availability of the current electronic report. Select "Enter the EAR" to sign in.

- [WebPass Management](#)
- [Enter the EAR \(WebPass required\)](#)
- [EAR Help Documents](#). Includes information on how to request authorization.
- [My LoGIC](#)
- [EAR Notification Letter](#)

## Features

CalRecycle staff developed this tool with local government users in mind. It enables jurisdictions to fill out and submit their annual reports from the convenience of their Internet-connected personal or workplace computer.

- **Private and secure.** A unique [WebPass](#), assigned to each city, county, or regional agency contact, ensures each jurisdiction only sees its annual report. All information sent over the Internet is protected using powerful encryption technology. The public will only be able to view portions of the final versions of these reports.
- **Available 24/7.** You can save your disposal rate calculation, discussions about implementation of your local planning documents, updated program information--all elements of the annual report--and come back to finish them later. You can print out your report at any time. If your managers or government leaders want you to make their edits, no problem. Just sign back in and make all the necessary changes. The system is open for business around the clock.
- **Simple, yet smart.** With the system as your guide, you see only those portions of the report you need. Based on your answers to specific questions, the system informs you about additional reporting requirements.
- **Integrated.** The electronic annual report draws program data from CalRecycle's Diversion Programs database and disposal data from CalRecycle's electronic Disposal Reporting System database. Users can update their Diversion Program listings for the current report year, add to the notes, and assist CalRecycle staff in correcting erroneous information for prior years.

- **Compatible.** The user is not required to buy special software. All you need is a personal computer, an Internet connection, and an up-to-date browser, such as Chrome, Edge, or Internet Explorer.
- **Saves paper.** The new system reduces the need to collate and attach multiple pieces of paper. Jurisdictions won't need to submit hard copies of their Diversion Programs reports.
- **Confirms report submission instantly.** When you are ready to submit your annual report to CalRecycle, the electronic annual report checks your data for completeness and compiles an easily printable summary of what you have entered. If there is missing information, it offers a link back to the specific questions you need to answer. After you file the report, it sends an e-mail confirming your successful filing.
- **Streamlines the review process.** The electronic annual reporting system assists CalRecycle in tracking annual report submissions and in monitoring its review in a timely fashion, as required by law.

If you have questions, or still need to submit an annual report for a previous reporting year, contact your Local Assistance and Market Development staff representative.

### Annual Reporting Home

Last updated: March 11, 2019

Local Government Central, <https://www.calrecycle.ca.gov/LGCentral/>

Local Assistance & Market Development: [LAMD@calrecycle.ca.gov](mailto:LAMD@calrecycle.ca.gov) (916) 341-6199

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## EAR Completion Checklist

The following is a list of requirements to complete the EAR for submittal to CalRecycle.

To submit the EAR to CalRecycle, each of the following sections listed below must be completed. Once each section is completed, the 'red' crossed checkmark will be replaced with a 'green' checkmark.

- Rural Petition for Reduction in Requirements
- Newly Incorporated Cities (Unincorporated counties and Regional Agencies Only)
- Disposal Rate Calculation
- Calculation Factors
- Disposal Rate Accuracy
- Planning Documents Assessment
- Summary Plan Assessment
- Siting Element Assessment
- Areas of Concern / Conditional Approvals
- SRRE and HHWE Diversion Programs
- Additional Information
- Large Venues and Events
- Mandatory Commercial Organics Recycling

After clicking the submittal button, any section that is incomplete will still display a 'red' crossed checkmark. For any red checkmark appears in the list above, simply go back to that section, and make corrections next to any field marked with a red asterisk "\*\*"

### Rural Petition for Reduction in Requirements

There is one question that requires a "Yes" or "No" response. If you answer "Yes" you must provide more information in the comment box provided.

You are required to select the "Edit" button to answer the question and select the "Save" button to complete this section.

### Newly Incorporated Cities (This section is only applicable and available to Unincorporated Counties and Regional Agencies)

There is one question that requires a "Yes" or "No" response. If you answer "Yes" you must complete the additional information as requested to complete the section:

- City Name
- Date of Incorporation
- Population at Date of Incorporation

If needed, you can add more than one city. Select Edit and Save for each new city. To delete a city, select Edit and then the X next to each city.

