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., 16th Floor
Sacramento, CA 95814

Thursday, October 17, 2019 9:00 a.m. – Noon

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

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

II. Business Matters **Page 1**

Discussion and possible action related to the following:

A. Approval of Minutes from the Meeting of June 20, 2019 – Supervisor Michael Kobseff, ESJPA Chair *(pp 3-16)*

B. Approval of Minutes from the Meeting of August 15, 2018 – Supervisor Kobseff *(pp 17-30)*

C. Review and approval of the 2019 Meeting Schedule – Staci Heaton, ESJPA Program Manager *(pg. 31)*

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 **Page 33**

A. "Turning the Ship Around: Wading Through the Plastic Seas" Markets Workshop – Tedd Ward, M.S., Director, Del Norte County Solid Waste Management Authority *(pg. 35, 20 minutes)*

B. 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 *(40 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 **Page 37**
Discussion and possible action related to the following:

A. CalRecycle
- SB 1383 Short-Lived Climate Pollutant Regulations– Mary Pitto, RCRC Regulatory Affairs Advocate *(pp 39-55; 40 minutes)*
- AB 901 Recycling and Disposal Reporting Regulations – Larry Sweetser, ESJPA Consultant *(pp 57-64; 10 minutes)*

B. State Water Resources Control Board
- Landfill PFAS Orders – Larry Sweetser *(pp 65-68; 10 minutes)*
- Waste discharge fees – Larry Sweetser *(pp 69-94; 5 minutes)*

C. Department of Toxic Substances Control
- Photovoltaic Modules – Larry Sweetser *(pp 95-102; 10 minutes)*

D. Extended Producer Responsibility
- CA Product Stewardship Council Update – Doug Kobold, Executive Director, CPSC *(5 minutes)*
- Mattress Recycling Council Update – Liz Wagner, Special Projects Coordinator, Mattress Recycling Council *(5 minutes)*
- PaintCare Update—Nichole Dorr, Central California Regional Coordinator, PaintCare *(5 minutes)*
- CARE Update – Lisa Mekis, California Senior Associate, Carpet America Recovery Effort *(5 minutes) (Invited)*

E. Grant Program Update – Larry Sweetser *(pp 103-105; 5 minutes)*

F. Highlights of September/October CalRecycle Meetings – Larry Sweetser *(5 minutes)*

G. Other Regulatory Announcements/Issues of Interest
- CalRecycle In the Loop *(pp 107-108)*
- Cal EPA CUPA Newsletters *(pp 109-120)*

VIII. **Agenda Suggestions, Member County Presentation Volunteer, Workshop Topics for Next ESJPA Board Meeting Scheduled Thursday, December 12, 2019.**

IX. **Articles of Interest** **Page 121**
(pp 123-147)

X. **Adjournment**

12:00 PM Lunch

There will be no Technical Advisory Group session this afternoon. All are encouraged to attend the Markets Workshop entitled "Turning the Ship Around: Wading Through the Plastic Seas" this afternoon at 1 p.m. at CalRecycle. Please see the agenda on page 35 for complete information on location and program.

Agenda Item II

BUSINESS MATTERS

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

Thursday, June 20, 2019

MEMBERS REPRESENTED

Jim McHargue, Director	Amador County
Todd Storti, Deputy Director	Butte County
Denise Carter, Supervisor	Colusa County
Michael Azevedo, Assistant Director	Colusa County
Tedd Ward, Director	Del Norte County
Lori Parlin, Supervisor	El Dorado County
Talia Richardson, Manager	Glenn County
Lars Ewing, Public Services Director	Lake County
Ahmad Alkhayyat, Director	Madera County
Sam Cerveny, Manager	Mariposa County
Justin Nalder, Superintendent	Mono County
Bob Perrault, Director	Plumas County
Michael Kobseff, Supervisor	Siskiyou County
Rachel Ross, Agency Manager	Tehama County
Diane Radar, Deputy Director	Trinity County
Gretchen Olsen, Solid Waste Manager	Tuolumne County

STAFF IN ATTENDANCE

Stacy Heaton, Program Manager	Rural Counties ESJPA
Larry Sweetser, ESJPA Consultant	Sweetser and Associates, Inc.
John Kennedy, Legislative Affairs	RCRC Governmental Affairs
Leigh Kammerich, Regulatory Affairs Specialist	RCRC Governmental Affairs
Mary Pitto, Regulatory Affairs Advocate	RCRC Governmental Affairs
Elizabeth Jensen, Accountant	RCRC
Sanjay Lee, Accountant	RCRC

GUEST SPEAKERS

Joe Rasmussen, CalRecycle
Nate Pelczar, CPSC

Heidi Sanborn, CPSC
Michael LaRussa, MRC
Lisa Mekis, CARE
Nichole Dorr, PaintCare

OTHERS IN ATTENDANCE

Diane Green, Solid Waste Technician	Tuolumne County
Steve Rodowick, Coordinator	Butte County
David Garcia, Program Manager	Nevada County
Eric Miller, Manager	Butte County
Cap Aubry, Superintendent	Inyo County
Kati Galvani, Deputy Director	Lake County
Lavell Waiwaiole, Coordinator	Calaveras County
Curt Fujii	Fujii Civil Engineering
Spencer Five	CalRecycle
John Duke	CalRecycle
Willie Carpenter	CalRecycle
Ward Danner	CalRecycle
Roberta Jetter	CalRecycle
Howard Levenson	CalRecycle

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

Supervisor Kobseff, ESJPA Chair, called the meeting to order at 9:01am. A quorum was determined. Self-introductions were made.

II. Business Matters

Discussion and possible action related to the following:

A. Approval of Minutes from the Meeting of March 14, 2019

Supervisor Kobseff, ESJPA Chair, called for the approval of the minutes from the March 14, 2019 meeting. The motion to approve the minutes was made by Jim McHargue from Amador County, and seconded by Tedd Ward from Del Norte County.

B. Review and Approval of the Independent Auditors' Report and Financial Statements for the Year Ended December 31, 2018

Elizabeth Jensen, Accountant for RCRC and Sanjay Lee, Accountant for RCRC gave an overview of a financial audit for the last year and received a clean audit. Mr. Lee said the ESJPA had a great fiscal year, had high activity. ESJPA operates two grants, a tire grant and oil grant. The grant activity detail can be found in the agenda packet. ESJPA is at 162% revenue. In comparison to 2017, grant spending was up but administration costs were down. Mr. Lee said that was the biggest change overall.

Tedd Ward from Del Norte County said things are working in the right direction. He moved for approval on the Independent Auditors' Report and Financial Statements for the Year Ended December 31, 2018. Gretchen Olsen, Tuolumne County seconded. The motion was approved.

III. Public Comment

Tedd Ward, Del Norte County requested the possibility to have an online webinar or dial in phone number to benefit to the group. Face to face meetings are ideal, but there are situations where we can't attend the meeting due to travel. Staci Heaton, Program Manager, responded that the ESJPA would have to explore Brown Act issues. Arthur Wylene, RCRC General Counsel, said there are good reasons to do it, it can be done, but there would be lots of complications. Mr. Ward would like a written explanation on the thought process on this policy.

Jim McHargue, Amador County, sits on the Mattress Recycling Council (MRC) Advisory Committee and went through this very thing to make sure Brown Act being followed. MRC has the ability to participate remotely. But there are initial hurdles.

Gretchen Olsen, Tuolumne County, agrees that if her other staff could dial in they would benefit from the information. Said it would be wonderful to expand that.

IV. Presentations

A. Prevailing Wage Listening Session and Development of Questions for August ESJPA Board Meeting

Larry Sweetser introduced Arthur Wylene, General Counsel for RCRC and said this topic came out of discussions about a new prevailing wage case.

Mr. Wylene said the purpose of today is not to give a presentation, it is to have a guided conversation on what prevailing wage is and to gather questions for a future presentation. Prevailing Wage shall be paid to workers on public works. The Labor code has a detailed definition of public works. Every word and comma has been litigated, and all have a hidden meaning. Prevailing Wage applies to contracts for maintenance work—routine and recurring. It's a broad definition and there is a great deal of potential dispute. Volunteer work was a litigated issue, but the Legislature stepped in in the early 2000s. Prevailing Wage protects employees from substandard wages. Real purpose of Prevailing Wage and why it's a sacred cow is that it allows union contractors to compete with non-union contractors by leveling the playing field for union contractors. That is the filter through which Prevailing Wage gets set. The Department of Industrial Relations will take the union wage scale and call that the prevailing wage, but it does not necessarily reflect the Prevailing Wage in a given community. The Legislature is very protective of Prevailing Wage. The general motive is to expand it, not to contract it. That is the general trend and what we see. Lots of potential application to solid waste, like maintenance of a piece of equipment at a landfill. Important thing for our perspective is how fact specific these are. The nuances of a project is

going to drive if Prevailing Wage applies—what kind of sorting, etc. Mr. Wylene wanted to underscore that you should talk to county counsel on these issues. The general obligation falls on the contractor, but it comes back to the county. Prevailing Wage will increase costs on the contract. And there is potential liability for the contractor to come back for back wages and penalties and potentially sue the county and say they are entitled to indemnification. Burden and liability can come back to the county. What sparked the discussion at this point is a recent court case, *Kaanaana v. Barrett Business Services et al.* Came as a bit of shock. These sorting facilities would not otherwise be viewed as providing construction, maintenance, etc., but what starts small as subsequent interpretation will result in application of Prevailing Wage at county, city, and JPA landfills. Said we expect a decision in 2020. CSAC, League of Cities and RCRC is working on this but it's an uphill climb. LA Sanitation District will be here in August to give a better overview and answer questions.

Todd Storti, Butte County, asked for clarification on public funds and fees for service provided. In that instance, is it a gift of public funds? Mr. Wylene responded that Prevailing Wage applies to work done under contract, not work directly performed by county employees. Prevailing Wage kicks in when the county hires a contractor to perform public works. To your question, if you contract out the facility and they receive funds from tipping fees, I will refer you to other Counsel.

Todd Storti, Butte County followed up saying if that's the case, what is the county's advantage to operating an enterprise fund? It's not right that they use southern California wages for the entire state.

Gretchen Olsen, Tuolumne County, said the machinery is constantly breaking down and needs maintenance. Asks if there a ratio for doing these types of activities.

Lars Ewing, Lake County, asked about curbside collection done under contract, is there caselaw of curbside collection under contract? Arthur: There was an Attorney General Opinion in the early 2000s dealing with transfer stations. Would probably say it's a good bet that that work did not trigger Prevailing Wage, but talk to your Counsel.

Rachel: There was a question raised locally as to the applicability of prevailing wages to Household Hazardous Waste programs. Arthur: will have to see what the CA Supreme Court says. Stay tuned.

Eric Miller, Butte County, mentioned trying to preserve working capital in the Enterprise fund... let's say Prevailing Wage applies, how far downstream does it apply? These are all commodities, they have values, some negative.

Larry Sweetser said he'll add on to that question; what happens when it goes out of state or out of the country?

Steve Rodowick, Butte County said the same with e-waste.

Curt Fujii asked, in order to protect themselves, does the county need to do anything other than notify the contractor in writing? Mr. Wylene responded that you also have to make sure the contractor pays prevailing wage. County counsel has standard language.

Diane Rader, Trinity County said a good presentation would be about bits and pieces. Design and engineering is an exception. What are the exceptions? Wants to talk about all the ins and out.

Eric Miller, Butte County inquired about Southern California rates and sent an inquiry to DIR and haven't gotten a response to have a Northern California rate. Why does it take so long for DIR to make these determinations? Mr. Wylene responded that there is a formal process to challenge Prevailing Wage rates on a given project, but usually unions challenge that Prevailing Wage is too low, not too high. DIR may think your inquiry is out of the formal process and doesn't have to answer.

B. Recycling and Disposal Reporting System (RDRS, AB 901) Reporting

Steven Sander, Environmental Scientist with CalRecycle, gave a recap of a presentation given on Tuesday in Southern California. Yesterday CalRecycle did a webinar on detailed requirements. AB 901(2015) and AB 1103 (2016), revised reporting requirements. With regard to implementation, registration period was supposed to be done by May 31st. If you haven't, please register at once. Direct reporting will streamline the process, take burden off county staff from compiling this information and submitting them to CalRecycle. Hope for more accurate data, and have confidentiality of data from recycling. The Department gave a one month grace period to register, the law said it was to end April 30th. Reporting entities begin recording information on July 1, 2019. Reporting due dates are staggered, allow for waste flow. Lots of stakeholder engagement with the regulated community. Next workshop is on July 8th at the CalEPA building in Sacramento from 9am to 12pm. Will also be webcast for those that can't travel.

Larry Sweetser added that there will be some additional tracking information and changes may need to be made to data collection. Jurisdictions are not going to collect and submit their quarterly disposal information. The information will come directly from the facilities to CalRecycle. Members should make sure when you're looking at contracts that you have the same data they give CalRecycle.

Steve Rodowick, Butte County asked if disaster debris, starting July 1, will not be considered disposal.

Steven Sander responded that CalRecycle will want disaster debris to be reported, but not attributed to a jurisdiction of origin. There should be no need to apply for the exemption.

Tedd Ward, Del Norte County asked if those that have regulatory relief will continue? Steven Sander said there are some relaxed requirements, but he can't speak to your particular circumstance.

Rachel Ross, Tehama County, said the presentation yesterday was very informative. She is interested in the source sector and how to attribute that. Steven Sander responded that you can use other methods, like billing records, or truck routes. Happy to work with you to determine one. Larry Sweetser said you might need a report from the hauler.

Justin Nalder, Mono County, asked what the purpose is for the use of this information? Is the intent to off-set tons per capita per year? Steven Sander replied that the new data is not used to measure diversion. The legislative intent is to allow direct reporting to get more granular data.

Curt Fujii asked if a franchise hauler delivers solid waste to a county landfill, who has reporting obligation?

Larry Sweetser answered that it's the facility that reports, not the hauler. Also noted one wrinkle is the lawsuit pending on these regulations.

C. Report from CalRecycle

Joe Rasmussen, CalRecycle, gave an overview of recent CalRecycle activities and referred to a handout with more information, including upcoming public meetings and grant opportunities. There is lots going on with SB 1383. He provided weblinks to check out for more information. CalRecycle had a workshop yesterday on June 18th. It kicked off the 15-day comment period for SB 1383. There is a Notice of Funding Availability for the tire program, and the farm and ranch clean-up grant will have a Sacramento workshop on July 18th. A rate determination survey will take place on July 11th.

V. Legislative Update

John Kennedy, Legislative Advocate for RCRC, provided a legislative update. He started off with bad news that the biomass bills by Assembly members Mathis [AB 257] and Patterson [AB 343] stalled in Assembly Appropriations Committee. He added that these issues may be incorporated into future wildfire conversations.

The following bills were summarized:

AB 1236 by Assembly member Lackey, public resources/greenhouse gases.

- This would've been helpful for a programmatic EIR from CalRecycle to permit organic waste composting facilities. Hopeful that it will come back in future discussions.

SB 724 by Senator Stern, bottle bill.

- Would've given substantial relief to grocers. Would've also given low-volume and rural recycling relief. But the state budget did include $5 million for low-volume recycling.

AB 187 by Assembly members Cristina Garcia and Frank Bigelow, mattress collection.

- This bill responds to an audit that there weren't adequate convenience options. Trying to improve the program with safeguards, accountability, and one permanent collection per county. The requirement for landfills to participate if taking more than 1,000 mattress per year will be coming out of the bill.

AB 815 by Assemblywoman Aguiar-Curry, diversion requirements

- This is the genesis of the Glass Packaging Institute. The author is trying to incentivize dual stream recycling systems, causing concerns with solid waste haulers. Recent amendments clarify that CalRecycle can't use the absence of dual stream collection against a jurisdiction.

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

- This is a response to China's National Sword, marine debris and pollution. Requires manufacturing and retailers to recycle 75% of single-use packaging by a date certain. Gives CalRecycle authority to determine what is recyclable and what is compostable. Local governments do not bear the responsibility, though we did when it was first introduced. This bill is considered a "job killer" by CalChamber. Needs to be clarified further; for example, CalRecycle can ask local governments for recyclable info and have the burden to respond. CalRecycle given a lot of discretion, which makes industry uncomfortable.

AB 1509 by Assembly members Mullin and Berman, lithium ion batteries

- This bill is meant to increase recycling and reduce improper disposal.
- Supervisor Kobseff suggested color coding the batteries.
- John Kennedy responded that some requirements are related to labeling, but its hard to tell; we need to better distinguish those products.

AB 1583 by Assemblywoman Eggman, California Recycling Market Development Act

- This measure is trying to deal with National Sword and SB 1383 (organics waste). It would eliminate arrow symbols. Major things include sunset date extension for sales and use tax exemption for processing or recycled feedstock. Also extends sunset date for market development zone program from CalRecycle. Originally was going to be a vehicle for generator fee

discussion imposed on residents and at the commercial level, including self-haulers. The current discussion (separate from AB 1583) is for $1.50 per month per household, $2-$10 per month for commercial, and $0.50 for self-haul. Funds would go to organic waste mandates, National Sword funding, local government compliance, etc. The focus of the discussion is on where we need to get to on SB 1383.

AB 1596 by the Assembly Committee on Environmental Safety and Toxic Materials.

- Cleanup of fentanyl contaminated properties based on the existing framework for cleanup of methamphetamine-contaminated properties.

SB 68 by Senator Galgiani, treated wood waste.

- There is a fast approaching sunset date. This bill would remove that sunset date.

SB 409 by Senator Wilk, illegal dumping

- This is the only illegal dumping bill still working its way through the Legislature. Santa Clarita area response to an illegal dumper. Makes it illegal to transport waste for illegal disposal.

SB 667 by Senator Hueso, recycling infrastructure

- Originally had Cap and Trade funds for recycling but that was removed. Makes modest changes to get us where we need to get. Requires the state to have innovative financing for organic facilities. State Treasurer Fiona Ma is very interested in this.

SB 726 by Senator Caballero, hazardous waste.

- Larry Sweetser said this bill would clarify and broaden the ability to re-use household hazardous waste products. DTSC has been very helpful in these discussions.

John added that there have been discussions with a Senate Committee on new solar panels with shorter life expectancies. Asked that if you see a trend to please let him know.

Tedd Ward, Del Norte County, said he is very concerned about plastics in general, but [AB 1080/SB 54] is not a circular economy bill and it shouldn't be called that. Also added that lithium ion batteries are a danger to us and our facilities.

VI. Member County Concerns/Comments

Eric Miller, Butte County, gave an update on a landfill fee survey. He will send the information Staci Heaton for distribution. Many members contributed to it and many would like to see how they land.

Larry Sweetser said he sent out recycling survey and got 9 responses. There are patterns. There's numbers of orders of magnitude, hundreds of thousands of dollars

in some areas of increased costs of recycling. Even traditional recycling like paper and metal are getting harder to market.

Tedd Ward, Del Norte County, spoke about how things have changed over time, suggesting how haulers have changed the control over infrastructure, such as single stream collection. Said Del Norte County no longer has a local processor.

Larry Sweetser said there are ripple effects when bottle centers close. Raises tonnages statewide. Keep that in mind when reports are due about the impacts.

Gretchen Olsen, Tuolumne County said solid waste managers didn't do a good job of being honest about our rates and the rate structures. We hide that in our garbage bills all the time and the public doesn't understand.

Ahmed Alkhayyat, Madera County, said their franchise agreement said the county gets no benefit or loss, now its costing their contractor a lot of money. They wanted him to go to the Board and get a rate adjustment. The calculations is for 1.1% to be added to the rate for one year, amounting to about $0.29 per month. The Board did it even though they didn't have to because they are acting within their contracted time.

Larry Sweetser asked if anyone has not been approached by their contractor. Lars Ewing, Lake County, responded that they raised their rate by adding a fee. It's not popular. Steve Rodowick, Butte County, lamented that the tipping fee has been a $1.40 for a very long time. Increasing that would solve so many problems. Michael Kobseff, Siskiyou County, said his recyclers can't break even. Where is the material going that they won't recycle? Ahmed Alkhayyat said that's why we want a good relationship with our haulers. Larry Sweetser asked how can we help to aggregate some of this? Gretchen Olsen said fees at different locations.

Tedd Ward added that as long as you have a fuel-based economy, plastics will be made. Fundamental thing does not go away. Can't recycle our way out of the problem. Will always going to have single-use plastics being shoved into our hands. Until we change that basic system, that's what we've got.

VII. Solid Waste/Regulatory Update

A. CalRecycle

- 2019-20 Greenhouse Gas Reduction Fund Budget Allocations

  John Kennedy said there's a long struggle here for SB 1383 implementation. As you know, Cap and Trade has brought in billions in revenues. There was a concentrated effort from local governments to advocate for $100 million from Cap and Trade for solid waste facilities. Had a tough fight, stakeholders were pleasantly surprised when the Senate included $75 million for organics recycling; we were asking for $100 million. Ultimately it was pared down to $25 million, the same amount the Governor initially proposed in his January

budget. But we've raised a lot of awareness in the Capitol as to how much this costs. Several Senators made this their top priority.

- SB 1383 Short-Lived Climate Pollutant Regulations

Mary Pitto reported that a revised draft to the SB 1383 regulations was released Monday afternoon, with a workshop held on Tuesday. Comment period opened yesterday. To summarize, the changes include reduced collection review frequency from quarterly to annually. There was a delay regarding containers color standardization; changed from yellow to brown color. Did change to green and grey or blue and grey, not blue and green containers. Property owners needing to notify tenants yearly was removed for single-family homes. Increased city population and census track waiver density. This may not take care of the problem, said we will try to raise the threshold some more, or do a block group area. Will continue to look into options for that. Calrecycle added in an elevation waiver for bears, but it did not include the requested provision to allow locals to apply if they have bears but are under 4500 feet. CalRecycle made it very clear that the comments we can make can only be on the changes to their draft. We cannot complain about things that they didn't change. They did add emergency circumstances, provisions exempting debris from homeless encampments or quarantined from Agricultural restrictions. Performance based source collection service; provided an alternative to the requirements. You are required to do a lot to be exempted out of a lot. Asked to let her know if this is slightly able to achieve. Regarding education and outreach, revised requirements to allow print or electronic media. For non-English speakers, there are two thresholds: less than 10,000 people has to be available online in their language and noticed in the print media. Greater than 50,000: written material required for that language. For publicly owned treatment works they deleted handling of biosolids and sludge. Edible food recovery—commercial generators must recover unless extraordinary circumstances. County will have to increase the county capacity.

Rachel Ross asked about prisons and tribes. What do we do when we don't have authority over them?

Larry Sweetser mentioned there is a lot to digest. Look at what CalRecycle is going to do under their scenarios.

Mary Pitto further added that they are still holding counties responsible on capacity. Added to requirement of CalGreen, added water efficiency ordinance, don't through the building department. Want jurisdictions to adopt enforceable mechanism in order to fine the county. Will allow use of local waste characterization study.

Larry Sweetser mentioned local waste characterization study are allowed but are only good until CalRecycle's next state-wide study.

Mary Pitto continued that one of the things on procurement, we asked not be included in regulation. It's still in the regs, but they did modify some things like changes the amount of .07 to .08 organic waste per resident per year. Larry Sweetser provided a handout on these calculations. Allow renewable natural gas and others, not just diesel. Reporting requirements, moved the first report to April 1, 2022 from Feb 1. Deleted portion of first report when containers will be in compliance. On enforcement, conduct an annual review, add a study, changed violations to offenses. Deleted daily fine, second offence within one year. Corrective action plans, if its issued due to inadequate capacity, it's up to another 12 months. Revised penalty calculations, based on what percentage you procured.

Tedd Ward said this is going to hit us with a lead boot, caught between bad choices. Unrealistic to have 15 days to review this. But he likes the idea of a program EIR. Supervisor Kobseff asked how we pause the march for SB 1383. Staci Heaton offered to send a letter requesting a comment letter deadline delay; this is not even good APA compliance. David Garcia, Nevada County, said staffing and enforcement alone will be a nightmare and it can't be done.

Mary Pitto finished her overview by adding that requirements for solid waste facilities replaced daily sampling with quarterly periods. Need to sample 10 consecutive days. CalRecycle eliminated daily load checking requirements for contamination but added grey container waste evaluations based on tonnage. A requirement was added to allow for LEAs to monitor the evaluations. LEAs no longer need to observe sample measurement. Eliminated 36-inch soil requirements. That's one good thing. We'll get a letter out asking for more time to review. The ESJAP/RCRC will send in a comment letter and provide a summary at the next meeting. For 70,000 or less population, you have until 2025 to comply with the collection of organics. Going to send out another survey for SB 1383 infrastructure information. Also following up with a phone call to all of you. We need to start planning for implementation. Please take the time to fill out the survey.

- AB 901 Recycling and Disposal Reporting Regulations

  Larry Sweetser did not have anything to add to Steven Sander's earlier presentation. He said CalRecycle will take late registration if you haven't done so already.

- SB 212 Draft Regulatory Concepts

  Leigh Kammerich said written comments are due July 1st on the Informal Draft Regulatory Text. The ESJPA submitted comments in February before the draft text was released, but will be re-submitting comments.

B. State Water Resources Control Board
   - Landfill PFAS Orders

Larry Sweetser indicated that members are proceeding with the required sampling. There have been no new developments. He said those jurisdictions that haven't received an order to sample yet receive one in the future

- Compost Waste Discharge Requirements

Larry Sweetser said there was a workshop on the Environmental Impact Report on proposed changes to the Compost WDR. Facilities will be allowed to take herbivore manure at lower thresholds and there will be allowances for agricultural properties to accept and provide compost.

C. Department of Toxic Substances Control
- Photovoltaic Modules/Solar Panel Regulations

Larry Sweetser said these are the Universal Waste regulations are being proposed and the ESJPA provided comments. Regulations are expected to be adopted by the end of the year or early next year.

D. California Department of Food and Agriculture Weigh Scale Issue

Larry Sweetser said only a couple of counties are experiencing inspection that limit the amount of loads that can be weighed. Doesn't seem to be enforced anywhere else except Tehama County. Lassen County was exempt since they operate their own scales.

E. Extended Producer Responsibility
- CA Product Stewardship Council Update

Heid Sanborn gave a general update on grants for gas cylinders. Shasta county got concerned about safety of a gas cylinder grant which was subsequently cancelled. If you have concerns, let them know first. CPSC did a popular webinar on solar panel recycling with a great insert with Butte County. Have a project with DPH on tobacco waste, model ordinance. We're eating a credit card's worth of plastic waste a week. SB 424 by Senator Jackson, JUUL now working with us to try to get more DTSC regs out of the way. Similar to a Senator Caballero bill on your list to make it easier to use or recycle household hazardous waste. We're becoming experts for companies to come to us that say they want to do the right thing, can you get all these rules out of the way. Get ready for a big battery debate next year. Have a workshop next Thursday from 1pm to 4pm in Alameda. Asking counties to pass ordinances on batteries, tobacco, and gas cylinders. Webinar tomorrow on tobacco waste, model ordinances. Newsletter will go out on other webinars. Washington state has first EPR bill for solar panels. National stewardship action council—Dr. Joanne Brash got some work for Nike and other name brands that want to change the tariffs in this country. Companies

want to use sustainable textiles but can't because they can't afford it. Want to create market pull. Exciting project.

Nate Pelczar, Program Manager for CPSC, added that they received a $3 million grant from DHCS to put in drug bins and needs help to get the word out. They pay for bin installation and servicing through 2020.

- Mattress Recycling Council Update

Michael La Russa, Program Coordinator for Mattress Recycling Council, spoke about collection events that augment permanent collection network. Alpine county, Camp Fire cleanup crews, Del Norte, Tahoe community clean up event (annual), Glenn county, Trinity county. Have upcoming joint event with PaintCare in Sonora.

- CARE Update

Lisa Mekis, Senior Associate for Carpet America Recovery Effort, said 94 million pounds recycled in 2018. Collection network is growing. The need for new products is growing. Required to have at least one drop off site per county, but don't have one in Colusa, Sierra, Nevada, Merced, and a few other counties. They are working on pilot program in the greater Sacramento area and Los Angeles, 9 drop off sites and new haulers in the greater Sacramento area. Last year the drop off sites contributed 10% of that total. This year its 30%. Your contributions are making a difference.

- PaintCare Update

Nicole Dorr, Central California Regional Coordinator for PaintCare said the big news is that we're expanding in Washington State. Big win for product stewardship. Lost Orchard Supply. But adding some retail locations backs. Did Fresno, Yolo county site. Recruiting additional retail sites. If you're interested in an event, please contact your regional planner. Focusing on re-use. Having paint available for those who want to take paint, that's new. Sending out a survey, what re-use looks like for your jurisdiction.

Tedd Ward suggested doing more with paint re-use during HHW event. Steve Rodowick added with Paradise re-building, you could make paint available to underinsured or uninsured during rebuilding projects.

F. Grant Program Update

Larry Sweetser said OPP 10 applications are due June 27th. TA4 ends August 30th. On July 18th, CalRecyle will have a farm and ranch clean-up program workshop seeking input for program improvements.

G. Highlights of April/May/June CalRecycle Meetings

CalRecycle continues to report on jurisdictions that are late to DRS reporting. Larry Sweetser is keeping tabs on compliance orders. CalRecycle is dropping the e-waste fees to keep the funding stable. Collection of CRT continue to decrease in volume requiring changes to the fund. The new fee will be one dollar less per unit size. The Future of E-waste project is continuing but there are no new developments.

H. Other Regulatory Announcements/Issues of Interest

Nothing was announced.

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

No topics or agenda suggestions were made.

IX. Articles of Interest

No articles were referenced.

X. Resolution of Appreciation

ESJPA Chairman Michael Kobseff presented a proclamation from the Board of the ESJPA to Mr. Howard Levenson of CalRecycle, recognizing his distinguished career and congratulating him on his impending retirement.

XI. Adjournment –was called at 1:18pm

Respectfully submitted,
Leigh Kammerich, Regulatory Affairs Specialist

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., 16th Floor
Sacramento, CA 95814

Thursday, August 15, 2019

VOTING MEMBERS PRESENT

Jim McHargue	Amador County
Todd Storti	Butte County
Tedd Ward	Del Norte County
Lori Parlin	El Dorado County
Matt Kingsley	Inyo County
Lars Ewing	Lake County
Tom Valentino	Lassen County
Sam Cerveny	Mariposa County
Justin Nalder	Mono County
Bob Perreault	Plumas County
Rachel Ross	Tehama County
Diane Rader	Trinity County

STAFF IN ATTENDANCE

Staci Heaton, Program Manager	Rural Counties ESJPA
Larry Sweetser, ESJPA Consultant	Sweetser and Associates, Inc.
Arthur Wylene, General Counsel	RCRC Governmental Affairs
John Kennedy, Legislative Advocate	RCRC Governmental Affairs
Leigh Kammerich, Regulatory Affairs Specialist	RCRC Governmental Affairs
Mary Pitto, Regulatory Affairs Advocate	RCRC Governmental Affairs

GUEST SPEAKERS

Claire Hervey Collins, Lewis Brisbois Bisgaard & Smith LLP
Paul Beck, Lewis Brisbois Bisgaard & Smith LLP
Julie Trueblood, CalRecycle
Doug Kobold, CPSC
Nate Pelczar, CPSC

Liz Wagner, MRC
Daria Kent, PaintCare

OTHERS IN ATTENDANCE

Greg Stanton	El Dorado County
Don Renz	Shasta County
Tom Ramont	Shasta County
Kati Galvani	Lake County
Steve Rodowick	Butte County
Eric Miller	Butte County
John Pabst	ACES
Johnny Plasse	ACES
Tim Raibley	HDR Engineering
Curt Fujii	Fujii Civil Engineering
Rod Malloy	N&R Publications
Jeffory McDaniel	CalRecycle
Roberta Jetter	CalRecycle
Ward Danner	CalRecycle
Daisy Kong	CalRecycle
Willie Carpenter	CalRecycle
Alex Souza	CalRecycle

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

Jim McHargue, Technical Advisory Group Chair, called the meeting to order at 9:02am. Self-introductions were made. A quorum was not determined.

II. Business Matters

A. Approval of Minutes from the Meeting of June 20, 2019

Due to the absence of a quorum, approval of the minutes was deferred to the next ESJPA meeting.

B. Administrative Matters

Staci Heaton, Program Manager for the ESJPA, announced the Chair and Vice Chair couldn't be here today. The agenda was cut off from the packets that were sent out electronically and that extra copies would be provided at the meeting. Thirdly, she announced she would have to step out briefly between 10:30am and 10:45am with RCRC Chair, Supervisor Kingsley to attend a policy meeting on another matter.

C. Remote ESJPA Meeting Participation and Brown Act Compliance

Arthur Wylene, RCRC General Counsel discussed the information provided in the memo in the packet. Generally, the Brown Act has provisions that allow for teleconference meetings. It is possible, however, whenever there is a tension in law with efficiency and accountability

and transparency, the Brown Act defers to accountability and transparency. Regarding the requirements of the Brown Act, first, teleconference meeting are not designed to let folks call in from office, home, or car. Designed with a model in which people participate from multiple locations and each location must meet open meetings criteria so the public can observe, such as speakerphone capacity, opportunity for public comment. Multiple public meeting locations have to have an agenda posted in the location. No last minute teleconferencing. Any vote taken has to be by roll call. All requirements apply even when no member of the public participates in attendance. With specialized bodies like this, it's hard to make these requirements relatable. The system is designed for public participation, but there's lots of logistical complications.

Tedd Ward, Del Norte County, expressed his appreciation for putting this in writing. The schedule can be a nightmare to travel here. It's nice to have a memo that addresses each of the concerns. It's better than a blanket no, it's too complicated and that we don't want to go through the details.

Ms. Heaton offered that staff would be happy to look into the possibility of livestreaming the meeting so that staff can view the meetings for the information. It would be a one-way stream, however, without the ability to participate for those watching.

Mr. Wylene said he has observed how the meetings are structured, and there are also practical implications on how the board interacts. Meeting attendees would lose the benefits of face to face dialogue with teleconferencing. If a meeting is livestreamed, it affects the dialogue. All of these things can affect the quality and quantity of the dialogue. Those aren't lawyer issues, those are policy issues.

III. Public Comment

No public comments were made.

IV. Business Matters, continued

A. Resolution of Appreciation

Jim McHargue, Amador County, presented a resolution of appreciation from the Board of Directors to Steve Rodowick, Butte County, on the occasion of his retirement as a Recycling Coordinator from the Public Works Department. Mr. Rodowick was recognized for his years of service as a solid waste and recycling professional, as well as his contributions to the ESJPA since 2004.

V. Presentations

A. Prevailing Wage Law and Potential Impacts on the Solid Waste Industry

Claire Collins, Attorney with Lewis Brisbois Bisgaard & Smith LLP, began the presentation. Ms. Collins in the chair of real property group. There is a ton of overlap with real estate and public agency; included in real estate is construction. It's the perfect place where prevailing wage

rises. We are Counsel to the Los Angeles County Sanitation District, 24 districts in LA County operating 6 closed and open sanitary landfills, as well as 3 materials recovery facilities and transfer stations serving approximately 5.5 million people in LA County. Through that, we've seen the construction and closure of their largest landfill. Prevailing wage applies because landfills are a giant construction site. What are prevailing wages? They are wages paid to employees in the trades and crafts on a public works project, which is defined in code. It means it is a public works construction funded by a public agency. Wages differ based on wage type, based on region, and by type of work. Prevailing wage is not a minimum wage, not a living wage. When it comes to levels, we've got minimum wage, then living, then prevailing wage at the top, it's basically a union wage. The history of prevailing wage comes out of a social policy from the government in Kansas in the early in 1890s to encourage fair labor practices. Government is a buyer of construction services, it could be an economic driver for constituents to make enough money to support their families. It morphed in the 1920s and 1930s and really took off, but with an element of racism and xenophobia when the Davis Bacon Act was passed. Thirty-two states have their own prevailing wage laws, which is referred to as mini-Davis Bacon. Ten states have repealed prevailing wage laws for a variety of reasons, mostly occurred in the 1980s. What's changed over time is that now it ensures the same wages to union and non-union workers. Studies have been done that show prevailing wage does not demonstrably increase project costs over the long term. When are prevailing wages necessary? It's for construction trades and crafts; all construction related, including alterations to a public work, street or sewer work, maintenance work.

Paul Beck, Partner with Lewis Brisbois Bisgaard & Smith LLP, said when interpreting these obligations from the courts and Department of Industrial Relations (DIR), the one trend that you see is that more and more types of work are being covered by prevailing wage laws. If DIR can find a nexus with the work being done, they will say it's a public work construction. Courts interpret these laws broadly, give exceptions narrowly. Why are these goals advanced by the courts and DIR? Protections for workers from substandard wages, allows union and nonunion contractors to compete on a more even playing field in terms of pay and fringe benefits. This provides compensation to nonpublic employees for lack of benefits. Theory if employees are well paid, well trained, and taken care of, project efficiency and quality will increase. Mr. Beck gave some examples, such as a public agency leasing property to a developer, but developer gets rent break. It's subject to prevailing wage because the public entity would benefit the entity responsible for the work.

Ms. Collins said it gets hazy when its built by private developer. Public subsidy triggers prevailing wage requirement.

Mr. Beck continued with the next example, an agency trying to redevelop an old mall enters into an agreement with the developer to build and operate a theatre for ten years on property purchased from the agency at market rate. Agency loans developer millions to operate theatre, to be re-paid if the developer does not operate the theatre at end of the ten period. And the Agency builds parking lot. Yes, prevailing wage applies to the development of the theatre because the totality of the project is a public work, it has infrastructure to support the project. Ms. Collins noted how you can see how prevailing wage has evolved.

Mr. Beck provided a third example of a prevailing wage care. An exporter of petroleum leased land from agency and operated open air coke storage facility. Air Board rules changed, and the exporter was going to need to comply with air regulations and add conveyer system. Agency landlord entered into 2 different contracts. One to build conveyer system, subject to prevailing wage. The second [contract] was for enclosing the facility done by tenant and private contractor with no public subsidy. Prevailing wage applied because of the entire project.

Mr. Beck's last example was a district contracts with a solid waste company to operate landfill located on public property. Does the operator have to pay prevailing wages? To whom? There isn't a court decision on this one. But we have 2 Attorney General opinions. One from 40 years ago said the construction of landfill was covered [under prevailing wage], but what about others, like those who take fees at the gate, or direct traffic. In 2000, another Attorney General opinion came out about waste transfer station. The waste transfer station is already constructed. [The opinion] said not only are people who work at the waste transfer station not covered [by prevailing wage], others not subject to prevailing wage. There have been no further statements from the Attorney General. There are certain aspects that not entirely clear—like temporary workers to pick up papers.

Larry Sweetser, ESJPA Consultant, said a lot of maintenance activity comes in to do repairs. All those small tasks, how do they fit in? Mr. Beck answered that the maintenance part is an odd duck. Landscaping, for example, is under maintenance. I would say if you want to be safe, you should pay prevailing wage.

Mr. Wylene asked a clarifying question, whether thresholds for exemptions are for prevailing wage or for registration requirements. Mr. Beck answered that it was likely for prevailing wage. Mr. Sweetser also asked for clarity on the obligations of the jurisdiction, and Mr. Beck said the obligation is ultimately on the contractor to pay prevailing wage.

Ms. Collins also gave a briefing on the Kaanaana vs. BBSI case. Currently before the California Supreme Court. By way of background, we got a call from another agency to bring it to her attention last year. Our client since 1923, didn't know there was a lawsuit involving our own client. We have temporary workers to do belt line sorting at the MRF. That contractor is BBSI. They were sued [class-action lawsuit] based on insufficient lunch breaks. Wage should've been a prevailing wage. Case is about prevailing wage at public facility without public agencies as a party. Didn't get treated by prevailing wage specialists. At the trial court, BBSI won. Appellate court reversed the decision that originally ruled in favor of BBSI. Appellate Court said the statute just says, "work done," not construction work, and prevailing wage applies. Labor Code 1720, which defines public work, says it's all type of work. What this means is that every operational worker must be paid prevailing wage. It upends our traditional notions of what is prevailing wage and when is it paid. Challenge to be heard by California Supreme Court next year. Opening brief filed in May. Opposition brief filed in July. Amicus brief being prepared now, due in September. Trying to avoid prevailing wage mission creep.

Curt Fujii, gave an example that landfill operators are generally considered to be different from construction operators because they work 12 months a year. With that basis, he has heard DIR issuing a special landfill equipment operator prevailing wage. Further, Mr. Fujii said what Local 3 has done is negotiate lower wage rates for equipment operators working for a private

company operating a landfill under contract with a public agency. Mr. Beck responded that first, its more task related. It's about constructing on the landfill, not intermittent work. Secondly, certain parts of the law entail project labor agreements. Could be talking about that, which is permissible under other portions of law.

Tom Valentino, Lassen County, asked if any publicly owned and privately-operated landfill is being paid prevailing wage. Ms. Collins there is one that she's aware of. Mr. Valentino continued, asking if it was safe to assume a blanket across the waste industry that at any publicly owned facility that's privately operated will be affected by prevailing wage. Ms. Collins responded that they should all be prevailing wage right now, it's a construction contract.

Mr. Wylene asked what is the prevailing wage that applies? Northern California and Southern California work different in practice. What you actually have to pay is different.

Tedd Ward, Del Norte County asked if there are solid waste agencies clearly utility district or improvement districts? Mr. Beck replied no. Mr. Ward continued, said from a solid waste district perspective, he is concerned with clean-up activities done by volunteer groups. Means that would harm his ability to clean up anything. He would like that point brought forward. Don't want beach clean ups to be shuttered because of volunteer agreements.

Mr. Beck said one of the arguments we'll make in the appeal is that new tasks, the state doesn't have a waste sorter category or volunteers, etc. I think the argument is that it's been operated this way for 80 years.

Eric Miller, Butte County, said they have stalled projects. Let's assume if we load trucks with county staff, how far down the line does prevailing wage go? There's transportation involved. Mr. Beck said truck drivers are entitled if they are transporting construction and demolition waste.

Justin Nalder, Mono County, asked about the scope of work. If we bid for an operator, does prevailing wage apply for the operation? Mr. Beck replied yes, but it depends on the task. Mr. Nalder asked if he can call out the positions that require prevailing wage? Ms. Collins said yes. Not those collecting tipping fee, for example. If there's a category at DIR, then prevailing wage. Only pay prevailing wage for certain job classifications.

Rachel Ross, Tehama County, said have gotten sued over prevailing wage before. Case ruled in contractors favor that they don't have to pay prevailing wage. Ms. Collins said risk is on contractor, not on you. But the cost is on you.

Doug Kobold, CPSC said when he ran Yolo County landfill, he found an obscure Public Resources Code in regard to landfill maintenance and Operation. In that code, it said the landfill operation is not subject to the Public Contract Code. Mr. Beck cautioned that it probably doesn't exempt it for labor code. Mr. Wylene noted it may be an exemption from bidding in contract code and not necessarily prevailing wage in the labor code.

B. County Operations Presentation

Jim McHargue, Director of Solid Waste, Amador County, gave a presentation on outreach and education that he conducts about the state of solid waste and recycling for schools. The main purpose of the presentation is to get kids thinking.

C. Report from CalRecycle

Julie Trueblood with CalRecycle gave an update on CalRecycle. Finishing 2019 site visits for review cycle, they look at 5 areas of diversion: commercial, residential, construction, demolition, internal government programs, and household hazardous waste. Butte and Shasta were close to hiring somebody, so we'll be doing Fall visits. CalRecycle have brought on Jeffory McDaniel, has Mono, Inyo, Madera and Mariposa counties. Bear with us if we have follow-up questions in some areas. This time around we touched on AB 1594, alternative daily cover. As of January 1, 2020, green waste will count as disposal not as diversion. We're asking how you're planning for that. RDRS, reporting system, your county coordinator is off the hook. Will now come from transfer processors. SB 1383 regs had a second 15 day comment period. The final draft will be coming out in September, will go to Office of Administrative Law. January is our one-year mark. Funding—farmer and ranch cleanup program is undersubscribed. Application date is open until November 7th. Tire grants are due October 31st. Tire incentive program is due October 22nd, there is $3.5 million available. Greenhouse Gas program and RMDZ loan program applications are due. Next public meeting is August 20th public, then September 17th.

VI. Legislative Update

John Kennedy, Legislative Affairs Advocate for RCRC, provided a legislative update. Said we just came back from summer recess, in the final stretch. The vast majority are in Appropriations or on the Floor, then it's off to the governor. The following bills were summarized:

AB 187 by Assemblymembers Cristina Garcia and Frank Bigelow; used mattress recovery and recycling act.

- Makes a number of governance and management changes of the mattress program. We were interested in expanding access for consumer drop off in rural areas. One location in each county, except Alpine. There was a problematic provision regarding commercial hauling, it was removed. Would've required landfills to take free mattresses if they got more than 1000 per year; that has also been removed. Focuses on what happens to MRC if they're decertified—had issues with other stewardship programs.
- Steve Rodowick, Butte County, said regarding pursuing expanded collection, there's not enough processing capacity.

AB 815 by Assemblymember Aguiar-Curry; dual stream recycling incentives.