## Disposal Rate Calculation

The Disposal Rate Calculation section allows you to make adjustments to the jurisdiction's default disposal rate calculation data, which will adjust the calculated disposal rate (pounds/person/day). You can modify the following factors for the calculation:

- Report Year Disposal Amount (tons)
- Disposal Reduction Credits (e.g., disaster waste, medical waste, out-of-state export that is diverted)
- Report Year Transformation (tons)

You are required to select the "Edit" button and the "Save" button to complete this section, even if there is no adjustment to the calculation or the factors indicated above. By saving the record, you acknowledge that you have reviewed and adjusted any factors necessary, or accepted the default calculation. Please note: If you need to provide a narrative response regarding any related issues with the accuracy of these factors or the calculation, you will enter information in the Disposal Rate Accuracy section of the Electronic Annual Report.

## Calculation Factors

Based on changes that may have been made to the calculation on the Disposal Rate Calculation page, one or more of the check boxes may have been selected for you. You will also have the option to select any box that was not pre-selected.

- If the reporting-year disposal amount was changed, the alternative disposal tons box will automatically be checked.
- If a disposal reduction credit was entered the 'deductions to DRS disposal tonnage' box will automatically be checked.
- If there was green material used as ADC based on the annual DRS report, that box will be automatically checked and require an answer to the question on this page.

If you made changes to the calculation on the Disposal Rate Calculation page, you will need to complete and submit the Report Year Disposal Modification sheet. The Report Year Disposal Modification sheet is now a fillable pdf form that can be submitted in your EAR along with any supporting documents. The form requires Adobe Acrobat Reader 7 or above to view and edit the document. If you do not have the latest version of Adobe PDF Reader, click on the Get Adobe Reader picture to download the latest version. Select the 'Reporting Year Disposal Modification Certification Sheet (PDF)' to load, edit and save the Report Year Disposal Modification sheet.

Select the 'Document Management' button to upload the 'Reporting Year Disposal Modification Sheet' and any supporting documentation. All Disposal Modification documents must be uploaded before the EAR is submitted. If you do not upload your disposal modification form in the EAR, you can mail or fax the form to CalRecycle within 7 business days of submitting your Electronic Annual Report.

**NEW for 2017! Green Material ADC (AB 1594) reporting:** Pursuant to [Public Resources Code \(PRC\) Section 41781.3](#), beginning in the 2017 EAR, all jurisdictions that had green waste used as ADC in their annual DRS report are required to include information in the EAR regarding the plan to address how green material that is currently being used as ADC will be diverted as of the year 2020.

You are required to select the "Edit" button and the "Save" button to complete this section even if there are no adjustments in the selected checkboxes. By saving the record, you acknowledge that you have reviewed the checked boxes, made any changes, and accepted the responsibility for providing the supporting documentation for the checked boxes. Note: if adjustments were made to the disposal data, the supporting documentation is due within 7 business days via mail, fax or e-mail. Until this information is received, the report will not be deemed complete, and the requested adjustments will not be included in staff analysis or Jurisdiction Review.

## **Disposal Rate Accuracy**

There is one question that requires a "Yes" or "No" response. If you answer "Yes" you must provide more information in the comment box provided. You are required to select the "Edit" button answer the question and select the "Save" button to complete this section.

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## **Planning Documents Assessment**

There are several question that require a "Yes" or "No" response. If you answer "Yes" you are required to provide more information in the comment box provided. If you select "No" more information is optional. This second option allows you to make *updates* to your planning documents via the EAR.

You are required to select the "Edit" button to answer the questions and select the "Save" button to complete this section.

## **Summary Plan Assessment (This section is only applicable and available to Unincorporated Counties and Regional Agencies)**

There is one question that requires a "Yes" or "No" response. If you answer "Yes" you must provide more information in the comment box provided. If you select "No" more information is optional. This second option allows you to make *updates* to your planning documents via the EAR.

You are required to select the "Edit" button to answer the question and select the "Save" button to complete this section.

## **Siting Element Assessment (This section is only applicable and available to Unincorporated Counties and Regional Agencies)**

There are three questions. Only question 3 has a "Yes" or "No" response. If you answer "Yes" you are required to provide more information in the comment box provided. If you select "No" more information is optional. This second option allows you to make *updates* to your planning documents via the EAR.

You are required to select the "Edit" button to answer the question and select the "Save" button to complete this section.