- Very unconventional. Caused concerns with a number of jurisdictions, has intent language to not withhold a good faith determination. With that, some organizations have gone neutral. It is one step away from the Governor's desk.

AB 827 by Assemblymember McCarty; commercial and organic waste recycling bins.

- This is on Senate Third Reading. Generators, not full service restaurants, have to have organic and recycling bins available to customers. Duplicative of SB 1383.

AB 1509 by Assemblymembers Mullin and Berman; lithium ion battery recycling bill.

- Lots of stakeholder interest to have proper collection and disposal and decrease risk. Needs more work, made a two-year bill. Hopefully we have something new in January or next year.

AB 1583 by Assemblymember Eggman; California Recycling Market Development Act.

- Some groups, including RCRC, trying to hold this bill open for generator fee. It eliminates chasing arrow symbols, still have code. Extends for 10 years market development zone and CAEAFTA [California Alternative Energy and Advanced Transportation Financing] program. Only bill alive that extends sunset date for CAEAFTA program. CAEAFTA is sales and use tax exclusion for manufacturing equipment. Tesla is a big beneficiary. My understanding is UAW weighed in and now opposes due to Tesla because its non-union. Interesting case study of politics and missed opportunities. RCRC strongly supports the bill.

SB 68 by Senator Galgiani; treated wood waste.

- Heart of the bill repeals the sunset date of treated wood waste program. DTSC has a huge structural deficit, mentioned in the budget the need for the Administration to enhance revenue collection—like raising fees. These bills have an impact of DTSC's budget, even minor, but DOF is calling out the deficit to call for a veto of certain legislation.
- Larry Sweetser said if this bill doesn't go through, treated wood waste will have to go to hazardous waste landfill. Big deal in that respect.
- Broad coalition of support.

SB 667 by Senator Hueso; infrastructure, organic waste recycling.

- CalRecycle must develop a needs assessment to achieve SB 1383 mandates. RCRC is supportive. Leverages the Treasurer for innovative financing mechanisms for organics infrastructure. Cap and Trade appropriation didn't happen, only got $25 million from budget.

SB 726 by Assemblymember Caballero; household hazardous waste

- Primarily addresses smarter sorting for Household Hazardous Waste. DTSC had some heartburn, we've worked out language with CPSC.
- Doug Kobold, CPSC, clarified that you can have a re-use program and send material out to a third party. Clarify with CUPA and DTSC. DOF is the only entity opposed.

AB 1080/SB 54, by Assemblymember Gonzalez-Fletcher and Senator Allen, respectively; plastic single use packaging.

- Seek to require manufacturers to reduce waste generated from single use packaging by 75% by 2030. Impose requirements on priority plastic, has to achieve recycling targets; it is a rates and dates bill. Some exemptions for pharmaceuticals, pesticide packing. Concern over food packaging and FDA approval. Trying to work with authors to address lingering concerns, such as making the bill focus on applying to manufacturers only, not local jurisdictions. CalRecycle will have to define recyclable and compostable. Local governments will have to respond to CalRecycle doing this. Amendments would make it voluntary for local governments to provide this information to CalRecycle. Fear is that manufacturers have no comprehension of end cycle of their products. They're going to come to us, we'll have to do segregations of products at MRFs. That'll be impossible. Self-certification process from manufacturers is being considered. Lots of details to flesh out. Talking about funding to CalRecycle, like deposits. Carefully monitoring, heavily involved in negotiations.
- Tedd Ward, Del Norte County, feels like this is important for packaging engineers be trained. Mr. Kennedy said it speaks to other problems, like replacing cardboard boxes with new packaging materials that have to be dealt with like plastic shopping bags. Don't want product substitutions to be even less recyclable that what we already have.

Lastly, the Bottle Bill. Re-planet just closed the last of their facilities. Bottle bill is a perineal end of session play. Have 4 weeks to try something and figure out what that is. Need to increase consumer convenience, otherwise it's a regressive tax. Moving towards increased payments for low-volume recyclers to increase infrastructure. Streamlining CalRecycle process to certify new recycling centers. People don't want broad reform of CalRecycle right now, need to get it right in a longer process.

Finally, the generator fee, need mechanism for minimum payments for local jurisdictions to comply with SB 1383. Not clear this will move forward in the next 4 weeks, but perhaps next year to meet our mandates.

Steve Rodowick, Butte County, said the bottle bill, cross-state movement is a problem. Are there talks of multi-state pact? Mr. Kennedy replied no, there are no talks going on about that that he's aware of. CalRecycle is trying to ramp up inspections and enforcement. They've had some eye opening fines and penalties against some bad actors.

VII. Member County Concerns/Comments

No comments or concerns were raised.

VIII. Solid Waste/Regulatory Update

A. CalRecycle

- AB 901 Recycling and Disposal Reporting Regulations

Larry Sweetser, ESJPA Consultant, said we're in the midst of it. Have to start tracking the information, lots of confusion over what to track. Getting questions from service providers to understand the system. Have one more quarter under the old system. Next annual report is going to have a little bit of both of the tonnage. A test drive of new session is coming up on the 26th. Tehama county will be the guinea pigs to test it, iron out wrinkles. You're charged with coming up with different information, suggests tracking everything and then figure it out later during reporting. Don't want missed loads. You do have some flexibility. Will have to figure out scale issues, got a scale exemption. Keep the questions coming. check in with your service providers. Heard from one county that their hauler refused to register. That'll be interesting.

B. State Water Resources Control Board
   - Landfill PFAS Orders

Larry Sweetser, ESJPA Consultant, said the new part of that is legislation was passed for public drinking water testing. Effects leachates, not landfills. New public tool with mapping. So far the paranoia haven't come true. For those of you not ordered to test, its coming. Going to become standard.

Don Renz, Shasta County, asked about load check program, testing for Teflon. Mr. Sweetser said some of the sampling equipment has Teflon. It's very challenging.

Tom Valentino, Lassen County, asked what is going to happen with this, and testing is over the threshold. Mr. Sweetser said he doesn't know yet. Don't want to think that far ahead. It's a nationwide issue. California was behind on testing which is why it came up.

   - Storm Water Industrial General Permit

Larry Sweetser said in your packet there is an opportunity for training on Monday at 9am. I plan to be there in person. Good thing to listen into and take some notes.

C. Extended Producer Responsibility
   - CA Product Stewardship Council Update

Doug Kobold, Executive Director, CPSC started off thanking ESJPA for contributions to move us at CPSC along. Before he gave an update, he acknowledged Steve Rodowick. He's had a perfect attendance record for every meeting of our Board—including holiday parties. He's been on our Board for three years, involved with our organization since 2012. Happy we get to keep him on our Board.

The following bills were highlighted:
- AB 1509: CPSC and Californians Against Waste are sponsors. Will be working collaboratively to solve lithium ion battery, fires problem.
- AB 729: carpet bill. Need it to get through. Sad campaign against it, "get rid of the carpet tax."
- SB 424: e-cigarettes are a huge problem for Household Hazardous Waste handlers. Want manufacturers to have a stake in this game and take these devices back.

- SB 726: Household Hazardous Waste bill.
- Mattress bill. Want to make it productive and useful.
- AB 1080/SB 54: both have new, substantial amendments as of yesterday.

Regarding SB 212 rulemaking, the informal draft regs looked pretty good. CalRecycle did a good job on the first round. Should go on time and have an excellent statewide program.

DTSC formal rulemaking for solar panels started in April 2019, has to finish by April 2020. Substantial changes are needed. Found out in October that DTSC doesn't have the authority to do U.S. products, need authorization from Federal EPA. Finally, last month, put in their request to U.S. EPA for authorization to designate solar panels as universal waste. Told that's a one year process after submittal of an application. Not sure if that authorization can occur before April 2020 deadline.

Nate Pelczar, CPSC, spoke about DHCS, medicine bins. We have a grant placing 300 bins across the state, if your jurisdiction wants one let me know. Taking applications, takebackdrugs.org.

- Mattress Recycling Council Update

Liz Wagner, Special Projects Coordinator, Mattress Recycling Council said they turned in their 2018 Annual Report to CalRecycle. Will be at public meeting on Tuesday, we'll see what their recommendation is. Rural counties have 78.5% access to a collection site or event, 75.7% of rural counties have access to a permanent collection within 15 miles; 93.2% have access within 25 miles. Will continue to expand the network. We're hiring for a Central California coordinator. Will help with access we can provide, please refer interested candidates her way. Close to making Glenn county a permanent site. Have our second grant cycle open for collection sites. Open to sites that aren't operational yet. Expected to expand our collection network and get sites to come on board. Still committed to expanding network and get one site per county. Regarding processing capacity—not touched on in law. Have enough capacity, but it's a matter of getting it where it needs to go.

Tedd Ward, Del Norte County, said he appreciates what MRC is doing, to try to roll things out, but we still don't have daily collection. Access to events have expanded, but thinks MRC should use money to pay the contracted amount directly, rather than through a grant. Ms. Wagner replied that MRC wants to pay to cover costs, but we don't want to pay higher rates to cover revenue. It's not a sustainable model statewide. Working hard to get permanent sites.

- CARE Update

CARE representatives were absent.

- PaintCare Update

Daria Kent provided a PaintCare update. Said Washington state is onboard, exciting to go out to bid. Regarding options for rural counties, they have most of transfer stations and landfills

on board. Trying to do site improvements at retail stores that are underserved. Want upgrades to keep bins out of the elements—like sun and rain. One more aspect to help the program run well. We asked that you get re-use invoices to us by August 1st. Upping commitment to get more re-use. Open to ideas to expand your re-use area, please talk to your coordinator.

Larry Sweetser mentioned in counties that have experienced fire, there has been a receptiveness to get paint out to those communities. Vendors are willing to help out.

IX. Agenda Suggestions, Member County Presentation Volunteer, Workshop Topics for Next ESJPA Board Meeting Scheduled Thursday, October 17, 2019.

Tedd Ward, Del Norte County, suggested CRRA with SWANA workshops. We're having an October 17th Workshop, status on legislation and next steps. Might be some interest in making this the afternoon program, but it would not be located here. It is at CalRecycle during the afternoon, time is to be determined. Staci Heaton, Program Manager, said she would put the time and location of this meeting on the October agenda and defer the TAG session.

Larry Sweetser suggested the application period for USDA grants, opening October 1st. Can use that for various studies, training. Opportunity for counties. Maybe someone from USDA can come, it's a tricky process.

X. Articles of Interest

None referenced.

XI. Solid Waste/Regulatory Update, continued

A. CalRecycle, SB 1383 Short-Lived Climate Pollutant Regulations

Mary Pitto gave an overview of SB 1383 Regulations. Changes that were proposed did respond to some of our concerns, but it also created some new problems. Route review went from quarterly to annually, or can use a new alternative to require an extra collection run and sorting area for random sampling, determine contaminants, which seems like it would be more labor intensive, making route review the better option. New waiver until 2025 to collect organic waste for residential, however, still on the hook for other requirements like monitoring, capacity planning, procurement, education and outreach. In the original packet, they had extended exclusions for urban counties, upped those figures from 50 persons per sq. mile to 75, and in census tracks from 5,000 to 7,500 persons in urban areas. Because census tracks are so large, we asked them to allow jurisdiction to take out one area of census tract that causes you to go over population thresholds. Asked that the 19 counties with 5-year exemption be exempted from all program requirements. Doesn't make sense to spend time monitoring a third of the state, or 4% of the waste. They added bear exclusion, but not for lower areas below 4500 feet. We've also suggested that local jurisdictions can grant those waiver requests, not CalRecycle. Still asked for the ability to apply for an exemption for special circumstances. CalRecycle added in an exclusion from homeless encampment, illegal

dumping sites, quarantined materials. Don't have to recycle, can dispose those. Language requirements are a little stiff, asked them to revise with local public health departments. There's a problem with CalGreen standards and enforcing them. Added in model water landscape ordinance too. Ties in with edible food recovery programs. Putting these in solid waste division is inappropriate. We have no authority over these departments. Still asking for reconsideration of that. Regarding capacity planning, they're asking too much. Procurement improvements were made, made a range of renewable natural gas. Don't believe they can mandate procurement. With enforcement, failure to provide staff resources or sufficient funding is not considered substantial effort. The penalty section is concerning—these are supposed to be goals and targets. That makes it a mandate. Besides that, nothing is more angering than the penalties. States and Feds and schools get put on a list of shame, not subject to penalties, for meeting their goals. Have a real hard time with them saying this is not a mandate on local governments. We've asked for performance-based goals in rural areas that would exempt them from monitoring requirements, etc. On page 33, Attachment A are specific comments, through page 44. On page 45 is the attachment of census information we gave them. Attachment C is additional information on the bear habitat. These regulations are comprehensive and cumbersome. We spent a lot of time on this, but every time we went through it we found something else. It has been very overwhelming.

Tom Valentino, Lassen County, asked how our comments have been received. Ms. Pitto said we haven't heard back yet. But in the past, they've made attempts at some concessions. But because of penalty section, it's not going to be enough. Needs to be like AB 939 with good faith effort, then it would be a goal that we're working towards. Larry Sweetser added that lack of funding is written in there that it's an excuse not to comply with the program. They're receptive to listening, understand the dilemma, but don't want to lose the big picture. Ms. Pitto said the issue is they've made a goal and its unattainable. They haven't addressed that you can't build the facilities. Even if you had the money to build it, you can't permit them.

Tedd Ward, Del Norte County, expressed this appreciation to this group on this effort. We don't have the time and ability to do these comments.

Greg Stanton, El Dorado County, asked where is material going to go? Ms. Pitto said its good question. Even if you have the capacity and collect it, what happens to the end product?

Steve Rodowick, Butte County, asked if there are projections on our good efforts where we'd end up? How many would end up subject to fines? Have we played out that scenario and presented it to CalRecycle? Mr. Sweetser said we did that with the infrastructure study.

Curt Fujii said you can interpret what's written to mean something else similar. Response is not what's intended, but we've seen good intentions go astray. Can we document their intention? Mr. Sweetser said they have to write a statement of reasons, don't know what'll be in the final one though.

Ms. Pitto added that Water Board retrofitting requirements are coming. Will shut down some existing composting facilities.

Tedd Ward said the issue in our county is ranch land. Composted cow manure is $15 per truckload. I can't compete with that. Where's my market?

Ms. Pitto said CalRecycle will respond to some of the comments and make some clarifications.

B. Grant Program Update

Larry Sweetser gave a Grant Program update. Asked if everyone got their OPP report in. Due by midnight. TA4 is due at end of month. Did get TA5 for Mariposa, Tuolumne, Inyo, Colusa, and Sierra. Applied for USDA grant again. Mostly looking at rural area grants. We do training and develop rural survival guide on organics management, like we did on other changes. They wanted a few more documents, was difficult to apply during the government shut down. You may also want to apply for that. Lastly, also have 303 forms due for Hazardous Waste. Have had a number of oil centers get told, when their tank is full, that they can't get rid of it. If you've had a staff change in the oil period, you may have missed the notice.

C. Highlights of July/August CalRecycle Meetings

Larry Sweetser gave an update of recent CalRecycle meetings. Said some got Household Hazardous Waste grants for next cycle (Del Norte, Siskiyou). Tehama, Glenn, Mariposa is on the wait list. Approved funding for local conservation corps. They're getting funding from the state, closest one for Northern California is in Sacramento. They went out to Trinity for a few days for a tire event. They can help take some things off your plate and be useful. It's a lot of money out there we may be able to take advantage of. GGRF funding allocations, had $13 million and $25 million for organics grant, organics grant, etc. for FY 18-19 and 19-20. Not sure about rural set aside. Workshop on illegal disposal, farm and ranch clean up. Getting funding and being eligible for illegal dump clean up. Tedd Ward said it helps fund their code enforcement officer. Finally, Mr. Sweetser said an upcoming meeting has a workshop on EIR for 1383. MCR annual report is due. Had an interesting conversation on definition of rural. No fixed definition, tried to reach a commonality.

D. Other Regulatory Announcements/Issues of Interest
- CalRecycle In the Loop
- Cal EPA CUPA Newsletters

Jim McHargue referred to the information listed in the Board packet.

XII. Adjournment –was called at 1:45 pm.

Respectfully Submitted,

Leigh Kammerich, Regulatory Affairs Specialist

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

ESJPA BOARD OF DIRECTORS
2020 MEETING CALENDAR

Thursday, March 12th	RCRC Conference Room
Thursday, June 18st	RCRC Conference Room
Thursday, August 13h	RCRC Conference Room
Thursday, October 15th	RCRC Conference Room
Thursday, December 10th	RCRC Conference Room

** Note: Board of Directors meetings are anticipated to be held from 9:00 a.m. to noon, with a Technical Advisory Group session to follow at 1:00 p.m. Lunch is provided.

Agenda Item IV

PRESENTATIONS

Turning the Ship Around
Wading through the Plastic Seas

Thursday • October 17 • 2019 • Sacramento

Workshop 1-5 PM
CalEPA Building • Byron Sher Auditorium 250
1001 I Street | Sacramento, CA 95814

Single-Use Packaging, Bottle Bill Now What?

A lot of single use packaging is a problem in our discard stream. Markets have tightened as a result of China's National Sword policy. 957 Recycling Centers have closed across the state since 2013. Legislative fixes, such as Senate Bills 54 and 634 and Assembly Bill 1080 failed to pass this legislative session. Now what?

The Global Recycling Council of the California Resource Recovery Association, the Gold Rush Chapter of the Solid Waste Association of North America, and the California Refuse Recycling Council are sponsoring a workshop series addressing problem markets and single use packaging.

The first workshop held in March 2019 was a "call to action." The June 2019 workshop focused on the **local solutions** that communities, haulers, processors and manufacturers can implement. This workshop will focus on **state policy solutions** and updates on state legislation.

Register today for this free workshop!

https://grcworkshopoctober2019.brownpapertickets.com

Thursday, October 17, 2019 • 1-5 PM
CalEPA Building • Byron Sher Auditorium 250
1001 I Street | Sacramento, CA 95814

Global Recycling Council

CRRA Ending waste.

SWANA

CRRC

Workshop Speakers

Hon. Lorena Gonzalez, California State Assembly (TBD)

Hon. Ben Allen, California State Senate (TBD)

Hon. Nancy Skinner, California State Senate (TBD)

Hon. Phil Ting, California State Assembly (TBD)

Susan Collins, Container Recycling Institute (confirmed)

Justin Malan, Ecoconsult/

Clean Seas Coalition (confirmed)

Nick Lapis, Californians Against Waste (confirmed)

Doug Kobold, California Product Stewardship Council (confirmed)

Jenna Abbott, California CRV Recyclers (confirmed)

Stephanie Barger, TRUE Zero Waste (confirmed)

Laura Ferrante, Waste Alternatives (confirmed)

Tim Shestek, American Chemistry Council (TBD)

Agenda Item VII

SOLID WASTE REGULATORY UPDATES

Department of Resources Recycling and Recovery

Date: October 2, 2019

TO: Interested Parties

FROM: Hank Brady, Implementation Manager SB 1383

SUBJECT: Notice of Changes to Proposed Organic Waste Reduction Regulations; SB 1383. 15-day Comment Period: October 2nd – October 18th

The California Department of Resources, Recycling and Recovery (CalRecycle) is announcing a 15-day comment period regarding changes to the Proposed Organic Waste Reduction Regulations. The 15-day written public comment period for this rulemaking ends at 1:00 PM on October 18th, 2019.

The full text of the regulation including the newly proposed changes clearly indicated is available on the SB 1383 Rulemaking website at:
https://www.calrecycle.ca.gov/Laws/Rulemaking/SLCP/

Comments should be germane to the new proposed changes for this comment period. ***In order to be compliant with Section 508 accessibility requirements, please submit public comment letters in **Microsoft Word DOC** format in addition to other electronic formats (PDF, etc.). Please submit your written comments to:

Ashlee Yee
Materials Management and Local Assistance Division
California Department of Resources Recycling and Recovery
P.O. Box 4025
Sacramento, CA 95812
PHONE: (916) 327-8824
FAX: (916) 319-7233
E-MAIL: SLCP.Organics@calrecycle.ca.gov

The department will have the entire rulemaking file, and all information that provides the basis for the proposed regulation, available for inspection and copying throughout the rulemaking process at the above address. Copies may be obtained by contacting the person listed above. For more timely access to the proposed text of the regulation, and in the interest of waste prevention, interested parties are encouraged to access the department's Internet webpage noted above.

October 2, 2019

Summary of Changes Made to the Proposed Organic Waste Reduction Regulations

CalRecycle has posted a revised draft of the Proposed Organic Waste Reduction Regulations designed to implement the statutory provisions of SB 1383. The revised draft includes regulatory changes made in response to stakeholder comments.

Policy Changes This document serves as a high-level summary of sections where key policy changes were made in response to stakeholder feedback.

Article 3. Organic Waste Collection Services

- **Section 18984.5 Container Contamination Minimization**
  - Waste Composition Studies aligned with Performance-Based Source Separated Organic Waste Collection Service requirements.
- **Section 18984.12 Waivers and Exemptions Granted by the Department**
  - Rural exemptions extended to December 31, 2026.

Article 4. Education and Outreach

- **Section 18985.1. Organic Waste Recovery Education and Outreach**
  - Linguistic outreach requirements aligned with Section 7295 of the Government Code.

Article 11. Capacity Planning

- **Section 18992.1. Organic Waste Recycling Capacity Planning**
  - Jurisdictions that are temporarily exempt from organic waste collection service requirements are exempt from the first organic waste capacity planning period.
  - Expanded use and applicability of local studies and data for capacity planning.

Article 12. Procurement of Recovered Organic Waste Products

- **Section 18993.1 Recovered Organic Waste Product Procurement Target**
  - Allow mulch that is derived from solid waste facilities to count toward a jurisdiction's procurement target.
  - Exempt rural jurisdictions from procurement requirements until December 31, 2026.

Article 16. Penalties

- **Section 18997.2. Penalty Amounts**
  - Removed jurisdiction penalty tables.
- **Section 18997.3 Department Penalty Amounts**
  - Replaced CalRecycle penalty tables with standardized penalty calculations.

Solid Waste Facility Requirements

- **Section 17409.5.7 Gray Container Waste Evaluations**
  - Reduced sampling size and monitoring frequency at transfer stations.
- **Section 17509.5.8 Incompatible Materials Limit (ICM) in Recovered Organic Waste**
  - Phase in ICM levels for transfer stations beginning at 20% in 2022 and 10% in 2024.
  - Phase in residual organic waste levels at compost and in vessel digestion facilities to begin at 20% in 2022 and 10% in 2024.
- **Section 17409.5.9. Alternatives to Measurement Protocols**
  - Allow use of an end-user contamination standard in-lieu of sampling requirements.
- **Section 18083. LEA Duties and Responsibilities for Inspections**
  - Revised LEA land application monitoring inspection requirements to focus on monitoring at existing solid waste facilities.

1

- **Section 20901 – 20901.2 Gray Container Waste Evaluations**
  - Removed gray container waste evaluation requirements for landfills.
- **Section 21695. CalRecycle—Organic Disposal Reduction Status Impact Report (SIR)**
  - Revised and streamlined the SIR reporting requirements. Eliminated requirements to make alternative intermediate cover as effective as final cover.

PROPOSED ALTERNATIVE ORGANIC WATE COLLECTION PROGRAMS FOR LOW POPULATION COOUNTIES
Rural County Representatives of California
September 10, 2019

Article 18: Alternative Organic Waste Collection Programs for Low Population Counties

Section 18999. Applicability

Recognizing the economic and logistical challenges of organic waste recycling in rural areas of low population density, this article specifies the requirements for a temporary alternative method for jurisdictions to provide organic waste collection programs in low population counties. The intent of this article is to provide incentive to engage rural communities to implement robust organic waste programs to minimize organic waste being landfilled. Jurisdictions that comply with the requirements of this article shall be relieved of compliance with specific regulatory requirements elsewhere in this chapter as described herein. The temporary reprieve implemented pursuant to this subdivision shall be valid as follows:

(a) For counties with populations of at least 70,000 but less than 600,000 (representing 16% of the state's population) until January 1, 2025.
(b) For counties with populations less than 70,000 (representing 1.5% of the state's population) until January 1, 2030.

Section 18999.1. Requirements for Alternative Organic Waste Collection Programs

If a jurisdiction implements an alternative organic waste collection program it shall do all of the following:

(a) Require the Building Official to meet the requirements of Article 8 of this Chapter, including the reporting requirements, implementing the CALGreen Building Standards and the Model Water Efficient Landscape Ordinance (MWELO).
(b) Form an Edible Food Recovery Task Force which may include representatives from the Social Services Department, Environmental Health Department, Food Banks, Tier1 and Tier 2 businesses, non-governmental organizations, churches, and other organizations to meet the requirements of Article 10 of this Chapter, including the reporting requirements.
(c) Form a feed recovery for animals partnership which may include representatives from various interest groups such as the Department of Agriculture, UC Extension Farm Advisor, Cattlemen's Association, agricultural associations, Future Farmers of America, and 4H to increase the diversion of organic materials for animal feed. The partnership shall be responsible to report its actions and progress to the jurisdiction.
(d) Form a backyard and community composting partnership which may include a representative from solid waste management and various other interest groups such as the Department of Agriculture, UC Extension Farm Advisor, Master Gardeners, Future Farmers of America, and schools to increase the use of small scale composting as a means to reduce organic waste including food waste where feasible. The partnership shall be responsible to report its actions and progress to the jurisdiction.
(e) Form a regional partnership with other jurisdictions to explore shared opportunities for new regional facilities and markets. The partnership shall be responsible to report its actions and progress to the participating jurisdictions.
(f) Develop and provide green waste collection opportunities commensurate with the jurisdiction's needs.
(g) Conduct public education and outreach for the adopted programs, including methods for the prevention of organic waste generation, recycling organic waste on-site, sending organic waste to

community composting, and any other available organic waste programs; information regarding the methane reduction benefits of reducing the disposal of organic waste; information related to the public health and safety and environmental impacts associated with the disposal of organic waste; and information regarding programs for the donation of edible food.

Section 18999.2. Compliance Exceptions

If a jurisdiction implements an alternative organic waste collection program that meets the requirements of Section 18999.1, the jurisdiction shall not be subject to the following regulatory requirements:

(a) The organic waste collection services in Sections 19884.1, 19884.2, and 19884.3, container contamination minimization requirements in Section 18984.5, container color requirements in Section 18984.7, container labeling requirements in Section 18984.8, and waivers and exemptions requirements in Section 18984.11

(b) The recordkeeping requirements in Sections 18984.4, 18984.6, and 18984.14.

(c) The organic waste generator requirements in Section 18984.9.

(d) The property and business owner responsibilities in Section 18984.10.

(e) The organic waste recovery education and outreach requirements in Section 18985.1.

(f) The recordkeeping requirements in Section 18985.3 except the provisions related to edible food recovery in that section.

(g) The regulation of haulers in Article 7.

(h) The jurisdiction implementation schedule requirement to the Department in Sections 18992.1 (d) and (e).

(i) The procurement of recovered organic waste products in Article 12.

(j) The jurisdiction annual reporting requirements in Section 18994.2(b)-(f) and (i)-(k).

(k) The jurisdiction inspection and enforcement requirements in Sections 18995.1, except for the provisions related to edible food generators and food recovery organizations and services in that section.

(l) The implementation record and recordkeeping requirements in Section 18995.2(f)(3)-(7) and, (13). Implementation Records requirements 18995.2 (f) (11) and (12) shall only be required for inspections and enforcement related to edible food generators and food recovery organizations and services.

(m) The jurisdiction investigation of complaints of alleged violations requirements in Section 18995.3.3

(n) The jurisdiction enforcement requirements in Section 18995.4.

Section 18998.3 - Notification to Department

(a) A jurisdiction that will implement an alternative organic waste collection program beginning in 2022 shall notify the department on or before January 1, 2022.

(b) The notification shall include the following information:

(1) The name of the jurisdiction.

(2) Date the jurisdiction will implement the alternative organic waste collection program.

(3) Contact information for the jurisdiction, including the name, address and telephone number of the representative of the jurisdiction with primary responsibility for ensuring compliance with this article.

(4) The address within the jurisdiction where all records required by this chapter are maintained.

(5) A statement by the representative of the jurisdiction with primary responsibility for ensuring compliance with this article, under penalty of perjury, that all information contained in the notification is true and correct to the best of their knowledge and belief.

Section 18999.4. Recordkeeping

A jurisdiction implementing an alternative organic waste collection program pursuant to this article shall maintain the following information and documents in the Implementation Record required by Section 18995.2 of this chapter:

(a) Records evidencing compliance with Section 18999.1(a)-(g), including, but not limited to:

(1) A current list of all names and contact information for all participants on the Edible Food Recovery Task Force, the feed recovery for animals partnership, the backyard and community composting partnership, and the regional partnership with other jurisdictions.

(2) The dates and summary of meetings held by (1) above.

(3) A current list of generator addresses within the jurisdiction that the jurisdiction does not require to use the performance-based source separated organic waste collection service.

(4) Documentation of the mandatory, enrollment system used by the jurisdiction consistent with Section 18998.1(a)(5).

(5) Copies of education and outreach.

(b) A Jurisdiction implementing an alternative organic waste collection program is still required to maintain the following records specified in Section 18995.2:

(1) Records required by (f)(1)

(2) Records required by (f)(2) and (6) as they pertain to the edible food recovery requirements chapter

(3) Records required by (f)(8)

RURAL COUNTY REPRESENTATIVES
OF CALIFORNIA

September 13, 2019

California Department of Resources
Recycling and Recovery
Attn: Marcus Santillano
P.O. Box 4025
Sacramento, CA 95812-4025

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

RE: Comments on the Draft Programmatic Environmental Impact Report for the SB 1383 Regulations Short-Lived Climate Pollutants: Organic Waste Methane Emission Reduction

Dear Mr. Santillano:

On behalf of the Rural County Representatives of California (RCRC), I am writing to provide comments on the Draft Programmatic Environmental Impact Report (PEIR) for the SB 1383 Regulations Short-Lived Climate Pollutants (SLCP): Organic Waste Methane Emission Reduction.

RCRC is an association of thirty-seven rural California counties, and the RCRC Board of Directors is comprised of an elected supervisor from each of those member counties. In addition, twenty-four member counties have formed the Rural Counties' Environmental Services Joint Powers Authority (ESJPA) to provide assistance to solid waste managers in rural counties. These solid waste managers have been charged with ensuring that their respective counties meet state-imposed requirements to reduce waste being disposed in landfills and increase recycling/re-use efforts for certain products. Our counties' solid waste managers are dedicated to providing meaningful, environmentally conscious, and cost-effective solid waste services to their residents and businesses.

RCRC understands there are many environmental issues that cannot be addressed in this PEIR since the authority to review site-specific, project-level impacts and require project- level mitigation lies primarily with local land use and/or permitting agencies for individual projects. However, there are several impacts resulting from the proposed regulations that were not addressed adequately in the draft PEIR. The key issues of concern are listed below with more detailed explanations and include Biological resources, air quality, traffic, and alternatives.

1215 K Street, Suite 1650, Sacramento, CA 95814 | www.rcrcnet.org | 916.447.4806 | Fax: 916.448.3154

Potential New and/or Expanded Composting and Anaerobic Digester Facilities

The Project Description is inaccurate. There are currently more than 160 permitted compost facilities and over a dozen anaerobic digesters throughout the state.[1] Under the Project Description, the draft PEIR anticipates 108 new and/or expanded compost facilities and 61 new and/or expanded anaerobic digesters, with all but six anticipated to be built by 2025. This is not a realistic expectation. The draft PEIR should include a review of what can reasonably be expected to be built in the next five years and a timeframe for buildout, given permitting and economic challenges.

Additionally, Table 2.3 estimates the potential new and/or expanded composting and anaerobic digester facilities by air basin, with over half allotted to the South Coast and San Francisco Bay air basins. That number jumps to 83 percent of the compost facilities when adding in the San Joaquin, San Diego and Sacramento Valley air basins. With so few expected new facilities in the remainder of the state in the low-density areas, how viable and feasible would implementation of the proposed regulation be for those areas? Considering the distances to access these few facilities serving vast territories and the amount of organic waste generated in these low-density areas, it warrants evaluation of alternative feasible programs.

Biological Resources Analysis

Implementation of the proposed regulation has the potential to create a significant negative impact on wildlife, particularly the black bear. The draft PEIR fails to address the potential disruption of normal black bear behavior patterns by the residential collection of food waste. While the proposed regulation includes an exemption for residential food waste collection at elevations above 4,500 feet, there are bear populations well below 4,500 feet and there is not a provision to allow a jurisdiction to request an exemption for those areas. In one foothill county, the USDA trapper indicated that the primary cause of human-bear conflicts is improper storage of human food and garbage. By separating and concentrating food waste and food soiled paper, a potential bear feeding station is being created in the middle of populated areas. Habituated and food conditioned bears can do a considerable amount of property damage and tend to spread garbage while feeding. This can also lead to habituation of other animals, such as coyotes, raccoons, and skunks. Bears have the potential to become threats to public safety, which can lead to the destruction of the bear.

Air Quality Analysis

While landfills account for one-fifth of statewide methane emissions[2], according to the 2017 Climate Change Scoping Plan the waste management sector emitted 8.85

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[1] California Air Resources. SB 1383 Infrastructure and Market Analysis (Contractor's Report Produced Under Contract by: Integrated Waste Management Consulting, LLC Nevada City, California, 2017) pp 1

[2] California Air Resources Board. Short-Lived Climate Pollutant Reduction Strategy (California Environmental

MMTCO2e in 2014, comprising approximately 2 percent of the State's GHG emissions.[3] Since landfill emissions account for 94 percent of the emissions in this sector, landfills emitted approximately 8.32 MMTCO2e in 2014, comprising approximately 1.88 percent of the State's GHG emissions. The draft PEIR does not analyze the air quality impacts in context with statewide emissions, especially as it pertains to rural areas.

The draft PEIR states that because of the uncertainty surrounding operation-related emissions, the levels of mobile-source criteria air pollutants and precursor emissions associated with activities covered under the proposed regulation are not quantified in the draft PEIR. Yet, the traffic analysis concludes that the proposed regulation would have an increase in vehicle miles traveled (VMT). It lacks any modeling for GHG emissions and does not include an Air Quality Appendix with data to support the conclusion that there is an air quality net benefit.

RCRC believes a life-cycle analysis detailing the modeling and data needs to be included to substantiate the statement. Subsequently, the net benefit needs to be viewed in context of statewide emissions and goals.

Traffic Analysis

RCRC agrees with the statement in the draft PEIR that the post-recovery activities would be reasonably expected to increase vehicle trips within the state and, therefore, vehicle miles traveled (VMT). However, we disagree that collection modifications and delivery to recovery facilities would not substantially change the amount of travel needed. Under the proposed regulation, there will be increased VMT as a result of collection modifications and increased monitoring requirements both from the increased volume of vehicles needed to haul organics away, route audits, and additional staff needed for the gray cart characterizations at transfer/processing and landfills. In addition, while the amount of organic waste delivered to landfills would be reduced, the materials would instead be transported to a compost facility, AD facility, a recycling center, a biomass conversion facility, or a food recovery center, thus also increasing VMT. The draft Programmatic EIR lacks any modeling of the reasonably anticipated changes in traffic patterns and VMT as a result of the proposed regulation.

The draft PEIR states that "the influence of the proposed regulation on changes to transportation would vary across the state, depending on the nature of new and existing disposal reduction programs and the location of new or expanded organic waste recovery facilities relative to their current route of travel." But there is no evaluation or comparison of the impacts of implementing the regulation uniformly throughout the state relative to urban versus rural areas of the state. The draft PEIR could evaluate reasonably expected ranges or examples in the different areas of the state.

Protection Agency, Sacramento, 2017) pp 56

[3] California Air Resources. California's 2017 Climate Change Scoping Plan: The strategy for achieving California's 2030 Greenhouse Gas Target (California Environmental Protection Agency, Sacramento, 2017) pp 88

While recognizing the expectation of increased travel, the traffic analysis in the draft PEIR does not attempt to quantify the VMT increase due to the uncertainty of the location of new and expanded organic waste recovery facilities and the locations of where rescued food and finished compost and renewable fuels would be distributed. However, the report then dismisses the associated increase in mobile source emissions associated with the projected VMT increases compared to emissions reduction benefits associated with the reduction in disposal of organic waste. It further states the "anticipated reductions reasonably expected from the proposed regulation would be much greater than the increment of increased emissions from local travel increases." Yet, there is no data to substantiate this conclusion.

Adequacy of Alternatives

RCRC believes that the alternatives analysis in the draft PEIR is inadequate. First, it rejected certain alternatives from further evaluation that could be considered as part of an alternative proposal without adequate justification. Second, we believe that a viable alternative not considered or discussed in this document could be a more flexible program allowing jurisdictions the ability to select programs suitable to their area that recognize the economic and logistical challenges of organic waste recycling. As stated in the draft PEIR, "State CEQA Guidelines Section 15126.6(c) states that the range of potential alternatives for the project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects."

Two of the rejected alternatives could be considered as part of a new alternative: the use of undersink disposers and more efficient landfill gas collection systems. However, instead of being requirements, these could be added to a suite of programs a jurisdiction could choose from to achieve the state's GHG emission reduction goals.

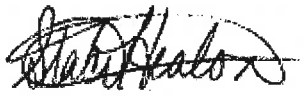
The undersink disposer was rejected as an alternative for several reasons, including that not all wastewater treatment systems have capacity for handling additional undersink disposers and that although food waste makes up a substantial portion of the organic waste stream, reducing food waste disposal is not the sole objective of the statute. However, the SB 1383 Infrastructure and Market Analysis indicates there is excess capacity in WWTPs, and this is included in part of the four million tons of current excess capacity available for use. The draft PEIR points out that the use of undersink disposers takes advantage of existing wastewater infrastructure and treatment capabilities to transport and treat food waste, could reduce transportation costs and related statewide vehicle miles traveled (VMT) associated with the proposed regulation, would reduce the number of new or expanded organic waste recovery facilities that would be needed and the associated impacts on the state's natural landscape, and would also be expected to reduce the potential for additional people to be exposed to odors related to new facility development. This alternative does not have to be a stand-alone option and should be considered in combination with other programs; each jurisdiction should be able to review feasible options that fit their needs and existing infrastructure.

Similarly, the more efficient landfill gas collection system is not appropriate as a stand- alone alternative. Not all jurisdictions have a landfill, and those that do may already have landfill gas collection systems in place. But that is not to say that there could be landfill gas collection system improvements that some jurisdictions could employ that would effectively reduce the GHG emissions from the landfills. A jurisdiction should be able to review feasible options that fit their needs and existing infrastructure.

RCRC recommends a new alternative be considered that provides flexibility with a suite of options of various programs a jurisdiction could select from that are tailored to the needs and infrastructure available to the jurisdiction. The intent of the new alternative is to provide jurisdictions the incentive to engage communities to implement robust organic waste programs to minimize organic waste being landfilled.

Thank you for the opportunity to provide comments. Please contact Staci Heaton at (916) 447-4806 or at sheaton@rcrcnet.org if you have any questions.

Sincerely,



STACI HEATON
Senior Regulatory Affairs Advocate

cc: Scott Smithline, Director, CalRecycle
Hank Brady, Staff Services Manager II, CalRecycle
Caroline Godkin, Deputy Secretary for Environmental Policy and Emergency Management, California Environmental Protection Agency

Mr. Hank Brady,
Materials Management and Local Assistance Division
California Department of Resources Recycling and Recovery
P.O. Box 4025
Sacramento, CA 95812

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

RE: Concerns with the Short-Lived Climate Pollutants (SLCP): Organic Waste Reductions, Proposed Regulation Text Second Formal Draft

Dear Mr. Brady:

I am writing on behalf of XXXX County to express our concerns with the proposed regulations for organics diversion from our landfills, Short-Lived Climate Pollutants (SLCP): Organic Waste Reductions Proposed Regulation Text (Proposed SLCP Regulations), Second Formal Draft dated June 17, 2019. We, through our solid waste manager, have been charged with ensuring that we meet state-imposed requirements to reduce waste being disposed in landfills and increase recycling/re-use efforts for a variety of products. Our county's solid waste management team is dedicated to providing meaningful, environmentally conscious, and cost-effective solid waste services to our residents and businesses.

XXXX County has been following the development of the Proposed SLCP Regulations and support the comments and recommendations of the Rural County Representatives of California (RCRC) in their letter dated July 17, 2019. We also recognize and appreciate that CalRecycle has included a number of provisions in this draft to address concerns from rural counties and rural areas of the state. However, even with those provisions, we believe CalRecycle significantly underestimates the full financial and operational implications of implementing the proposed regulations will have on our jurisdiction.

The regulations in their current form mandate jurisdictions to concurrently plan, develop, and implement ordinances, organics collection services, monitoring and sampling programs, outreach and education programs, edible food recovery programs, enforcement programs, infrastructure capacity, and more. These regulations appear to be labor intensive and expensive. Even with the organic collection exemption for some rural jurisdictions and low-population census areas, compliance will necessitate significant additional staff resources and impacts to our citizens, perhaps resulting in unintended consequences for unrelated county operations.

There are many factors for a local jurisdiction's decision-making body to consider when establishing new programs that are reasonable and economically feasible. Spending resources for a new solid waste program is not considered strictly in the context of other solid waste programs. The decision-making bodies have a myriad of programs to deal with ranging from, but not limited to, social services, public health, public safety,

environmental health, economic development, and land development. The benefits of any new program are considered against the public's overall needs and financial resources. Our decisions have to take into consideration communities' priorities, fiscal responsibility, and the broader picture. For example, in XXXX County the XXXX Department requested $XX for X additional staff for a new XXXX program, which we felt was justified. However, we could only appropriate $XX due to funding constraints. (Fill in specific information from your county.)

We understand that the typical response to implementation of new state mandates and requirements is the local ability to raise fees. Our Solid Waste Manager has recently estimated it will necessitate X to X new full-time equivalent staff to implement the SLCP Proposed Regulations. Our current staff level is X. This is a XX percent increase in staffing for one new program, when the current staff level deals with all of the other solid waste programs. This will necessitate a significant rate increase. In addition, many water, sewer, fire, and school districts are also asking for rate increases just to maintain their current level of public protection. Even using our local service providers for some aspects of these proposed regulations will have significant costs to our residents. In addition, these fee increases are subject to the Proposition 218 process and there is significant concern that such increases may be successfully challenged resulting in our jurisdiction obligated to comply with state mandates without access to the corresponding fees.

The impacts of National Sword have significantly impacted rural communities' current solid waste diversion and recycling programs, proportionally more than urban areas. The continued closure of beverage container redemption centers frustrates many rural residents with a lack of recycling opportunities. Markets for managing rural recycling for current materials continue to fall, resulting in once-viable programs requiring financial subsidies just to maintain current levels of recycling. These proposed regulations will continue to require collection of organics with limited rural access to processing facilities.

Many rural communities produce very little organic material that warrants collection and processing. CalRecycle's focus should be in the major metropolitan areas where a majority of the organic waste originates, and it is more economically feasible to process. We would like the opportunity for RCRC to continue working with CalRecycle to come up with reasonable alternative organic programs for rural areas and exempt them from the SB 1383 requirements until such time that an economically feasible infrastructure is in place.

XXXX County appreciates the efforts and stakeholder involvement that CalRecycle has provided to develop a regulation to assist all stakeholders in meeting the statewide organic diversion goals. However, we believe your efforts are better focused in the urban areas where results will be much more meaningful than in rural areas.

Sincerely,

XXXX County Board of Supervisor, Chair

cc: Scott Smithline, Executive Director, CalRecycle
Your member of the California State Senate
Your member of the California State Assembly
CAO Name, County Administrative Officer
Solid Waste Manager's Name and Title, XXXX County
Staci Heaton, Program Manager, Environmental Services Joint Powers Authority

RDRS Reporting Schedule

Reporting Entity Activity	1st Quarter Submittal Period	2nd Quarter Submittal Period	3rd Quarter Submittal Period	4th Quarter Submittal Period
Contract Haulers hauling out-of-state*	April 1 to April 30	July 1 to July 31	October 1 to October 31	January 1 to January 31
Food waste self-haulers	April 1 to April 30	July 1 to July 31	October 1 to October 31	January 1 to January 31
Transfer/Processors	May 1 to May 31	August 1 to August 31	November 1 to November 30	February 1 to February 28
Recycler/Composter	May 1 to May 31	August 1 to August 31	November 1 to November 30	February 1 to February 28
Brokers	May 1 to May 31	August 1 to August 31	November 1 to November 30	February 1 to February 28
Transporters	May 1 to May 31	August 1 to August 31	November 1 to November 30	February 1 to February 28
Disposal Facility (landfill, transformation facility, Engineered Municipal Solid Waste facility)	June 1 to June 30	September 1 to September 30	December 1 to December 31	March 1 to March 31
Other Disposal facility	June 1 to June 30	September 1 to September 30	December 1 to December 31	March 1 to March 31

If a reporting deadline falls on a holiday or weekend, the reporting deadline shall be the following business day

* Under RDRS regulations, contract haulers sending reportable material to direct land application in-state, or who haul reportable materials out-of-state, and who meet or exceed the quarterly de minimis tonnage threshold will be required to register and report for each quarter for which they meet/exceed the applicable threshold. Contract haulers who only haul material in-state to a reporting entity are not and have never been required to report in either data system.