## Areas of Concern / Conditional Approvals

There are two questions that require a "Yes" or "No" response. If you answer "Yes" you are required to provide more information in the comment box provided. If you select "No" more information is optional.

You are required to select the "Edit" button to answer the question and select the "Save" button to complete this section.

## SRRE and HHWE Diversion Programs

Each program listed must be updated either through the "Diversion Programs – EZ" or by selecting each program individually.

The "Diversion Programs – EZ" button allows you to update the diversion tonnage information and leave the status and notes as is. Any program without previous tonnage information will have to be updated individually (e.g., after updating any diversion tonnage data, selecting the "SAVE" button, and seeing the diversion tonnage was successfully updated, you select the "Back" button. This returns you to the Diversion Programs page.

If any red asterisks "\*" are shown in the "INFORMATION INCOMPLETE" column, you will need to go into each such program and update the data. Select the program, select the "Edit" button and then select the "Save" button. You can then select the "Back" button to return to the list of programs.

Regardless whether you use the EZ feature, to complete this section you must update each program. As programs are completed the red "\*" will be removed from the "Information Incomplete" column.

Beginning with the 2016 EAR, even after using the EZ feature, Mandatory Commercial Recycling 'Education and Outreach' and 'Monitoring' program information for Code 2030-RC-OSP Commercial On-site Pickup and Mandatory Commercial Organics Recycling 'Education and Outreach' and 'Monitoring' program information for Code 3035-CM-COR is required to complete this section.

For each program that is updated individually, the following information is required:

- Program Name
- Existed before 1990: Yes/No (New program only)
- Selected in SRRE: Yes/No (New program only)
- Jurisdiction owned or operated: Yes/No
- Report Year Diversion Tons (Enter 0 if tonnage is unknown)
- Program Start Year
- Program Status

You can also add new programs that started during the report year by selecting the 'Add Program' button.

## Additional Information

**Section 1:** There is one question that requires a "Yes" or "No" response. If you answer "Yes" you must provide more information in the comment box provided.

**Section 2:** This section allows you to verify waste and recycling hauler information in your jurisdiction. The system will list waste and recycling haulers CalRecycle is aware of that operate within your jurisdiction and will contain information from CalRecycle's FacIT database about that hauler. Your assistance to verify this information is optional but would help us to get the most accurate information possible about haulers in your jurisdiction.

You are required to select the "Edit" button to answer the questions and select the "Save" button to complete this section.

## Large Venues and Events

Large venues and events section has several parts:

- Basic Information
- Practices
- Material Types
- Programs

### ***Add Venue/Event***

When adding a NEW venue record you must complete the Basic Information first. Several fields on this page are required before you may save the record.

- Venue/Event Name
- Physical Address (includes city, state and zip)
- Mailing Address (includes city, state and zip)
- Venue/Event Type

If you check "Venue failed to supply information/refused to cooperate" at the bottom of this screen you do not have to complete the remaining tabs.

### ***Practices***

You are required to select the "Edit" button to complete the required information and select the "Save" button to complete this section.

There is a question that requires a "Yes" or "No" response. If you answer "Yes" you are required to provide more information in the comment box provided. If you select "No" more information is optional.

You are required to select the level of implementation.

You are required to enter the Disposed and Diverted Tons. If you are not sure of the amount you must enter zero.

If you have copied the venue from a previous year you are required to update the Disposed and Diverted tons.

### ***Material Types***

You are required to select the "Edit" button to answer the question and select the "Save" button to complete this section. This will verify that you have reviewed and completed the section.

### ***Programs***

You are required to select the "Edit" button to answer the question and select the "Save" button to complete this section.

You are required to select at least one Program before you can complete the section.

### ***Copy Venue/Event***

When copying information from a previous year all the information from each section will be copied with the exception of the "Disposal Tons" and "Diverted Tons" found on the Practices tab.

You are required to complete the "Disposal Tons" and "Diverted Tons" for each venue/event.

## **Mandatory Commercial Organics Recycling**

AB 1826 requires businesses that generate a specified amount of organic waste per week to arrange for recycling services for that waste, and for jurisdictions to implement a recycling program to divert organic waste from businesses subject to the law, as well as report to CalRecycle on their progress in implementing an organic waste recycling program.

Additionally, AB 876 requires counties and regional agencies to address longer-term planning for organics infrastructure by requiring counties and regional agencies to report this information in the Electronic Annual Report (EAR) commencing on August 1, 2017.