RDRS Registration Guide and Fields to Enter

Summary of What to Enter for Initial Registration of an Organization/Site in the Recycling and Diversion Reporting Season

Businesses in the Recycling and Diversion Reporting System (RDRS) register and report for each physical site - landfill, transfer/processor, recycling facility or composting facility or organization - contract hauler, food waste self-hauler, transporter or broker they operate. Enter the general information, physical and mailing address and primary contact information for your site or organization.

Each organization or site can have one or more reporting entity activities that are required to report in RDRS. Reporting entity activities include disposal facilities (landfills, transformation facilities, engineered municipal solid waste facilities, other disposal facilities), transfer/processors, recycling facilities, composting facilities, contract haulers, food waste self-haulers, brokers and transporters. Add the reporting entity activities that are active and required to report in RDRS for your site or organization. Add a signature authority that is responsible for reports submitted by each reporting entity activity for your site or organization. Please see the note in the reporting entity table for information about adding reporting entity activities that will have other reporting entity activities report for them on the same site.

The tables below list the fields to enter for an organization or site during registration, including a description of each field and what to enter. **Fields marked with an asterisk must be entered to submit and register an organization/site. Fields without an asterisk are optional but are useful for providing more information about an organization/site.** Click on the question mark next to a field for a description of the field. For a complete list of all fields in the registration module select the Help link in the top right corner of the screen and select 'RDRS Registration Module Field Descriptions'.

Submitting an Organization/site Registration

Select the 'Save' button to submit an organization/site registration. Any missing fields or errors in the data entered will be listed at the top of the screen and the fields with issues will be highlighted in red. Correct any issues and select 'Save' to submit again. If the registration submittal of your organization/site is successful, the Home screen will appear with the list of organizations or sites you've registered. To cancel a registration select the 'Cancel' button.

General Information

Field	Description
Organization/Site Name*	The unique identification name for the specific site/location if you are a facility such as a disposal facility, transfer processor, recycling facility or compost facility. If you are an organization such as a hauler, broker or transporter, enter the unique name for your operation. The organization/site name is the unique name for that location or organization and all activities that operate and report on that site.
Calling Code*	Select the calling code for the phone number. Usually 1 for sites located in the United States.
Phone*	Enter a valid 10 digit telephone number for your organization/site. You may also include the extension. Some valid formats include: (999)9999999,(999)999-9999,999-999-9999, (999)-999-9999ext999, 999-999-9999X999
Mobile Phone	Check this box if the phone number entered is for a mobile phone.
Email*	Enter a valid e-mail address for the organization/site.
Website	Enter the website for your site if one is available.
Organization/Site Dba name	Enter the doing business as (dba) trade name or operating name different from the registered, legal name of your organization/site.
Parent Company	Enter the parent company that oversees your organization or site.
Operator Company Name	Enter the operator company name for your organization/site.

Physical Address

Enter the physical address for your site or organization.

Field	Description
Country*	Select the country the organization/site is located in from the dropdown list.
Tribal Land	If the organization/site is located on tribal lands mark the check box
Physical Address*	Enter the physical address for the organization/site.
City/Town/Place*	Select a city from the dropdown list the organization/site is located in or enter a city, town or place name for the physical address location of your organization/site.
State*	Select the state the organization/site is located in from the dropdown list.
Postal Code*	Enter the five digit postal code for the organization/site address.

Mailing Address

Enter the mailing address for your site or organization. Select the 'Same as Physical Address check box' if the mailing address is the same as the physical address. The physical address will be copied into the mailing address. If the mailing address is different, enter the mailing address fields.

Organization/Site Primary Contact

The primary contact for an organization/site is responsible for updating organization/site and reporting entity activity information, submitting reports and/or assigning and adding other contacts that the primary contact approves to submit quarterly reports. Primary contacts are also responsible for assigning security rights to other users they wish to have access to their reporting entity information, including approval to submit reports. Primary contacts are the main contact CalRecycle will notify related to changes in RDRS or reporting. A primary contact does not have to be the signature authority but a primary contact can serve both roles as a primary contact and a signature authority.

During initial registration the primary contact is the person completing the initial registration. The primary contact name and email fields will be automatically filled out with the webpass name and email for the person entering the initial registration for an organization or site. Organizations or sites can change the primary contact to another contact after initial registration.

Field	Description
First Name*	Automatically filled out with the webpass name for the person registering the organization or site.
Last Name*	Automatically filled out with the webpass name for the person registering the organization or site.
Title	Enter the title of the primary contact. For example: president, vice president, owner, operator.
Email*	Automatically filled out with the email for the person registering the organization or site. CalRecycle will use this email to contact the primary contact on RDRS registration and reporting news and information.

Field	Description
Calling code*	Select the calling code for the phone number. Usually 1 for contacts located in the United States.
Phone*	Enter a valid 10 digit telephone number for the primary contact. You may also include the extension. Some valid formats include: (999)9999999,(999)999-9999,999-999-9999, (999)-999-9999ext999, 999-999-9999X999
Mobile Phone	Check this box if the phone number entered is for a mobile phone.

Reporting Entity Activity

Add one or more reporting entity activities that operate on your organization/site. Each reporting entity activity added during initial registration will be assigned a separate RDRS ID for quarterly reporting. An RDRS ID means the reporting entity activity will be required to file a separate quarterly report if the reporting entity activity is an active reporting entity and is required to report. At least one Reporting Entity Activity is required for an organization/site to complete registration.

Assembly Bill 901 regulations allow recycling facilities and/or composting facilities to have other registered reporting entity activities with an RDRS ID report for them if they have the same operator and the activities are all on the same organization/site. If you wish to have a reporting entity activity have another reporting entity activity report for them, you must add these reporting entity activities after you have completed initial registration. All reporting entity activities added during initial registration are assigned a RDRS ID.

Field	Description
Reporting Entity Activity*	A reporting entity as described in Assembly Bill 901 regulations is an entity that engages in reportable activities. A "reporting entity" is required to report on material handling reporting entity activities pursuant to section 18815.4 through section 18815.8 of this article. Reporting entity activities include the following categories: haulers, transfer/processors, recycling and composting facilities and operations, disposal facilities (landfills, transformation facilities, engineered municipal solid waste conversion facilities and other

Field	Description
	disposal), and brokers and transporters. When registering, select one of these reporting entity activities related to how your reporting entity is required to report in RDRS.
Reporting Entity Activity Name*	Name used to identify your reporting entity activity. If you are a permitted facility in the Solid Waste Information System (SWIS), please use the name listed on your SWIS permit for this activity. If you are not a permitted facility, please use the legal name used to identify your reporting entity activity.
Reporting Entity Activity DBA name	Enter the doing business as (dba) trade name or operating name different from the registered legal name for a reporting entity activity.
EPA ID #	An ID # issued by the Environmental Protection Agency to facilities and reporting entities for permits or other environmental reporting requirements. If your reporting entity activity has an EPA ID # enter it here. The field is optional.
SWIS #	A unique identification number assigned to a specific facility, site or operation that is required to have a permit to operate per CalRecycle facility regulations. During initial registration, if you facility is permitted with CalRecycle in the Solid Waste Information System (SWIS), enter the SWIS # for the lead reporting entity activities you are registering in RDRS. If you enter an invalid SWIS #, please delete it. The system will notify you if the SWIS # is invalid and not let you submit a registration with an invalid SWIS #. SWIS # format: 99-xx-9999.

Activity Signature Authority

The activity signature authority is the contact that an RDRS reporting entity designates as having signature authority to submit a quarterly report for a reporting entity activity. AB 901 regulations require reporting entities to designate a signature authority for each reporting entity activity. A signature authority does not have to be the same contact as the primary contact. A primary contact can also serve as a signature authority.

An organization/site can only add one signature authority contact during initial registration submittal. Organization/site primary contacts will be able to add more signature authority contacts, edit existing signature authority contacts and change which contacts are designated to reporting entity activities after the organization/site is registered.

Field	Description
Reporting Entity Primary contact is the signature authority for this activity (checkbox)	Select this checkbox if you'd like to designate the primary contact as the signature authority for the reporting entity activities you entered. The primary contact information will be copied over into the signature authority contact fields.
First Name*	Enter the first name of the signature authority contact
Last Name*	Enter the last name of the signature authority contact
Title	Enter the title of the signature authority contact. For example: president, vice president, owner or operator.
Email*	Enter the email address for the signature authority contact
Calling code*	Select the calling code for the phone number. Usually 1 for contacts located in the United States.
Phone*	Enter a valid 10 digit telephone number for the signature authority contact. You may also include the extension. Some valid formats include: (999)9999999,(999)999-9999,999-999-9999, (999)-999-9999ext999, 999-999-9999X999

Water Boards

Media Release

State Water Board Updates Guidelines for Testing and Reporting PFOA and PFOS As It Assesses Scope of Problem

Process Begun for Establishing Regulatory Standards

FOR IMMEDIATE RELEASE
August 23, 2019

Contact: Blair Robertson
blair.robertson@waterboards.ca.gov

SACRAMENTO – The State Water Resources Control Board today announced updated guidelines for local water agencies to follow in detecting and reporting the presence of perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) in drinking water. The Board also announced it has begun the process of establishing regulatory standards for these chemicals.

The updated guidelines are part of the Board's comprehensive effort to assess the scope of contamination of drinking water supplies by PFOA and PFOS, chemicals that have been widely used in grease and stain-resistant coatings for consumer products and in firefighting foams. Because of their potential adverse health effects, these chemicals pose an emerging risk to drinking water sources nationwide.

The updated state guidelines lower the current notification levels from 14 parts per trillion (ppt) to 5.1 ppt for PFOA and from 13 ppt to 6.5 ppt for PFOS. The guidelines are based on updated health recommendations by the California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA).

Notification levels are a nonregulatory, precautionary health-based measure for concentrations in drinking water that warrant notification and further monitoring and assessment. Public water systems are encouraged to test their water for contaminants with notification levels, and in some circumstance may be ordered to test. If the systems do test, they are required to report exceedances to their governing boards and the State Water Board and are urged to report this information to customers.

In addition to the updated notification levels, the State Water Board announced today it has requested that OEHHA develop public health goals (PHGs) for both PFOA and PFOS, the next step in the process of establishing regulatory standards, known as maximum contaminant levels (MCLs), in drinking water. Other chemicals in the broader group of per- and polyfluoroalkyl substances (PFAS) may be considered later, either individually or grouped, as data permits.

The State Water Board is currently conducting a statewide assessment to determine the scope of contamination by PFAS, including PFOA and PFOS, in water systems and groundwater. In the first phase, public water systems were ordered earlier this year to sample about 600 drinking water supply wells located near airports and landfills, where contamination is more likely, and near locations where PFAS was previously found. These chemicals have been used in fire-fighting foams at airports for fire training and response and have also been used in many consumer products that end up in landfills.

Following this initial phase, the assessment will likely focus on sampling water sources near industrial sites and at wastewater treatment facilities. Data collected from the assessment will be made publicly available on the State Water Board's website and used to inform future actions.

While the State Water Board continues to assess the scope of contamination based on initial data reporting from the statewide assessment, the response levels for PFOA and PFOS remain at 70 parts per trillion for the total combined concentration of both contaminants, consistent with the U.S. Environmental Protection Agency's health advisory level. The response levels will be updated in the fall.

Response levels are nonregulatory, precautionary health-based measures that are set higher than notification levels and represent a recommended level that water systems consider taking a water source out of service or provide treatment if that option is available to them.

AB 756, signed by Governor Newsom on July 31, authorizes the State Water Board to more broadly order water systems to monitor for PFAS and report their detections. Additionally, drinking water sources with PFAS levels that exceed the response level are either to be taken out of service or the water system must provide public notice of the exceedance level. The law takes effect January 1, 2020.

Exposure to PFOA and PFOS can cause adverse health effects, including harmful effects to a developing fetus or infant, immune system and liver effects, and cancer. While consumer products are a large source of exposure to these chemicals for most people, drinking water has become an increasing concern due to the persistence and tendency of these chemicals to accumulate in groundwater.

For more information about PFOA and PFOS, the updated guidelines, and the work the State Water Board's Division of Drinking Water is doing to assess the presence of these contaminants in drinking water, please visit our resources page on these contaminants.

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EPA takes two steps under PFAS Action Plan

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Washington (September 25, 2019) — As part of the US Environmental Protection Agency (EPA) PFAS Action Plan, the agency today sent two actions that address per- and polyfluoroalkyl substances (PFAS) to the Office of Management and Budget for interagency review.

The agency's first action is an advanced notice of proposed rulemaking that would allow the public to provide input on adding PFAS to the Toxics Release Inventory (TRI) toxic chemical list.

Chemicals that cause significant adverse environmental or acute human health effects or that cause cancer or other chronic health problems are generally covered by the Toxics Release Inventory Program. Every year, US facilities in different industries must report how much of each chemical on the TRI toxic chemical list is released into the environment (either into the air, water, or placed in land disposal) and/or how much is managed through recycling, energy recovery, and treatment. This information is compiled in the Toxics Release Inventory, which is available for companies, government agencies, NGOs, and the public to support informed decision-making.

The second action is a supplemental proposal to ensure that certain persistent long-chain PFAS chemicals cannot be imported into the United States without notification and review by EPA under the Toxic Substances Control Act (TSCA), as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act in 2016. EPA has the authority to deny such "significant new use requests" under TSCA.

"Today's announcement is just one of the many ways we are delivering on the PFAS Action Plan—the most comprehensive, multi-media research and risk communication plan ever issued by the agency to address an emerging chemical of concern," said EPA Administrator Andrew Wheeler. "These actions are intended to provide the public with more information on PFAS in the environment and to ensure that EPA receives notice of any plan to import certain persistent long-chain PFAS into the country, further protecting all Americans."

According to EPA, there is evidence that PFAS—which have been used in food packaging, non-stick cookware, water-repellent fabrics, fire fighting foam, and electronics manufacturing—can have adverse health effects on humans. Because PFAS bioaccumulate, the chemicals stay in the body for a long time. When ground- or surface-water sources are contaminated with PFAS, the can build up

in marine life. Food grown in PFAS-contaminated soil can also expose humans to the chemicals. Studies indicate that PFAS can have reproductive, developmental, and immunological effects in laboratory animals and have caused tumors in animal studies. More research is needed on the PFAS' affects on human health, but the most consistent findings are increased cholesterol levels. Some studies have shown that for humans, certain PFAS may interfere with hormones, lower fertility, affect the immune system, increase the risk of cancer, and affect children's development.

For more information, visit *www.epa.gov/pfas*.

State Water Resources Control Board

NOTICE OF PROPOSED EMERGENCY RULEMAKING

Annual Waste Discharge Permit Fees

Amendments to Division 3 of Title 23 of the California Code of Regulations

Required Notice of Proposed Emergency Action
Government Code section 11346.1, subdivision (a)(2) requires that, at least five working days prior to submission of a proposed emergency action to the Office of Administrative Law (OAL), the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency, OAL shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code section 11349.6.

The State Water Resources Control Board (State Water Board) sent out to interested parties via electronic mail on September 10, 2019 the proposed changes to Title 23, Division 3, Chapter 9, Article 1, Sections 2200, 2200.6, and 2200.7 of the California Code of Regulations. This notification satisfies the notification requirements of Government Code section 11346.1(a)(2).

Proposed Emergency Action
Water Code section 13260(f) requires the State Water Board to adopt emergency regulations revising and establishing fees to be deposited in the Waste Discharge Permit Fund in the State Treasury. Water Code section 13260(f)(1) requires the State Water Board to adjust the fee schedule each fiscal year to conform to the revenue levels set forth in the annual Budget Act. At its September 18, 2019 meeting, the State Water Board adopted emergency regulations that adjust waste discharge permit fees to conform to the revenue levels set forth in the Budget Act for Fiscal Year (FY) 2019-20.

Proposed Text of Emergency Regulations
The proposed text of the emergency regulations is attached. The State Water Board is not required to provide any additional public notice prior to adopting revisions to the proposed emergency regulations.

Finding of Emergency (Gov. Code, § 11346.1, subd. (b))
The State Water Board has a mandatory legal duty to adopt emergency regulations revising the fees as necessary each fiscal year pursuant to Water Code section 13260(f). Water Code section 13260(f)(2) states that "[t]he adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, safety, and general welfare. Notwithstanding Chapter 3.5 (commencing with section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, any emergency regulations . . . shall remain in effect until revised by the State Water Board."

Authority and Reference (Gov. Code, § 11346.5, subd. (a)(2))
Water Code section 13260(f).

Informative Digest (Gov. Code, § 11346.5, subd. (a)(3))
Under Water Code section 13260(d)(1)(A), any person discharging waste, or proposing to discharge waste, that could affect the quality of the waters of the state must pay an annual fee in accordance with the fee schedule adopted by the State Water Board.

The proposed emergency regulations will change fees for waste discharge permit holders for FY 2019-20 as follows:

Waste Discharge Requirement (WDR)
Increase fees by an average 14.8 percent increase to all WDR fee categories. All applicable surcharges will remain unchanged for FY 2019-20.

Water Quality Certification (WQC)
For fee payers not associated with Public Utilities Code (PUC), Division 4.1, Chapter 6, $2.5 million in revenue is needed which translates to an overall 19.0 percent increase for applicable WQC fee categories. The Fill & Excavation annual fee will be maintained at the FY 2018-19 level and to compensate, the project fee impact area per acre multiplier will increase by 19.9 percent.

For fee payers associated with PUC, Division 4.1, Chapter 6, implement a new annual fee of $43.00 per mile of overhead electrical lines identified as high risk or high threat in the wildfire mitigation plan that would cover all dredge or fill activities conducted pursuant to a wildfire mitigation plan, and is in lieu of the project-specific fees in section 2200(a)(3)(A)-(G) for those dredge or fill activities conducted pursuant to a wildfire mitigation plan.

Storm Water
Amend section 2200(b)(1)(A) of the fee schedule to clarify that special districts located within a city or county that does not oversee storm water compliance for the district are required to pay the municipal separate storm sewer system (MS4) fee.

NPDES (not including Storm Water)
Increase fees by an average 13.4 percent to all NPDES fee categories. All applicable surcharges will remain unchanged for FY 2019-20.

- **California Water Code Section 13142.5(b) Consistency Determination for Seawater Desalination Facilities**
  Implement a new application fee to be assessed annually once a draft report of waste discharge is submitted until the permit is issued or another determination is made, with a maximum annual fee of $200,000.

Fee Basis	Annual Fee	Proposed Intake Volume Multiplier
Subsurface Only	$62,500	$1,007 per mgd
Surface, Combined Surface and Subsurface, or Alternative Intake Technologies	$187,500	$1,007 per mgd

Confined Animal Facilities (CAF)
Increase fees by an average 9.5 percent increase to all CAF fee payers.

- Amend section 2200(c) of the fee schedule by removing the text "(not at a dairy)" from the Feedlots table.

- Change the two lowest tiers in the Feedlot-Heifers fee schedule as follows: lowest tier will change from 0-99 to 0-136 and the next tier up will change from 100-299 to 137-299.

Agricultural (Ag) Lands
Increase fees by an average 11.7 percent. Modify the current fee structure from a flat per acre fee to per acre fee based on the discharger's defined agricultural activity as shown below, to reflect the staff time savings associated with Tier B dischargers not being required to submit an Irrigation and Nitrogen Management Plans (INMP).

Option 3 – Agricultural Activities

Agricultural Activity	Group Enrollment: Per Acre Fee	Individual Enrollment: New Per Acre Fee Structure
Tier A	$1.08	$27.00 per acre up to 300 acres plus $13.50 per acre over 300 acres with a minimum fee of $550
Tier B	$0.87	$21.60 per acre up to 300 acres plus $10.80 per acre over 300 acres with a minimum fee of $550

Definitions:
Tier A – All agricultural activities except those identified in Agricultural Activity Tier B.

Tier B - Discharger or group of dischargers whose agricultural activities are managed wetlands, irrigated pastures with no external nitrogen input, those belonging to the California Rice Commission third party group, or are determined by the Regional Water Board or the Executive Officer to be exempt from the precedential requirement to develop an INMP (per State Water Board Order No. WQ 2018-0002, In the Matter of Review of Waste Discharge Requirements General Order No. R5-2012-0116 for Growers Within the Eastern San Joaquin River Watershed that are Members of the Third-Party Group).

Cannabis
Remove section 2200.7(a) as those fees apply only to dischargers under a regional board order and all dischargers were required to enroll in the Statewide General Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation by July 1, 2019.

Programs with No Proposed Fee Increases
The Land Disposal and Storm Water programs are projected to generate sufficient revenue to meet budgeted expenditures. Therefore, no fee increases will be required for FY 2019-20 for these programs.

There is no comparable federal statute or regulation.

Other Matters Prescribed by Statute (Gov. Code, § 11346.5, subd. (a)(4))
No other matters are prescribed by statute or regulation applicable to the State Water Board.

Local Mandate (Gov. Code, § 11346.5, subd. (a)(5))
The proposed emergency regulations do not impose a mandate on local agencies or school districts because they do not mandate a new program or a higher level of service of an existing program. The fee schedule applies equally to public and private entities and is not unique to local government. No state reimbursement is required by part 7 (commencing with section 17500) of division 4 of the Government Code.

Estimate of Cost or Savings (Gov. Code, § 11346.5, subd. (a)(6))
Under the proposed emergency regulations for this fiscal year, most local and state agencies will pay increased fees over last year. The amended fee schedule will result in a total estimated increase to state agencies of approximately $215,107. There is no cost to any local agency or school district for which reimbursement is required or other nondiscretionary cost of savings imposed on local agencies. There is no cost or savings in federal funding to the state.

September 25, 2019
Date

Jeanine Townsend
Jeanine Townsend
Clerk to the Board

CALIFORNIA CODE OF REGULATIONS
TITLE 23. Division 3. Chapter 9. Waste Discharge Reports and Requirements
Article 1. Fees

Section 2200. Annual Fee Schedules.

Each person for whom waste discharge requirements have been prescribed pursuant to Section 13263 of the Water Code shall submit, to the state board, an annual fee in accordance with the following schedules. The fee shall be submitted for each waste discharge requirement order issued to that person.[1]

(a) The annual fees for persons issued waste discharge requirements (WDRs), except as provided in subdivisions (a)(3), (b), and (c), shall be based on the discharge's threat to water quality (TTWQ) and complexity (CPLX) rating according to the following fee schedule, plus applicable surcharge(s).

~~ANNUAL FEE SCHEDULE FOR WASTE DISCHARGE REQUIREMENTS~~				
~~Threat to Water Quality (TTWQ)~~	~~Complexity (CPLX)~~	~~Type of Discharge~~		
		~~Discharge to Land or Surface Waters[2]~~	~~Land Disposal[3]~~	
			~~Not Paying a Tipping Fee[4]~~	~~Paying a Tipping Fee[5]~~
~~1~~	~~A~~	~~$119,459~~	~~$70,781~~	~~$59,252~~
~~1~~	~~B~~	~~$75,447~~	~~$57,168~~	~~$47,856~~
~~1~~	~~C~~	~~$40,710~~	~~$36,751~~	~~$30,766~~
~~2~~	~~A~~	~~$27,192~~	~~$30,625~~	~~$25,638~~
~~2~~	~~B~~	~~$16,347~~	~~$24,502~~	~~$20,510~~
~~2~~	~~C~~	~~$12,259~~	~~$18,376~~	~~$15,383~~
~~3~~	~~A~~	~~$9,661~~	~~$12,250~~	~~$10,256~~
~~3~~	~~B~~	~~$5,145~~	~~$9,188~~	~~$7,690~~
~~3~~	~~C~~	~~$2,286~~	~~$4,082~~	~~$3,419~~

[1] Federal facilities will generally not be invoiced for the portion of the annual fee that is attributable to the state board's ambient water monitoring programs. See *Massachusetts v. United States* (1978) 435 U.S. 444.

Threat to Water Quality (TTWQ)	Complexity (CPLX)	Discharge to Land or Surface Waters[2]	Land Disposal[3] – Not Paying a Tipping Fee[4]	Land Disposal[3] – Paying a Tipping Fee[5]
1	A	$137,139	$70,781[6]	$59,252[6]
1	B	$86,613	$57,168	$47,856
1	C	$46,735	$36,751	$30,766
2	A	$31,217	$30,625	$25,638
2	B	$18,767	$24,502	$20,510
2	C	$14,073	$18,376	$15,383
3	A	$11,091	$12,250	$10,256
3	B	$5,907	$9,188	$7,690
3	C	$2,625	$4,082	$3,419

[2] For this table, discharges to land or surface waters are those discharges of waste to land or surface waters not covered by NPDES permits that are regulated pursuant to Water Code Section 13263 that do not implement the requirements of Title 27 of the California Code of Regulations (CCR). Examples include, but are not limited to, wastewater treatment plants, erosion control projects, and septic tank systems. It does not include discharge of dredge or fill material, discharges from agricultural lands, including irrigated lands, or discharge from animal feeding operations. Dischargers covered by a WDR for municipal and domestic discharges with permitted flows of less than 50,000 gallons per day in categories 2-B, 2-C, 3-B and 3-C will receive a 50 percent fee discount. The design flow shall be used where no permitted flow is present. Municipal and domestic discharges receiving the discount are defined as discharges from facilities that treat domestic wastewater or a mixture of wastewater that is predominately domestic wastewater. Domestic wastewater consists of wastes from bathroom toilets, showers, and sinks from residential kitchens and residential clothes washing. It does not include discharges from food preparation and dish washing in restaurants or from commercial laundromats. Dischargers covered by a Landscape Irrigation General Permit issued by the state board will be assessed a fee associated with TTWQ/CPLX rating of 3B.

[3] For this table, land disposal discharges are those discharges of waste to land that are regulated pursuant to Water Code Section 13263 that implement the requirements of CCR Title 27, Division 2, except Chapter 7, Subchapter 2, §22560-22565 (confined animal facilities). Examples include, but are not limited to, discharges associated with active and closed landfills, waste piles, surface impoundments, and mines.

[4] For this table, Not Paying a Tipping Fee are those land disposal dischargers not subject to Public Resources Code (PRC) § 48000 et seq.

[5] For this table, Paying a Tipping Fee are those land disposal dischargers subject to PRC § 48000 et seq.

[6] A surcharge of $12,000 will be added for Class I landfills. Class I landfills are those that, during the time they are, or were, in operation, are so classified by the regional board under 23 CCR Chapter 15, have WDRs that allow (or, for closed units, allowed) them to receive hazardous waste, and have a permit issued by the Department of Toxic Substances Control under 22 CCR Chapter 10, § 66270.1 et seq.

Oil and gas produced water storage and disposal facilities regulated by waste discharge requirements are subject to a surcharge per barrels of waste water discharged in the prior 12 months according to the following schedule:

~~TTWQ & CPLX Rating~~	~~Surcharge per Barrels of Waste Water Discharged in the Prior 12 Months~~		
	~~No Barrels~~	~~1 to 999,999 Barrels~~	~~1,000,000 or more Barrels~~
~~1A~~	~~$600~~	~~$1,000~~	~~$50,000~~
~~1B~~	~~$600~~	~~$1,000~~	~~$50,000~~
~~1C~~	~~$600~~	~~$1,000~~	~~$50,000~~
~~2A~~	~~$600~~	~~$1,000~~	~~$40,000~~
~~2B~~	~~$600~~	~~$1,000~~	~~$30,000~~
~~2C~~	~~$600~~	~~$1,000~~	~~$10,000~~
~~3A~~	~~$600~~	~~$1,000~~	~~$4,000~~
~~3B~~	~~$600~~	~~$1,000~~	~~$2,000~~
~~3C~~	~~$600~~	~~$600~~	~~$600~~

TTWQ & CPLX Rating	No Barrels	1 to 999,999 Barrels	1,000,000 or more Barrels
1A	$600	$1,000	$50,000
1B	$600	$1,000	$50,000
1C	$600	$1,000	$50,000
2A	$600	$1,000	$40,000
2B	$600	$1,000	$30,000
2C	$600	$1,000	$10,000
3A	$600	$1,000	$4,000
3B	$600	$1,000	$2,000
3C	$600	$600	$600

(1) Threat to water quality (TTWQ)[7] and complexity (CPLX) of the discharge is assigned by the regional board in accordance with the following definitions:

THREAT TO WATER QUALITY

Category "1" – Those discharges of waste that could cause the long-term loss of a designated beneficial use of the receiving water. Examples of long-term loss of a beneficial use include the loss of drinking water supply, the closure of an area used

[7] In assigning a category for TTWQ, a regional board should consider duration, frequency, seasonality, and other factors that might limit the impact of the discharge.

for water contact recreation, or the posting of an area used for spawning or growth of aquatic resources, including shellfish and migratory fish.

Category "2" – Those discharges of waste that could impair the designated beneficial uses of the receiving water, cause short-term violations of water quality objectives, cause secondary drinking water standards to be violated, or cause a nuisance.

Category "3" – Those discharges of waste that could degrade water quality without violating water quality objectives, or could cause a minor impairment of designated beneficial uses as compared with Category 1 and Category 2.

COMPLEXITY

Category "A" – Any discharge of toxic wastes; any small volume discharge containing toxic waste; any facility having numerous discharge points and groundwater monitoring; or any Class 1 waste management unit.

Category "B" – Any discharger not included in Category A that has physical, chemical, or biological treatment systems (except for septic systems with subsurface disposal), or any Class 2 or Class 3 waste management units.

Category "C" – Any discharger for which waste discharge requirements have been prescribed pursuant to Section 13263 of the Water Code not included in Category A or Category B as described above. Included are dischargers having no waste treatment systems or that must comply with best management practices, dischargers having passive treatment and disposal systems, or dischargers having waste storage systems with land disposal.

(2) For dischargers covered under Statewide General WDRs for Sanitary Sewer Systems, the TTWQ and CPLX designations are assigned based on the population served by the sanitary sewer system. The table below describes the correlation between population served and TTWQ and CPLX designations to determine the appropriate annual fee:

Population Served[8]	Threat and Complexity Designation
Less than 50,000	3C
50,000 or more	2C

[8] Assumes 2.5 persons per equivalent dwelling unit (EDU).

(3) The fees for discharges of dredge and fill material shall be as follows.[9]

~~STANDARD FEE~~[10]			
Standard Fee[10] Discharge Category	**Application Fee[11]**	**Project Fee**	**Annual Fee[12]**
(A) Fill and Excavation[13] Discharges Discharge area expressed in acres rounded to two decimal places (0.01 acre)	~~$1,638~~1,949	Impact area in acres x ~~$14,489~~17,372, minus application fee, up to a maximum of ~~$142,100~~169,099 (if balance equals less than the application fee,	$1,638

[9] Fees shall be based on the sum of temporary and permanent impact amounts to be authorized by the order. Impacts include both the excavation and fill area and the dredging area. If water quality certification is issued in conjunction with dredge or fill WDRs or issued for a discharge regulated under preexisting WDRs for the same project, the project will be assessed a single fee derived from this dredge and fill fee schedule. Discharges requiring certification and regulated under a federal permit or license other than a US Army Corps of Engineers Clean Water Act Section 404 permit or a Federal Energy Regulatory Commission License shall be assessed a fee determined from Section 2200(a).

[10] Fees shall be based on the sum of project impacts. Projects that include both category (A) and category (B) discharges shall be subject to the category (A) application and project fees. A single annual fee shall be assessed based on the higher of the applicable annual fee categories.

[11] Dischargers shall pay a one-time application fee for each project at the time that the application or report of waste discharge is submitted.

[12] Consistent with Section 2200.2, the sum of the application fee and the project fee shall serve as the first annual fee. If the submittal of this first annual fee does not coincide with the current fiscal year billing cycle, then the next, and only the next, fiscal year billing shall be adjusted to account for the payment of the application fee. The annual fee for category (B) dredging discharges will be calculated using the annual dredge volume authorized in the applicable Order.

[13] "Excavation" refers to removing sediment or soil in shallow waters or under no-flow conditions, typically for purposes other than navigation. Examples include, but are not limited to, trenching for utility lines; other earthwork preliminary to discharge; removing sediment to increase channel capacity; and other flood control and drainage maintenance activities (e.g., debris removal, vegetation management and removal, detention basin maintenance and erosion control of slopes along open channels and other drainage facilities).

		no project fee is required).	
(B) Dredging[14] Discharges (except Sand Mining-see (C) below) Dredge volume expressed in cubic yards.	~~$1,638~~1,949	N/A	Annual dredge volume in cubic yards x ~~$0.358~~0.426, up to a project maximum of ~~$142,100~~169,099. The minimum annual fee is ~~$1,638~~1,949.

~~SPECIAL/FLAT FEE~~[15]

Special/Flat Fee[15] Discharge Category	Application Fee[11]	Annual Fee
(C) Sand Mining Dredging Discharges Aggregate extraction in marine waters where source material is free of pollutants and the dredging operation will not violate any basin plan provisions.	~~$1,638~~1,949	~~$819~~975
(D) Ecological Restoration and Enhancement Projects Projects undertaken for the primary purpose of restoring or enhancing the beneficial uses of water. This schedule does not apply to projects required under a regulatory mandate or to projects that are not primarily intended for ecological restoration or enhancement, e.g., land development. This category does not include mitigation banking or in-lieu fee programs, or projects implemented in response to an enforcement action.	~~$437~~520	~~$218~~260
(E) Low Impact Discharges Projects may be classified as low impact discharges if the project meets all of the following criteria:	~~$1,638~~1,949	~~$218~~260

[14] "Dredging" refers to removing sediment or aquatic vegetation, typically in deeper water for navigation purposes. For fee purposes, this fee category includes aggregate extraction within stream channels, where the substrate is composed of coarse sediment (e.g., gravel) and is replenished by normal winter flows (e.g., point bars).

[15] To qualify for a special/flat fee category, the whole of a project must meet the fee category description (i.e., all project discharges are limited to those defined by the fee category).

1. The discharge size is less than all of the following: (a) for fill, 0.1 acre, and 300 linear feet, and (b) for dredging, 25 cubic yards. 2. The discharger demonstrates that: (a) all practicable measures will be taken to avoid impacts; (b) where unavoidable temporary impacts take place, waters and vegetation will be restored to pre-project conditions as quickly as practicable; and (c) where unavoidable permanent impacts take place, there will be no net loss of wetland, riparian area, or headwater functions, including onsite habitat, habitat connectivity, floodwater retention, and pollutant removal. 3. The discharge will not do any of the following: (a) directly or indirectly destabilize a bed of a receiving water; (b) contribute to significant cumulative effects; (c) cause pollution, contamination, or nuisance; (d) adversely affect candidate, threatened, or endangered species; (e) degrade water quality or beneficial uses; (f) be toxic; or (g) include "hazardous" or "designated" material.		
(F) Emergency Projects Authorized by a Water Board General Order	~~$1,638~~1,949	~~$218~~260
(G) Amended Orders[16] Amendments of WDRs or water quality certifications previously issued. (1) All category (D) Ecological Restoration and Enhancement Projects, regardless of amendment type. (2) Administrative amendments including, but not limited to, ownership changes, typographic edits, or time extensions that do not result in a temporal loss of resource function. Amendments in this category require no technical analysis or additional compensatory mitigation. (3) Amendment results in change(s) in impact character, location, or volume of the discharge; or a time extension that results in a temporal loss of resource function, according to the following criteria: • Amendment increases the active certification's impact quantity by less than 50 percent, and	(1) No fee required (2) No fee required (3) Additional standard fee assessed per increased amount of discharge(s). The minimum fee	Annual fee applicable per discharge category

[16] Dischargers that have met the project fee cap will be assessed the minimum fee for each amendment of previously-issued WDR or water quality certification.

• Amendment does not require a change to the mitigated aquatic resource type. (4) Amendment requires a supplemental CEQA analysis, or Amendment results in change(s) in impact character, location, or volume of the discharge, or a time extension that results in a temporal loss of resource function, according to the following criteria: • Amendment increases the active certification's impact quantity by more than 50 percent, or • Amendment requires a change to the mitigated aquatic resource type.	is ~~$1,638~~1,949. (4) New standard fee assessed per new project discharge total. The minimum fee is ~~$1,638~~1,949.	
(H) Wildfire Mitigation by Electrical Corporations, Electric Utilities, and Electrical Cooperatives Dredge or fill activities conducted by electrical corporations, electric utilities, and electrical cooperatives pursuant to a wildfire mitigation plan prepared in accordance with Public Utilities Code, section 8386(b) or section 8387(b)(1). This annual fee covers all dredge or fill activities conducted by the electrical corporations, electric utilities, and electrical cooperatives pursuant to a wildfire mitigation plan, and is in lieu of the project-specific dredge or fill fees in section 2200(a)(3)(A)-(G) for dredge or fill activities conducted pursuant to a wildfire mitigation plan.	N/A	$43.00 per mile of overhead electrical lines identified as high risk or high threat in the wildfire mitigation plan.

(b) The annual fees for persons issued NPDES permits shall be based on the following schedules, plus any applicable surcharge(s).

(1)(A) Each public entity that owns and/or operates a storm water conveyance system, or pare of such a system, that is subject to a NPDES permit for storm water dischargers from a municipal separate storm sewer system (MS4) shall pay an annual fee according to the following schedule. The fee shall be based on the population of the public entity according to the most recently published United States Census. ~~For~~ Ppublic entities other than cities or counties (Non-Traditional Small MS4s[17]), shall pay an annual fee according to the following schedule, based on the average daily population[18] using the entities' facilities, unless otherwise provided in the schedule. Flood control districts or other special districts named as co-permittees to MS4 permits and school districts, serving students between kindergarten and fourteenth grade, shall not pay an annual fee if the city or county within whose jurisdiction the district lies~~,~~ oversees the district's storm water compliance and pays an annual fee.

ANNUAL FEE SCHEDULE FOR AREAWIDE MUNICIPAL STORM WATER SEWER SYSTEM PERMITS AND CO-PERMITEES

Population equal to or greater than 250,000	$56,921
Population between 200,000 and 249,999	$49,805
Population between 150,000 and 199,999	$42,974
Population between 100,000 and 149,999	$35,577
Population between 75,000 and 99,999	$28,461
Population between 50,000 and 74,999	$21,344
Population between 25,000 and 49,999	$14,230
Population between 10,000 and 24,999	$8,539
Population between 1,000 and 9,999	$5,692
Less than 1,000 population	$2,847
Statewide Permit Holders	$227,682
High Speed Rail Authority	$133,500

(B) Dischargers applying for the Small MS4 Waiver of a General Permit to Discharge Storm Water Associated with Small Municipal Activity issued by the state board shall pay an application fee of $200.

(2) Any entity or entities submitting a watershed improvement plan to the regional board for review pursuant to Section 16102 of the Water Code shall reimburse the regional

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[17] Non-Traditional Small MS4s are facilities that have systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. (40 C.F.R. § 122.26(b)(16)(iii)).

[18] Total daily population must include resident and commuter populations. For ~~community services districts~~public entities other than cities or counties, total daily population must include resident population and non-residents regularly employed in the areas served by the ~~district~~public entity.

board for its costs[19] to review and oversee the implementation of the plan, which shall be calculated using a rate of $150.00 per hour.

(3) Facilities that discharge storm water associated with industrial activities that are regulated by a state board or regional board general NPDES storm water permit shall pay an annual fee of $1,400. An amount equal to the fee prescribed shall be submitted with the discharger's Notice of Intent (NOI) to be regulated under a general NPDES permit and will serve as the first annual fee. For the purposes of this section, an NOI is considered to be a report of waste discharge.

(4)(A) Storm water discharges associated with construction activities that are regulated by a general NPDES storm water permit other than those covered under (b)(5), including those issued by a regional board, shall pay an annual fee of $400 plus $42 per acre (rounded to the nearest whole acre and dollar amount), to a maximum fee of $6,700, based on the total acreage to be disturbed during the life of the project as listed on the NOI. An amount equal to the fee prescribed shall be submitted with the discharger's NOI to be regulated under a general NPDES permit and will serve as the first annual fee. For the purposes of this section, an NOI is considered to be a report of waste discharge.

(B) Dischargers applying for the Small Construction Rainfall Erosivity Waiver of a General Permit to Discharge Storm Water Associated with Construction Activity issued by the state board shall pay an application fee of $200.

[19] These costs include labor, state board and regional board administrative costs, and overhead costs.

(b) The annual fees for persons issued NPDES permits shall be based on the following schedules, plus any applicable surcharge(s).

(5) Discharges associated with mosquito and vector control activities[20] that are regulated by an individual or general NPDES permit adopted specifically for these purposes, including those issued by a regional board, shall pay a fee of $250. Dischargers filing an application for a mosquito and vector control permit shall pay a fee of $250. The fee shall be paid each time an application for initial certification or renewal of certification is submitted. Mosquito and vector control fees are not subject to ambient water monitoring surcharges.

(6) Planned and emergency discharges from community water systems that are regulated by a general NPDES permit adopted specifically for this purpose shall pay an application fee and subsequent annual fees (if applicable) based on the number of service connections for the public water system in accordance with the following schedule. The application fee shall be submitted with the discharger's NOI to be regulated by the general NPDES permit. For purposes of this section, an NOI is considered to be a report of waste discharge.

Dischargers with a Single System

Service Connections	Application Fee	Annual Fee
15 – 999	~~$110~~125	No Annual Fee
1,000 – 9,999	~~$550~~624	~~$550~~624
10,000+	~~$2,268~~2,572	~~$2,268~~2,572
Transmission System or Water Wholesaler	~~$2,268~~2,572	~~$2,268~~2,572

[20] A mosquito and vector control activity involves discharge of pesticides into a designated area for the maintenance and control of mosquito larva for the protection of public health from the outbreak of lethal diseases. A mosquito and vector control agency discharges pesticides into surface waters for the control of mosquito larva.

Dischargers with Multiple Systems

Total Number of Service Connections	Application Fee	Annual Fee[21]
15 – 999	~~$110~~125	No Annual Fee
1,000 – 9,999	~~$550~~624	~~$550~~624 per Primary System fee plus ~~$110~~125 per Secondary System
10,000+	~~$2,268~~2,572	~~$2,268~~2,572 per Primary System fee plus ~~$110~~125 per Secondary System
Transmission System or Water Wholesaler System	~~$2,268~~2,572	~~$2,268~~2,572 per Primary System fee plus ~~$110~~125 per Secondary System

(7) Seawater desalination facilities that have submitted a request for a determination of consistency with California Water Code section 13142.5(b) are subject to an annual fee according to the following fee schedule until a determination is made, with a maximum annual fee of $200,000:

Fee Basis[22]	Base Fee	Proposed Intake Volume Multiplier
Subsurface Only	$60,000	$1,007 per mgd
Surface, Combined Surface and Subsurface, or Alternative Intake Technology	$120,000	$1,007 per mgd

(~~7~~8) Discharges from public wastewater treatment facilities that are regulated by a general NPDES permit adopted specifically for this purpose and all other NPDES permitted discharges, except as provided in (b)(~~8~~9), (b)(~~9~~10), and (c), shall pay a fee according to the following formula:

Fee equals ~~$2,268~~2,572 plus ~~4,011~~4,548 multiplied by the permitted flow, in mgd, with a maximum fee of ~~$567,091~~643,081 plus any applicable surcharge(s).

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[21] All Transmission Systems and Water Wholesaler Systems are Primary Systems. If the Discharger does not have a Transmission System or a Water Wholesaler System, the Discharger's individual water system with the highest number of service connections will be designated as the Primary System. All systems that are not Primary Systems are designated as Secondary Systems.

[22] Fee shall be based on the intake type as defined in the Water Quality Control Plan for Ocean Waters of California Chapter III.M.2.d.(1)(a).

If there is no permitted effluent flow specified, the fee shall be based on the design flow of the facility.

NPDES permitted industrial discharges[2223] with a threat/complexity[2324] rating of 1A, 1B, or 1C are subject to a surcharge as follows:

Threat/Complexity Rating 1A - $15,000
Threat/Complexity Rating 1B - $10,000
Threat/Complexity Rating 1C - $5,000

Public wastewater treatment facilities with approved pretreatment programs are subject to a surcharge of $10,000. Agencies with multiple facilities under one approved pretreatment program shall pay a $10,000 surcharge per program.

(89)(A) Flow for wet weather municipal facilities[2425] will be based on the previous five years' actual monthly average flow[2526], as of the date the permit is issued.

(B) Notwithstanding (89)(A), the minimum annual fee for wet weather municipal facilities shall be $20,000.

[2223] NPDES permitted industrial discharger(s) means those industries identified in the Standard Industrial Classification Manual, Bureau of Budget, 1967, as amended and supplemented, under the category "Division D-Manufacturing" and such other classes of significant waste producers as, by regulation, the U.S. EPA Administrator deems appropriate. (33 USC Sec. 1362).

[2324] Threat/complexity categories are listed under (a)(1) of this document.

[2425] Wet weather municipal facilities are intermittently operated facilities that are designated specifically to handle flows during wet weather conditions.

[2526] The actual monthly average flow is defined as the average of the flows during each of the months that the discharge occurred during the previous five-year period.