1. An estimate of the amount of organic waste, in cubic yards or tons, that will be disposed by the county or region over a 15-year period.

Please indicate which unit of measurement you are reporting in for this question and the rest of this report tab. Tons Per Year (TPY) Cubic Yards Per Year (CYPY)

- a. An estimate of the additional organic waste recycling facility capacity that will be needed to process the amount of organic waste identified in (1) above.

2. Areas identified by the county or RA as locations for new or expanded organic waste recycling facilities capable of safely meeting the additional organic waste recycling facility capacity need identified in (2) above.

Note: Beginning with the 2017 EAR, # 1 and #1a may be answered in Tons Per Year or Cubic Yards Per Year.

*Beginning with the 2017 report year, the [AB 876 \(Organics Management Infrastructure Planning\) Calculator](#) now has additional lines to show users how much of the county's/regional agency's organic waste stream is comprised of food waste. Of all the fractions of the organics waste stream, food is the most difficult to process. Chip and Grind facilities are limited to processing green material which expressly excludes food waste [\[\[14 CCR Sections \(a\)\(10\) and \(a\)\(21.\)\]](#). Therefore, if a jurisdiction's organics capacity planning primarily relies on Chip & Grind, there is a shortfall of food waste capacity. Only a limited number of all composting facilities are permitted to take food waste; contact your hauler or facility operator to find out whether they are permitted to take food waste, or if they have plans to expand their permit to accept food waste in the future. In-vessel digesters are still fairly uncommon, but many of these do accept food waste. Additionally, do not overlook food waste reduction and edible food rescue programs in your planning.*

The Organics reporting fields contain several pieces of information on six different tabs. Different types of reporting entities have different questions that must be completed:

- Rural jurisdictions with an exemption will have the option, with no required fields, of answering each question in this section.
- Rural counties and regional agencies are required to answer questions pertaining to AB 876 on the "Infrastructure and Barriers" tab, remaining questions are optional.
- Non-Rural jurisdictions are required to complete many of the questions in this section, AB 876 questions on the "Infrastructure and Barriers" tab, should be locked and unanswerable.
- Non-Rural counties and regional agencies are required to complete many of the questions in this section, as well as the AB 876 questions on the "Infrastructure and Barriers" tab.

The Organics tabs include:

1. Identification of covered businesses/multifamily complexes
2. Education and Outreach
3. Monitoring
4. Infrastructure and Barriers
5. Enforcement, Self-Haul Requirements, and Exemptions
6. Additional Information

## Submit Confirmation

Once all the sections have been completed the "Submit Annual Report" button will be visible. **You may review (save and share, if appropriate) your report prior to submitting it by selecting the "Report Summary" button.**

Once you select the submit button you will receive an email confirming the submitted report and you will no longer be able to make changes. If you need to update an Annual Report that already has been submitted, please contact your LAMD representative. They will work with you to update your Annual Report as a part of CalRecycle staff review or un-submit your Annual Report, if applicable.

Once you push the "Submit Annual Report" button, you are done and will no longer have the ability to modify the data.





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## Electronic Annual Report

[Sign in to LoGIC](#)

### Dear Electronic Annual Report (EAR) Filer/Interested Party:

You have been identified as the Jurisdiction Primary and/or General contact for the California Department of Resources Recycling and Recovery (CalRecycle) Electronic Annual Report (EAR). **Some recipients of this letter may not be the main contact who files the EAR, though are kept on the mailing list as a general contact to receive other messages from LAMD.**

- Jurisdictions/reporting entities should complete and submit the Reporting Entity Contact Change Request form (<https://www2.calrecycle.ca.gov/Forms/LGCentral/ReportingEntityContactChange/>) to manage contact information changes in the Local Government Information Center (LoGIC) database.
- For current contacts that only require system access (i.e. you are already listed on <https://www2.calrecycle.ca.gov/LGCentral/Contacts>, “General” Contacts are not listed on this page) but noted as “unauthorized” when trying to log in, you must have a CalRecycle WebPass and proper security access which allows you to use your email address and a password to sign into the EAR, please e-mail corrected security information to [logic@calrecycle.ca.gov](mailto:logic@calrecycle.ca.gov). All other contacts should use the Reporting Entity Contact Change Request form noted above.
- For more information about security, LoGIC, or access to the EAR, please visit [https://www/calrecycle.ca.gov/LGCentral/MyLoGIC/](https://www.calrecycle.ca.gov/LGCentral/MyLoGIC/).
- If you have forgotten your password, please visit <https://secure.calrecycle.ca.gov/WebPass/> and select “Forgot Password?”