(~~9~~10) All other general NPDES permits and de minimis discharges[27] that are regulated by an individual or general NPDES permit, including those issued by a regional board, shall pay a fee as follows:

Category 1 – Discharges that require treatment systems to meet priority toxic pollutant limits and that could impair beneficial uses if limits are violated: ~~$13,065~~14,815

Category 2 – Discharges that require treatment systems to meet non-priority pollutant limits, but are not expected to impair beneficial uses if limits are violated. Examples of non-priority pollutants include, but are not limited to, nutrients, inorganic compounds, pH, and temperature: ~~$7,895~~8,953

Category 3 – Discharges that require minimal or no treatment systems to meet limits and pose no significant threat to water quality: ~~$2,268~~2,572

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[26][27] De minimis discharge activities include, but are not limited to, the following: aquaculture activities (as defined in Chapter 40, Section 122.25(b) of the Code of Federal Regulations) defined as managed water areas that use discharges of pollutants into that designated area for maintenance or reproduction of harvestable freshwater, estuarine, or marine plants or animals including fish hatcheries; geothermal facilities that utilize, extract, or produce energy from geothermal fluids for heating, generating power, or other beneficial uses, and discharge geothermal fluids to surface waters; aquatic pesticide applications; evaporative condensate; swimming and landscape pool drainage; discharges from fire hydrant testing or flushing; discharges resulting from construction dewatering; discharges associated with supply well installation, development, test pumping, and purging; discharges resulting from the maintenance of uncontaminated water supply wells, pipelines, tanks, etc.; discharges resulting from hydrostatic testing of water supply vessels, pipelines, tanks, etc.; discharges resulting from the disinfection of water supply pipelines, tanks, reservoirs, etc.; discharges from water supply systems resulting from system failures, pressure releases, etc.; discharges of non-contact cooling water, not including steam/electric power plants; discharges resulting from diverted stream flows; water treatment plant discharges; and other similar types of wastes that have low pollutant concentrations and are not likely to cause or have a reasonable potential to cause or contribute to an adverse impact on the beneficial uses of receiving waters yet technically must be regulated under an NPDES permit.

(c) The annual fees for waste discharge requirements and waivers of waste discharge requirements for discharges from confined animal facilities shall be based on the following schedules. If a facility contains animals that fit multiple fee categories, the fee will be based on the number of animals in the category that results in the highest fee.

~~FEEDLOTS (not at a dairy)~~	
~~Type of Facility~~	
~~Number of Animals~~	~~Fee~~
Cattle or Cow/Calf Pairs	
100,000 or more	~~$10,553~~
10,000 to 99,999	~~$5,276~~
5,000 to 9,999	~~$2,813~~
1,000 to 4,999	~~$1,406~~
100 to 999	~~$704~~
0 to 99	$0
Calves	
10,000 or more	~~$5,276~~
5,000 to 9,999	~~$2,813~~
1,000 to 4,999	~~$1,406~~
300 to 999	~~$704~~
0 to 299	$0
Heifers	
10,000 or more	~~$10,553~~
5,000 to 9,999	~~$5,276~~
1,000 to 4,999	~~$2,813~~
300 to 999	~~$1,406~~
~~100~~ to 299	~~$704~~
0 to ~~99~~	$0
Finishing Yards/Auction Yards	
1,000 or more	~~$2,813~~
300 to 999	~~$1,406~~
100 to 299	~~$704~~
0 to 99	$0

~~DAIRIES~~	
~~Type of Facility~~	
~~Number of Animals~~	~~Fee~~
Mature Dairy Cattle or Water Buffalo	
3,000 or more	~~$14,069~~
1,500 to 2,999	~~$8,792~~
700 to 1,499	~~$4,220~~
300 to 699	~~$2,110~~
150 to 299	~~$1,056~~
50 to 149	~~$528~~
0 to 49	$0
Goat Dairies	
1,000 or more	~~$1,406~~
550 to 999	~~$704~~
0 to 549	$0
~~OTHER~~	
HOGS	
Swine (> 55 pounds)	
5,000 or more	~~$5,276~~
2,500 to 4,999	~~$2,813~~
750 to 2,499	~~$1,406~~
150 to 749	~~$704~~
0 to 149	$0
Swine (< 55 pounds)	
20,000 or more	~~$5,276~~
10,000 to 19,999	~~$2,813~~
3,000 to 9,999	~~$1,406~~
300 to 2,999	~~$704~~
0 to 299	$0
Horses	
500 or more	~~$2,813~~
150 to 499	~~$1,406~~
75 to 149	~~$704~~
0 to 74	$0
Sheep or Lambs	
10,000 or more	~~$2,813~~
3,000 to 9,999	~~$1,406~~
550 to 2,999	~~$704~~
0 to 549	$0

Dairies – Mature Dairy Cattle or Water Buffalo

Number of Animals	Fee
3,000 or more	$15,406
1,500 to 2,999	$9,628
700 to 1,499	$4,621
300 to 699	$2,311
150 to 299	$1,156
50 to 149	$578
0 to 49	$0

Feedlots – Cattle or Cow/Calf Pairs

Number of Animals	Fee
100,000 or more	$11,556
10,000 to 99,999	$5,777
5,000 to 9,999	$3,080
1,000 to 4,999	$1,540
100 to 999	$771
0 to 99	$0

Feedlots – Calves

Number of Animals	Fee
10,000 or more	$5,777
5,000 to 9,999	$3,080
1,000 to 4,999	$1,540
300 to 999	$771
0 to 299	$0

Feedlots – Heifers

Number of Animals	Fee
10,000 or more	$11,556
5,000 to 9,999	$5,777
1,000 to 4,999	$3,080
300 to 999	$1,540
137 to 299	$771
0 to 136	$0

Feedlots – Auction Yards

Number of Animals	Fee
1,000 or more	$3,080
300 to 999	$1,540
100 to 299	$771
0 to 99	$0

Dairies – Goat Dairies

Number of Animals	Fee
1,000 or more	$1,540
550 to 999	$771
0 to 549	$0

Hogs – Swine (> 55 Pounds)

Number of Animals	Fee
5,000 or more	$5,777
2,500 to 4,999	$3,080
750 to 2,499	$1,540
150 to 749	$771
0 to 149	$0

Hogs – Swine (< 55 Pounds)

Number of Animals	Fee
20,000 or more	$5,777
10,000 to 19,999	$3,080
3,000 to 9,999	$1,540
300 to 2,999	$771
0 to 299	$0

Horses

Number of Animals	Fee
500 or more	$3,080
150 to 499	$1,540
75 to 149	$771
0 to 74	$0

Sheep or Lambs

Number of Animals	Fee
10,000 or more	$3,080
3,000 to 9,999	$1,540
550 to 2,999	$771
0 to 549	$0

Poultry

Number of Animal Equivalent Units (AEU)	Discharges with Low Threat to Water Quality[2728]	All Other Discharges
2000+	~~$2,463~~2,697	~~$7,034~~7,702
700 - 1,999	~~$1,759~~1,926	~~$3,518~~3,853
300 - 699	~~$1,231~~1,348	~~$2,639~~2,890
10 - 299	~~$704~~771	~~$1,406~~1,540
2 - 9	~~$353~~386	~~$704~~771
0 - 1	$0	$0

Animal Count to Animal Equivalent Unit (AEU) Conversion Matrix

Animal Type	AEU Multiplier	Number of Animals per AEU[2829]
Turkey	0.0150000	67
Duck	0.0080000	125
Chicken – Broiler	0.0050000	200
Chicken – Layer	0.0040000	250
Guinea Fowl	0.0035000	286
Pheasant	0.0027500	364
Pullet	0.0024000	417
Squab	0.0015000	667
Chukar	0.0012500	800
Quail (Japanese)	0.0003750	2,667
Hatchery Chick (day old)	0.0000938	10,661

(1) Facilities that are certified under a Quality Assurance Program approved by the state board or under a County regulatory program approved by the appropriate regional board, will receive a 50 percent fee reduction. Any facility that is issued a notice of violation by a regional board for an off-property discharge shall not be eligible to receive this fee reduction for a minimum of one billing cycle, and for all subsequent billing cycles until recertification and all corrective actions are complete as determined by the regional board.

(2) Facilities that pose no potential to discharge, as determined by a regional board, shall pay a fee of $200. The fee shall be paid each time an application for initial certification or renewal of certification is submitted.

[2728] These fees apply to discharges from poultry operations that are identified as posing a "low threat to water quality" in the applicable waste discharge requirements or waiver of waste discharge requirements.

[2829] Rounded to the nearest whole number

(3) Facilities that are required to submit a report of waste discharge (ROWD) while the facility is under construction and remains so subsequent to the billing cycle will have the annual fee waived until the facility is in operation and animals are present at the facility.

(4) Facility closures that are required to maintain a permit until all requirements are met shall continue to be assessed a fee based at the same rate as when the facility was in operation.

(5) Facilities covered under a waste discharge requirement or waiver of waste discharge requirement that do not pay annual fees shall pay an application fee for initial coverage and renewals of coverage of $200. The fee shall be paid each time an application for coverage or report of waste discharge is submitted.

Note: Authority cited: Sections 185 and 1058 of the Water Code. Reference: Section 13260 of the Water Code.

Section 2200.6. Annual Agricultural and Irrigated Lands Fee Schedule.

(a) Annual fees for waste discharge requirements and waivers of waste discharge requirements for discharges from agricultural lands,[1] ~~,~~ including irrigated lands, shall be as follows:

(1) ~~Tier I:~~ If a discharger is a member of a group that has been approved by the ~~state board~~Regional Board or Regional Board Executive Officer to manage fee collection and payment, then the annual fee shall be based on agricultural activity ~~$100 per group plus a per-acre fee~~ according to the following fee schedule:~~,~~

Agricultural Activity Tier for Group Enrollment	Per Acre Fee
Tier A – All agricultural activity except those identified in Tier B.	$1.08
Tier B – Discharger or group of dischargers whose agricultural activities are managed wetlands, irrigated pastures with no external nitrogen input, those belonging to the California Rice Commission third party group, or are determined by the Regional Water Board or the Executive Officer to be exempt from the precedential requirement to develop an Irrigation and Nitrogen Management Plan.[2]	$0.87

~~(2) Tier II: If a discharger is a member of a group that has been approved by the state board but that does not manage fee collection and payment, then the fee shall be $250 per farm plus $1.43 per acre of land.~~

(~~3~~2) ~~Tier III:~~ If a discharger is not a member of a group that has been approved by the ~~state board~~Regional Board or Regional Board Executive Officer to manage fee collection and payment, then the annual fee shall be based on agricultural activity according to the following fee schedule ~~applies~~:

~~Acres~~	~~Fee Rate~~	~~Min Fee~~	~~Max Fee~~
~~0-10~~	~~$511 + $17.05/Acre~~	~~$511~~	~~$682~~
~~11-100~~	~~$1,277 + $8.53/Acre~~	~~$1,371~~	~~$2,130~~
~~101-500~~	~~$3,192 + $4.26/Acre~~	~~$3,622~~	~~$5,322~~
~~501 or More~~	~~$6,384 + $3.41/Acre~~	~~$8,092~~	~~No Max Fee~~

[1] As used in this section, the acreage on which the fee is based refers to the area that has been irrigated or cultivated by the farmer or discharger at any time in the previous five years.

[2] Per State Water Board Order No. WQ 2018-0002, In the Matter of Review of Waste Discharge Requirements General Order No. R5-2012-0116 for Growers Within the Eastern San Joaquin River Watershed that are Members of the Third-Party Group.

Agricultural Activity Tier for Individual Enrollment	Per Acre Fee
Tier A – All agricultural activity except those identified in Tier B.	$27.00 per acre up to 300 acres plus $13.50 per acre over 300 acres with a minimum fee of $550
Tier B – Discharger or group of dischargers whose agricultural activities are managed wetlands, irrigated pastures with no external nitrogen input or are determined by the Regional Water Board or the Executive Officer to be exempt from the precedential requirement to develop an Irrigation and Nitrogen Management Plan[2].	$21.60 per acre up to 300 acres plus $10.80 per acre over 300 acres with a minimum fee of $550

(b) Upon approval by the regional board to join a group subject to waste discharge requirements or waivers of waste discharge requirements for discharges from agricultural lands, including irrigated lands, the discharger shall submit to the state board an application fee, unless such fee is not required by the regional board. The application fee is a one-time fee of $200 for dischargers that have received a written request to submit an application or report of waste discharge, and $50 for all other dischargers. This application fee shall not apply to dischargers who were members of a group on or before June 30, 2008.

(c) For purposes of this section, the words "agricultural lands," "irrigated lands," "farm," and "discharger" have the meaning contained in the applicable regional board or state board waste discharge requirements or waiver of waste discharge requirements for discharges from agricultural lands, including irrigated lands. These fees shall apply whether or not a regional board or the state board has previously waived the payment of fees for the discharge of waste.

Note: Authority cited: Sections 185 and 1058 of the Water Code. Reference: Section 13260 and 13269 of the Water Code.

2200.7. Annual Fee Schedule for Cannabis Cultivation.

~~(a) Annual fees for waste discharge requirements and waivers of waste discharge requirements for discharges associated with cannabis cultivation shall be as follows:~~

~~(1) Category 1: If a discharger is not a member of a group that has been approved by the appropriate regional board, the following fee schedule applies:~~

~~Tier~~	~~Discharge Threat[1]~~	~~Annual Fee~~
~~1~~	~~Low Threat to Water Quality~~	~~$1,000~~
~~2~~	~~Moderate Threat to Water Quality~~	~~$2,500~~
~~3~~	~~Elevated Threat to Water Quality~~	~~$10,000~~

~~(2) Category 2: If a discharger is a member of a group that has been approved by the appropriate regional board, the following fee schedule applies:~~

~~Tier~~	~~Discharge Threat[1]~~	~~Annual Fee[2]~~
~~1~~	~~Low Threat to Water Quality~~	~~$700~~
~~2~~	~~Moderate Threat to Water Quality~~	~~$1,750~~
~~3~~	~~Elevated Threat to Water Quality~~	~~N/A~~

~~[1] As assigned by the appropriate regional board.~~
~~[2] Dischargers in Tier 3 may join a third-party group, but must pay the Category 1 fee unless the regional board subsequently assigns the Discharger to a lower tier. Any Discharger that is required by the regional board to take corrective action shall be subject to the fee schedule in Category 1 for a minimum of one billing cycle, and for all subsequent billing cycles until all corrective actions are complete as determined by the regional board.~~

(a~~b~~) Annual fees for dischargers covered under Statewide General Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation shall be as follows:

(1) Tier 1 – Dischargers that have a disturbed area greater than 2,000 square feet and less than one acre:

Risk Designation	Annual Fee
Low Risk	$600
Moderate Risk	$1,800
High Risk	$4,800

(2) Tier 2 – Dischargers that have a disturbed area equal to or greater than one acre:

Risk Designation	Annual Fee
Low Risk	$1,000
Moderate Risk	$3,000
High Risk	$8,000

(3) Waiver of Waste Discharge Requirements – Dischargers with indoor cultivation sites that meet the requirements for a waiver of waste discharge requirements or conditionally exempt sites shall pay an application fee for initial coverage and renewals of coverage of $600. The fee shall be paid each time an application for coverage is submitted.

Note: Authority cited: Sections 185 and 1058 of the Water Code. Reference: Sections 13260 and 13269 of the Water Code.

Rural Counties
Environmental Services
Joint Powers Authority
ESJPA

CHAIR – MICHAEL KOBSEFF, SISKIYOU COUNTY
VICE CHAIR – DENISE CARTER, COLUSA COUNTY
EXECUTIVE DIRECTOR – GREG NORTON
PROGRAM MANAGER – STACI HEATON

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

September 24, 2019

Ms. Jackie Buttle, Regulations Coordinator
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

RE: Comments on Photovoltaic Modules (PV Modules) – Universal Waste Management
15-Day Comment Period
Department Reference Number: R-2017-04, OAL Notice File Number: Z-2019-0409-04

Submitted via Email to regs@dtsc.ca.gov

Dear Ms. Buttle:

On behalf of the 24-member Rural Counties' Environmental Services Joint Powers Authority (ESJPA), thank you for the opportunity to provide comments to the Department of Toxic Substances Control (DTSC or Department) on the proposed 15-day comment period for regulations on Photovoltaic Modules (PV modules) – Universal Waste Management. Our members represent Boards of Supervisors, Public Works Directors, Solid Waste Managers, and Recycling Coordinators. Most of our members are responsible for operating or overseeing their jurisdictions' solid waste and household hazardous waste operations. In addition, many are directly involved with roadside clean-ups of illegally disposed of wastes.

Regulation as universal wastes will generally allow for less complicated and less expensive disposal of PV modules. Overall, DTSC incorporated significant changes in the right direction for regulation of PV modules as universal wastes which will allow for less complicated and less expensive management including:

- PV modules integrated into the structure of an electronic device shall be managed as an electronic device.
- Clarification that photovoltaic cells are managed as PV modules.
- Revised definition of PV modules.
- Allowance to notify the types of PV modules handled, if known.

There are still areas that need revision or clarifications including:

- The term "Photovoltaic module integrated device" (Section 66260.10) should be deleted or revised to beyond only personal or household use since it lacks clarity and provides inconsistency with other requirements.
- The requirement for 30-day prior notification before accepting PV modules is inconsistent with the reality of discovery at solid waste facilities and illegal disposal sites as well as household hazardous waste facilities. The requirement imposes undue burden on the regulated community as well as DTSC by requiring registration and annual reporting of hundreds of entities that are not expecting to "accept" PV modules.
- Increasing the threshold for notification to the Department to a more reasonable limit commensurate with the larger size of the PV modules.
- Clarify management of broken PV modules as universal wastes
- Restore the allowance to commingle PV modules with electronic devices, CRTs, and CRT glass in the same container and same area.
- Remove the requirement for tracking incoming shipments.
- Increase the allowable treatment methods under the universal waste standards.

Specific comments with recommended text revisions are provided in the attached comments.

The ESJPA has provided written and/or verbal comments at the March 3, 2019 informal seminar, at previous workshops in 2012, 2016, and 2017 and written comments on the June 10th version. We look forward to finalizing these regulations including our comments that will provide more realistic management of PV modules. Thank you for the opportunity to provide additional comments. We look forward to DTSC incorporating additional realistic measures into these regulations.

If you have any questions, please feel free to contact me or Staci Heaton at (916) 447-4806.

Sincerely,

Larry Sweetser
ESJPA Consultant

Enclosure

cc: ESJPA Board of Directors
Staci Heaton, ESJPA Program Manager

Specific Comments

Section 66260.10 Definitions – "Photovoltaic cell"
The clarification that individual photovoltaic cells are managed as photovoltaic modules avoids the problem in the previous version that left individual cells out of management as universal wastes.

Section 66260.10 Definitions – "Photovoltaic module integrated device"
This new definition is not necessary and should be deleted since Section 66273.7.1 (c) Already clarifies that "PV modules that are integrated into the structure of an electronic devices … (e.g., calculators). shall be managed as an electronic device"

This definition lacks clarity since it limits the term to only personal or household use or adornment. The same devices (e.g. garden lights, backpacks, luggage) could be utilized by organizations, agencies, non-profits, schools and others. This limitation to personal or household use or adornment will impose significant financial burdens on these entities since the default management would need to be as a fully regulated hazardous waste. At a minimum, the following change is recommended:

> "Photovoltaic module integrated device" means a device with a photovoltaic module embedded or attached, for which the photovoltaic module is not intended to be removed or replaced as part of the normal use and operation of the device~~, and is intended for personal or household use or adornment~~ (e.g. garden lights, backpacks, luggage).

The definition of "Photovoltaic module integrated device" is difficult to distinguish from the definition of "Photovoltaic module" which means a device consisting of one or more electrically connected photovoltaic cells that are designed to convert solar radiation into electrical energy. Photovoltaic module includes integrated components that cannot be separated without breaking the photovoltaic module glass, such as protective glass, conductive metal contact, metal framing, the photovoltaic cells, and top and back layer".

The listed examples also include electronic circuitry and would seem to meet the examples of electronic devices as indicated in section 66273.7.1 (c).

This definition also lacks clarity as to the classification of a "Photovoltaic module integrated device". Are these items universal waste photovoltaic modules, universal waste electronic devices, or other hazardous waste (non-universal)? As indicated below, section 66273.7.1 (b)(8) and section 66273.7.1 (c) do not clarify the classification of these items. There is no clear means to discern between these terms.

Section 66260.10 Definitions – "Photovoltaic modules"
The proposed changes to this definition clarify that "integrated components that cannot be separated without breaking the photovoltaic module glass" are part of the photovoltaic module. Ancillary items that can be removed without breakage do not require management as photovoltaic modules.

In addition, the term "ratiation" on line 26, should be changed to "radiation". There is also a comma missing on line 28 after "metal framing".

Section 66273.7.1 Applicability – PV modules (b)(8)
As indicated earlier, the definition of photovoltaic module integrated device should be deleted so this subsection is not needed and can be deleted.

This section states that "PV module integrated devices" that exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11" are regulated as hazardous waste. One characteristic listed in this article is toxicity. Therefore, this section indicates that "PV module integrated devices" are hazardous waste solely based on the toxicity characteristic. Electronic devices are universal waste if they exhibit the characteristic of toxicity. This lacks clarity due to this inconsistency and warrants deletion.

It is not clear which PV module integrated devices are an electronic device identified in section 66273.7.1 (c) and which are hazardous waste. The examples listed in the definition include garden lights, backpacks, and luggage. All of these items have a photovoltaic module and electronic circuity and likely a battery.

These regulations would be simpler if photovoltaic modules used in a device are considered electronic devices.

Section 66273.7.1 Applicability – PV modules (c)
This statement is greatly appreciated and clarifies a lingering question by the regulated community as to management of these combined devices. This statement also provides consistency with the Initial Statement of Reasons.

Section 66273.9 Definitions
As indicated earlier, the comments on the definitions in Section 66260.10 on photovoltaic cells, photovoltaic module integrated device, and photovoltaic module also apply here.

The definition for "photovoltaic module integrated device" should be deleted since it lacks clarity and it contradictory.

Section 66273.32.(e) USEPA Notification, Department Notification, and Reporting Requirements for Universal Waste Handlers.
Section (e)(1) for notification to the Department for accepting and accumulating "any" PV modules is not necessary and is excessive and contradicts the requirement in section 66273.32 (f).