On June 15, 2017, the 2016 EAR will be available on-line. You or your designated staff must sign into the Local Government Information Center (LoGIC), which will allow you to enter data for the Annual Report and submit the information to CalRecycle. The report must be submitted by August 1, 2017. Learn more about the Annual Report here: <https://www.calrecycle.ca.gov/LGCentral/AnnualReport/>. Log in to the Annual Report here: <https://secure.calrecycle.ca.gov/LoGIC/>.

If you have any questions concerning the EAR, please contact your LAMD representative at (916) 341-6199 or look up your LAMD representative on <https://www2.calrecycle.ca.gov/LGCentral/Contacts>.

**Training Webinar:** As a reminder, EAR training for jurisdictions will be held via webinar on Thursday, June 15 from 10-12:00 PDT. Please register to reserve a Webinar seat now at: <https://register.gotowebinar.com/register/992474552928166913>. After registering you will receive a confirmation email containing information about joining the Webinar.

**Goals:** The EAR is part of a performance measurement system that considers factors such as a jurisdiction’s program implementation and its per capita disposal rate in determining compliance with AB 939. For a complete explanation of the measurement system, please read: <https://www.calrecycle.ca.gov/LGCentral/GoalMeasure/>.

**Features:** It continues to be a secure, easy, and flexible way to meet your AB 939 diversion programs reporting requirement as indicated by its:

- **Security:** All data sent to the EAR is protected by encryption while passing over the internet. Only you and your Local Assistance and Market Development (LAMD) representative can see your draft report.
- **Ease of use:** The EAR guides you step-by-step through the annual report filing process. As you complete each required section, the report provides a visual cue that the section is complete. When you have completed all of the required sections, you are allowed to submit the report directly to CalRecycle.
- **Flexibility:** Once you begin filling out the EAR, you may return as often as needed to finish your report. You can print a convenient report summary to gain the necessary internal approvals for your filing, and then return to the EAR to make any needed changes before submitting it to CalRecycle.
- **NOTE:** If your jurisdiction was approved as a Good Faith Effort (GFE) during the last Jurisdiction Review cycle, please do not use the EZ feature in the EAR. Program implementation details will be a critical component of CalRecycle staff review to assess your compliance with the AB939 requirements.

### **Updates to the 2016 EAR:**

#### **A. Diversion Programs**

**Reminder of what to include in Electronic Annual Report (EAR) for Mandatory Commercial Recycling in Diversion Program Code 2030. These are now required fields in the SRRE and HHWE Diversion Programs section of the EAR.**

#### **Education and Outreach:**

Regional Agencies should address education and outreach for individual members.

1. Describe education and outreach methods for the reporting year for electronic, print and direct contact, including those done by the jurisdiction and by the hauler(s).
2. If applicable, please describe any challenges encountered in implementing education and outreach for the jurisdiction's organic recycling program.

#### **Monitoring:**

- Regional Agencies should use the text boxes to list the totals in each field for individual members.
- Reporting Jurisdictions that cannot separate businesses and multifamily data should provide an explanation in the applicable text box.
- Reporting Jurisdictions that have an unknown number for any of the numeric fields must input a '0' into the data field and provide an explanation in the corresponding boxes.
  1. Number of covered businesses.
  2. Number of covered businesses that are not recycling.
  3. Number of covered multifamily complexes.
  4. Number of covered multifamily complexes that are not recycling.
    - \* If any of this data is not available, please explain why and how you are addressing gathering the data.
  5. What was done to inform those not recycling about the law and how to recycle? If the jurisdiction has an enforcement program for the Mandatory Commercial Recycling program then please provide information about what enforcement was conducted.

6. If applicable, please describe any challenges encountered in implementing monitoring related to the jurisdiction's commercial recycling program.
7. Provide the amount of organic material that is being diverted by covered businesses/multifamily complexes. If this tonnage information is not available, please enter 0 and explain why.

**Reminder of what to include in Electronic Annual Report (EAR) for Commercial Organics Recycling in Diversion Program Code 3035. This information is required for all jurisdictions that have not received a rural exemption ([www.calrecycle.ca.gov/Recycle/Commercial/Organics/Exempt/](http://www.calrecycle.ca.gov/Recycle/Commercial/Organics/Exempt/)) exempting themselves and the businesses that operate in the region from the mandatory organic recycling requirements. Exemptions are allowed for jurisdictions that are located entirely within a rural county or counties.**

### **Education and Outreach:**

Regional Agencies should address education and outreach for individual members.

1. Describe education and outreach methods for the reporting year for electronic, print and direct contact, including those done by the jurisdiction and by the hauler(s).
2. If applicable, please describe any challenges encountered in implementing education and outreach for the jurisdiction's organic recycling program.

### **Monitoring:**

- o Regional Agencies should use the text boxes to list the totals in each field for individual members.
- o Reporting Jurisdictions that cannot separate businesses and multifamily data should provide an explanation in the applicable text box.
- o Reporting Jurisdictions that have an unknown number for any of the numeric fields must input a '0' into the data field and provide an explanation in the corresponding boxes.
  1. Number of covered businesses
  2. Number of covered businesses that are not recycling organics
  3. Number of covered multifamily complexes
  4. Number of covered multifamily complexes that are not recycling not recycling green waste, landscape and pruning waste, and nonhazardous wood waste
    - \* If any of this data is not available, please explain why and how you are addressing gathering the data.
  5. What was done to inform those not recycling about the law and how to recycle? If the jurisdiction has an enforcement program for the Mandatory Commercial Recycling program then please provide information about what enforcement was conducted.
  6. If applicable, please describe any challenges encountered in implementing monitoring related to the jurisdiction's commercial recycling program.
  7. Provide the amount of organic material that is being diverted by covered businesses/multifamily complexes. If this tonnage information is not available, please enter 0 and explain why.

### **B. Mandatory Commercial Organics Recycling**

Other questions related to the implementation of AB 1826 Mandatory Commercial Organics Recycling and AB 876 Organics Management Infrastructure Planning (applicable to only Counties and Regional Agencies, reporting entities with Rural Jurisdiction Exemptions—

<https://www.calrecycle.ca.gov/Recycle/Commercial/Organics/Exempt/>—are still required to report AB 876 information) can be found in the Draft Electronic Annual Report Questions to Address [AB 1826](#). This file detailed many of the questions that will need to be addressed in the Electronic Annual Report, starting with the 2016 report.

### **C. Disposal Rate Calculator**

**For the 2016 EAR, the Disposal Rate Calculator will now preview** DRS tons of green material as alternative daily cover (ADC) **that will be considered disposal beginning in the year 2020**. In September 2014, Governor Brown signed Assembly Bill (AB) 1594 (Williams, Chapter 719, Statutes of 2014), mandating that as of January 1, 2020, the use of green material as ADC will no longer constitute diversion through recycling and will instead be considered disposal in terms of measuring a jurisdiction's annual 50 percent per capita disposal rate (Public Resources Code (PRC) Section 41781.3). **The augmentation to the calculator was made this year because beginning in the 2017 Electronic Annual Report (due August 1, 2018)**, if applicable, jurisdictions will include information on plans to address these new requirements and divert green material that is being used as ADC. CalRecycle's Electronic Annual Report (EAR) will be adjusted to reflect these reporting requirements for 2017. More information on AB 1594 can be found on <https://www.calrecycle.ca.gov/LGCentral/Basics/ADCGreen/>.

**If you have any questions about what information you should include, please contact your LAMD representative:** <https://www2.calrecycle.ca.gov/LGCentral/Contacts>.

**Jurisdictions must file the EAR using the Local Government Information Center (LoGIC) reporting system. If the LoGIC system is new to you or you've forgotten your Web password or need more assistance, please visit:** <https://www.calrecycle.ca.gov/LGCentral/MyLogic/>.

Thank you for your ongoing commitment to implementing programs for reducing, reusing and recycling. It is our collaborative efforts that truly benefit all of California.

### **Annual Reporting Home**

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Last updated: November 19, 2018

Local Government Central, <https://www.calrecycle.ca.gov/LGCentral/>

Local Assistance & Market Development: [LAMD@calrecycle.ca.gov](mailto:LAMD@calrecycle.ca.gov) (916) 341-6199

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