Unlike other universal wastes (electronic devices, batteries, and lamps) that are commonly used by nearly everyone, photovoltaic modules are increasing in usage but are not ubiquitous or universally handled. The size of photovoltaic modules makes management more difficult and costs are uncertain. Until acceptance is more common and convenient, the circumstances are likely that photovoltaic modules will be illegal discarded in the solid waste stream, along roadsides, and refused from household

hazardous waste facilities. As proposed, these regulations would require notification of DTSC "no later than prior to accepting any PV modules". Any facility discovering PV modules illegally disposed would be in violation unless there was prior notification of DTSC. The only way to be in compliance in the event of discovering PV modules would be the mass registration of nearly 195 active solid waste landfills, 1,357 solid waste transfer facilities and operations[1], and every public works department or other entity collecting illegal dumped wastes. This pre-registration is not necessary.

The effort for DTSC and the regulated community to process these notifications and prepare and review annual reports is excessive and would consume significant resources that are not necessary.

It would be more appropriate to require notification after the inadvertent discovery of PV modules. This section is recommended to be changed as follows:

> (e) Department notification requirements for universal waste handlers of PV modules.
> (1) Any universal waste handler who might accept and accumulate, but not treat, ~~any~~ PV modules from an offsite source, as specified in section (f) of this section, shall submit to the Department, at the address given in subsection (h) of this section, a written notification containing the information specified in subsection (e)(2) of this section no later than 30 calendar days ~~prior to~~ after accepting any PV modules.

The revision to section 66273.32 (e)(2)(H) is appreciated to only notify the type of PV module "if known".

Subsection (e)(3) requires notification "for each location at which the universal waste handler accepts or accumulates PV modules from an offsite source, i.e., the handler's facility." This would require a handler that is removing PV modules from residences and businesses to provide notifications to the Department of every location serviced and 30 days prior to accepting the PV modules. This is excessive and not necessary. A more realistic expectation is to provide notification for locations where PV modules are accumulated only and is consistent with the provided example of the "handler's facility". The following change is proposed:

> (3) Notifications made pursuant to this subsection shall be made for each location at which the universal waste handler ~~accepts or~~ accumulates PV modules from an offsite source, i.e., the handler's facility.

Section 66723.32 (f)
There should be an allowance to only submit notification over a specific amount of PV modules accepted. Imposing such a low threshold for notification will primarily serve to discourage installers and contractors from managing the PV modules for the customer and instead will encourage the PV modules to be left at the job site for the customer to

[1] Source: CalRecycle Solid Waste Information System https://www2.calrecycle.ca.gov/swfacilities/Directory/

manage. Residents will be required to seek their own transport to a site that will accept them.

Given the average residential installation uses eight to ten PV modules weighing 40-45 pounds, a threshold for reporting of 500 kilograms or 1,100 pounds per calendar year would be reasonable. This would allow for two to three residential installations per year. The recommended change is as follows"

> (f) Annual reporting requirements for universal waste handlers of PV modules.
> (1) A universal waste handler that accepts more than ~~100~~ 500 kilograms (or ~~220~~ 1,100 pounds) of PV modules from any offsite sources in a calendar year.

An additional concern is that residents seeking to deliver PV modules to a HHW facility are limited to a "total amount of household hazardous waste transported by an individual or hazardous waste transported by a CESQG to a household hazardous waste collection facility shall not exceed a total liquid volume of five gallons or a total dry weight of 50 pounds" (Health and Safety Code 25218. (b) (1)) or an increase of up to 125 pounds with information on proper techniques for packaging and transporting the household hazardous waste (Health and Safety Code Section 25218.5.1). Transportation greater than this amount is illegal for the resident to transport. The definition of household hazardous waste in Health and Safety Coded section 25218 (e) does not exclude universal waste from the definition unlike the calculation used by business generators in Health and Safety Code section 25158.1. Hazardous waste produced incidental to owning and maintaining their own place of residence are not subject to the standards for generators of hazardous waste (California Code of Regulations, section 66262.10 (i)). This would limit the maximum legal transport for residents to a household hazardous waste facility to 125 pounds or about three PV modules.

Section 66273.32 (g)
Due to recent changes, the DTSC website is at https://www.dtsc.ca.gov rather than the listed http://www.dtsc.ca.gov. The current link will redirect users to the correct site, at least for now.

§ 66273.33.6 Universal Waste Management Requirements for PV Modules.
The revised subsection has a (a) but no (b) which is unusual formatting.

It is appropriate to manage PV modules in a manner that prevents breakage and release of constituents. Breakage will occur. Acceptance and manage of broken PV modules should also be allowed to be accepted by handlers to be consistent with the section 66273.37 (c) that allows that "residues of leaking, broken, or otherwise damaged universal waste may be managed as universal waste". This is a reasonable allowance but is inconsistent with section 66273.33.6 (a)(3)(A) in that a universal waste handler of PV modules can only manage PV modules that are intact (except for the occasional PV module that is accidentally or unintentionally broken. Unless the handler is directly responsible for the breakage or damage, they will not know if the damage was accidentally or intentional. Either 66273.33.6 (a)(3(A) or section 66273.33.6 (a)(1)(B)1.b. needs to be changed to allow broken PV modules to be accepted.

Intact PV modules that are managed in a manner that prevents breakage of the PV modules and release of constituents of the PV modules to the environment under reasonably foreseeable conditions (e.g., stretch-film on a pallet) or accepted broken PV modules shall be deemed to comply with subsection (a)(B)1.a. of this section.

§ 66273.34. Labeling/Marking.
Subsection (h) removed the allowance to mix PV Modules with electronics device(s)/CRT(s)/CRT glass. Since it likely that current facilities that accept electronic devices will also accept PV modules, this allowance should be reinstated. If a facility does not accept the mixed load, then the customer can separate the items or find a new vendor. Existing vendors already provide reports of the separate constituents for reporting purposes. Allowing commingled PV modules with electronics will benefit sites with limited storage space.

If commingling is reinstated, the allowance to for a "designated area demarcated by boundaries" is a beneficial requirement. If commingling is not reinstated, allowing photovoltaic modules to the stored in the same designated area would be helpful to proper management.

The combined label is getting very long. We request allowance of a shorter label. At a minimum, we propose the term:

"Universal Waste-Electronic Device(s)/CRT(s)/CRT Glass/PV modules"

§ 66273.39. Tracking Universal Waste Shipments.
Although this requirement exists for other universal wastes, tracking incoming universal wastes serves no useful purpose for handlers such as household hazardous waste facilities and solid waste facilities. These programs handle all types of hazardous wastes coming into the program and the wastes are commingled with other compatible waste types. Other incoming hazardous wastes to these programs, such as paints, pesticides, solvents, cleaners, automotive products are not required to be tracked by name, address, types, and amounts. The requirements on universal wastes are **excessive and serve no useful purpose** for the handler and impose an unreasonable burden. This type and amount of wastes are recorded when the wastes are shipped. There is no justification or benefit for tracking these wastes on an incoming basis.

In addition, it is proposed to tack PV modules by type which is an even more excessive and burdensome requirement.

We propose that this incoming tracking requirement be removed for PV modules and all other universal wastes. We recommend the following changes:

66273.71. Authorization for Removal Activities.

The allowance for removal of user-replaceable components is extremely helpful for reducing the cost off managing PV modules by removal of non-hazardous components such as wiring and ancillary devices. Unfortunately, the proposed definition of photovoltaic modules in sections 66260.10 and 66273.9 consider these ancillary components as PV modules. We have recommended that these ancillary components not be included in the definitions of PV modules.

66273.72. Authorization for Disassembling/Draining Activities.
This section needs some clarification on the dismantling requirements.

Subsection (f) allows manual segregation of components provided the activity does not break the PV module glass. There should be allowance for accidental breakage. The following change is recommended.

> (1) The universal waste handler who dismantles, removes, or otherwise manually segregates, components (e.g., glass panels, metal framing photovoltaic cells) of a PV module, but does not break the PV module glass. Accidental breakage shall be managed as required in section 66273.33.6 and 66273.37.

66273.73. Authorization for Treatment (Processing) Activities
Subsection 66273.73 (e) was removed which provided many other methods for treatment and/or processing of PV modules. There are many methods for the recycling of PV modules beyond the allowance for physical disassembly including breakage that should be allowed provided the methods capture residuals and are not released to the environment. Subsection (d)(2) requires full hazardous waste facility permitting which is a lengthy and expensive process. This limitation only encourages development of treatment technologies outside of California.

United States Department of Agriculture
Rural Development

Water & Waste Disposal Technical Assistance & Training Grants
Program 101

Program Status: RECIEVING APPLICATIONS
Application Period: October 1, 2019 - December 31, 2019

Program Fact Sheet

What does this program do?

This program helps qualified, private nonprofits provide technical assistance and training to identify and evaluate solutions to water and waste problems; helps applicants prepare applications for water and waste disposal loans/grants; and helps associations improve the operation and maintenance of water and waste facilities in eligible rural areas.

Who may apply?

- Nonprofits that have the proven ability, background, experience and capacity to provide technical assistance or training on a national, regional or state basis.

What is an eligible area?

- Rural areas and towns with populations of 10,000 or less -- check eligible addresses
- Tribal lands in rural areas

How may the funds be used?

- To identify and evaluate solutions to water problems related to source, storage, treatment, distribution, collection, treatment and disposal.
- To provide technical assistance and training to improve management, operations and maintenance of water and waste disposal systems.
- To prepare water and waste disposal loan and grant applications.

Are there terms for grants?

- The project period for these grants is one year starting Oct. 1 and ending Sept. 30.
- Applicant contributions must be used before USDA grant funds.
- This is a reimbursement grant.
- Grants are subject to the availability of funds.

How do we get started?

- Download the FY 2020 Technical Assistance & Training Grant Application Guide
- Single-state applications are accepted annually through your local RD office from **October 1 - December 31**. Multi-state or national applications are accepted through the RD national office.
- Program resources are available online (forms, guidance, certifications, etc.).

Who currently participates in this program?

- FY 2018 Technical Assistance and Training Grant Recipients

Who can answer questions?

Contact your local RD office
National Office contact: Lavonda Pernell
(202) 720-9635
lavonda.pernell@usda.gov

What governs this program?

- Code of Federal Regulations 7 CFR 1775
- Section 306(a)(14)(A) of the Consolidated Farm and Rural Development Act 7 U.S.C. 1921 et seq.

Why does USDA Rural Development do this?

This program helps small communities extend and improve water and waste treatment facilities for households and businesses. Good practices can save tax dollars, improve the natural environment and may be necessary for manufacturers and other types of businesses to locate or expand operations.

NOTE: Program details may change over time. Before you begin an application, please confirm you have the most current information by contacting a program specialist in your local RD office for assistance, or consult the Program Instructions listed in the section above titled "*What Governs this Program?*"

Forms & Resources

FY 2020 Technical Assistance and Training and Solid Waste Management Application Guide | PDF

USDA United States Department of Agriculture

Rural Development

Water & Waste Disposal Technical Assistance & Training Grants

What does this program do?

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Nonprofits that have the proven ability, background, experience and capacity to provide technical assistance or training on a national, regional or state basis.

What is an eligible area?

- Rural areas and towns with populations of 10,000 or less – **check eligible addresses**
- Tribal lands in rural areas

How may the funds be used?

- To identify and evaluate solutions to water problems related to source, storage, treatment, distribution, collection, treatment and disposal.
- To provide technical assistance and training to improve management, operations and maintenance of water and waste disposal systems.
- To prepare water and waste disposal loan and grant applications

Are there terms for grants?

- The project period for these grants is one year starting Oct. 1 and ending Sept. 30
- Applicant contributions must be used before USDA grant funds
- This is a reimbursement grant
- Grants are subject to the availability of funds

How do we get started?

Download the latest Technical Assistance & Training Grant Application Guide. Single-state applications are accepted annually through your **local RD office** from **October 1 - December 31.** Multi-state or national applications are accepted through the RD national office. Program resources are available online (forms, guidance, certifications, etc.).

Who currently participates in this program?

- **Previous year Technical Assistance and Training Grant Recipients**

Who can answer questions?

- Contact your **local RD office**
- National Office contact: **Anita O'Brien** - (202) 690-3789

What governs this program?

- Code of Federal Regulations **7 CFR 1775**
- Section 306(a)(14)(A) of the Consolidated Farm and Rural Development Act 7 U.S.C. 1921 et seq.

Why does USDA Rural Development do this?

This program helps small communities extend and improve water and waste treatment facilities for households and businesses. Good practices can save tax dollars, improve the natural environment and may be necessary for manufacturers and other types of businesses to locate or expand operations.

NOTE: Because citations and other information may be subject to change please always consult the program instructions listed in the section above titled "What Governs this Program?" You may also contact your local office for assistance. You will find additional forms, resources, and program information at www.rd.usda.gov. *USDA is an equal opportunity provider, employer, and lender.*

Last Updated August 2017

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: SacRecycle App
Contact Us!

What We're Working On

Camp Fire Debris Cleanup Running Ahead of Schedule
In a significant milestone in the recovery and rebuilding of the Town of Paradise and Butte County following last year's devastating wildfire, the California Governor's Office of Emergency Services announced that CalRecycle-managed crews have completed the removal of more than 75 percent of the structural debris on the 10,732 properties participating in the state-managed cleanup program. See our news release for more information.

First-of-Its-Kind Roadway Project Utilizes 81,000 Recycled Tires
With the help of a CalRecycle grant, Santa Barbara County just completed a road stabilization project using 81,000 recycled tires. Tire-derived aggregate, made from 810 tons of California waste tires, was used to backfill a retaining wall to replace failed soil and provide lateral support to the reconstructed embankment. This is the first infrastructure project in California to use TDA material in this type of application. See our news release for more information.

What's Coming Up

CalRecycle August Public Meeting
10 a.m. Tuesday, August 20
Byron Sher Auditorium, CalEPA Building
1001 I St., Sacramento, CA

You can find the full agenda and other materials for CalRecycle's August 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).

Public Hearing on Draft Environmental Impact Report for SB 1383 Regulations
1 p.m. Tuesday, Aug. 20
Cal/EPA Building, Byson Sher Auditorium, 2nd floor
1001 I Street, Sacramento, CA 95814

In this public meeting, CalRecycle will receive oral or written comments for the draft environmental impact report for the adoption of regulations for Short-Lived Climate Pollutants: Organic Waste Methane Emission Reduction, which will be circulated for public review from July 30, 2019 to September 13, 2019. Contact Marcus Santillano for more information.

Quick Features from our Blog

Reusables--It's Our Bag, Baby!

At CalRecycle, we really do practice what we preach. From food waste bins in our break rooms to zero-waste social events and produce crop swaps, we're no strangers to living sustainably at work and at home! So it should come as no surprise that our social committee, with the help of our zero waste team, recently hosted a reusable bag DIY during the lunch hour for everyone in our headquarters building, not just CalRecyclers.

Camp Fire Cleanup: Safety First

The California Department of Resources Recycling and Recovery joined its state and local partners in California's Consolidated Debris Removal Program to re-emphasize operational safety to crews involved in the Camp Fire cleanup effort in Butte County.

Video: SacRecycle App

The City of Sacramento has launched the free SacRecycle app, designed to provide quick access to recycling information--what's recyclable and how to dispose hazardous materials. See our video.

Follow us on Twitter and Facebook!

Questions, Comments? Contact us!

CalEPA
California Environmental Protection Agency

Gavin Newsom
Governor

Jared Blumenfeld
Secretary for Environmental Protection

Unified Program Newsletter – September 2019

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CalEPA

CERS Knowledge Base, Help Articles and FAQs

(https://cers.calepa.ca.gov/newsletter-articles)

How can I check the current status of my submittal?

(https://cers.calepa.ca.gov/wp-content/uploads/sites/11/2019/09/How-can-I-check-the-current-status-of-my-submittal.pdf)

CERS NextGen Business Process Analysis Project

CalEPA is continuing with the efforts of the California Environmental Reporting System (CERS) NextGen business process analysis project, which has completed documenting the current CERS system, its issues (called pain points), and several hundred proposed enhancements.

CalEPA will be reaching out to identified stakeholders for a series of user feedback sessions in November, 2019, to validate the enhancement recommendations and to help determine the future functions and capabilities of CERS and CERS NextGen.

Questions, comments, and recommendations can be sent to cersnextgen@calepa.ca.gov.

State Water Board

Adoption of the Proposed UST Regulations for the Storage of Diesel Containing up to 20 Percent Biodiesel

The proposed underground storage tank (UST) regulations for the storage of diesel containing up to 20 percent biodiesel (B20) were adopted at the August 6, 2019, State Water Resources Control Board (State Water Board) Meeting. The adopted UST

regulations amends California Code of Regulations, title 23, division 3, chapter 16, article 3, sections 2631 and 2631.2. The proposed amendment to section 2631 recognizes B20 as an equivalent to diesel stored in double-walled UST systems, unless any material or component of the UST system is determined not compatible with B20. The adopted amendments also delete section 2631.2, which provides a temporary variance for biodiesel blends from June 1, 2009, to June 1, 2012, because it is inoperative. The next step is to submit the completed rulemaking package to the Office of Administrative Law (OAL) for review and approval before filing with the California Secretary of State. We will provide an effective date once we have been advised by OAL.

A copy of the resolution adopting the proposed biodiesel regulations will be posted on the State Water Board's 2019 Resolutions webpage shortly.
(https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/res19.html)

More information on the rulemaking package is available on the UST Program's Proposed Biodiesel UST Regulations webpage.
(https://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/bio_regs/)

For more information regarding the adopted UST Biodiesel Regulations, please contact Mr. Cory Hootman at (916) 341-5668 or by email at Cory.Hootman@waterboards.ca.gov.

Site-Specific Variances

The State Water Board has recently received several inquiries regarding the applicability of site-specific variances. A site-specific variance permits the use of an alternative method of construction or monitoring at one or more sites because of special circumstances that are not generally applicable to other facilities and where there is clear and convincing evidence that the alternative method will adequately protect the soil and beneficial uses of waters of the State from an unauthorized release in accordance with Health and Safety Code, division 20, chapter 6.7, section 25299.4(b)(4). Site-specific variances should only be issued during the permitting process for an install or upgrade and not after construction commencement.

Owners and operators requesting a site-specific variance must submit to the local agency complete construction and monitoring plans with the application and associated fee for the variance. All applications are then reviewed by the Regional Water Quality Control Board. Approved applications will be returned with any additional conditions and descriptions of the alternative monitoring methods that must be included in the operating permit conditions. Additional guidance regarding site-specific variances from the State Water Board is forthcoming.

For more information regarding site-specific variances, please contact Ms. Laura Fisher at (916) 341-5870 or by email at Laura.Fisher@waterboards.ca.gov.

Reviewing and Revising UPA Policies and Procedures

Unified Program Agencies (UPAs) are required to have policies and procedures in place as part of their UPA certification. Occasionally, these policies and procedures will need revisions to stay current with changes to UST program requirements. Recently, there have been changes to UST program requirements such as permitting, overfill inspections, spill container testing, and regulatory forms. UPAs should revise and update their policies and procedures as necessary to ensure policies and procedures are current and consistent with UPA program implementation.

UPAs should keep apprised of all changes to UST program requirements and revise policies and procedures as necessary. One way to keep up with changes to UST program requirements is by subscribing for the UST program listserv (https://www.waterboards.ca.gov/resources/email_subscriptions/ust_subscribe.html).

For more information regarding updating policies and procedures, or subscribing to the UST program listserv, please contact Mr. Sean Farrow at (916) 324-7493 or by email at Sean.Farrow@waterboards.ca.gov, Ms. Lisa Jensen at (916) 319-0742 or by email at Lisa.Jensen@waterboards.ca.gov, or Ms. Jessica Botsford at (916) 341-7338 or by email at Jessica.Botsford@waterbaords.ca.gov.

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.

CalEPA Unified Program Home Page

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CalEPA

How are CERS Users Notified When Services are Down?

When the California Environmental Reporting System (CERS) services are down, users may experience a temporary outage in Business and Regulator portals of the production and training environments, as well as in the regulator staging portal (used for testing electronic data transfer).

A loss in CERS services could be the result of system upgrades or maintenance.

In the event that the CERS services are down, CalEPA will provide notification to CERS users as follows:

1. The CERS Technical Team will post a notification message regarding the status of CERS services on the **CERS Central Home** page (public

website). The message on the CERS Central Home page will be located just below the Business and Regulator portal sign in buttons.

2. CalEPA will distribute notification as an email via the "**Unified Program Managers**" and **"CUPA Managers" ListServ** distribution lists. Anyone can subscribe to either of these ListServ distribution lists at: https://calepa.ca.gov/calepa-listservs/. If ListServ services are unavailable, CalEPA will utilize the email addresses associated with all Business and Regulator CERS user accounts.

2019 Violation Library Updates Live in CERS: September 4, 2019

Revisions to the Violation Library citations in CERS are now available in the CERS Staging and Testing environments for data services vendors and CUPAs to commence testing of inspection and enforcement information via Electronic Data Transfer (EDT) and compatibility with facility inspection checklists. The only Unified Program elements with revised citations are as follows: Underground Storage Tank, California Accidental Release Prevention and Aboveground Petroleum Storage Act (APSA). The revisions to the Violation Library citations in CERS are scheduled to go live in the Production and Training environments on September 4, 2019. EDT vendors and CUPAs that are directly involved with EDT implementation should subscribe to the EDT Implementers ListServ
(https://cers.calepa.ca.gov/listserv-subscription/).

For questions, please contact: cers@calepa.ca.gov.

State Water Board

Report 6 Due September 1, 2019

The State Water Resources Control Board (State Water Board) has distributed the Report 6 forms and instructions to all Unified Program Agencies (UPAs) for the reporting period January 1 through June 30, 2019. UPAs must submit Report 6 documents to State Water Board staff no later than September 1, 2019. Inspection data used to complete the Report 6 should consist only of Technical Compliance Rate (TCR) performance measures. The "paper" Report 6 must be submitted by UPAs that have not transitioned to paperless reporting. UPAs approved for paperless reporting must run their Report 6 in CERS, verify their data, and submit a certification form to the State Water Board by the September 1, 2019, deadline. CERS 3.0 Underground Storage Tank (UST) Program Reports now include Report 6 data totaling routine inspections and TCR violations. The State Water Board encourages those UPAs who have not been approved for paperless reporting to continue working to correct their data. To request paperless reporting for the next reporting period, see the Underground Storage Tank Report 6 Paperless Reporting Requirements for more information.
(https://www.waterboards.ca.gov/ust/adm_notices/paperless_reporting_requirements.pdf)

See the Report 6 and United States Environmental Protection Agency Compliance Measures for more information.
(https://www.waterboards.ca.gov/ust/leak_prevention/report_6.html)

For more information regarding Report 6, please contact Mr. Steven Mullery at (916) 341-5850 or by email at Steven.Mullery@waterboards.ca.gov, or Mr. Tom Henderson at (916) 319-9128 or by email at Tom.Henderson@waterboards.ca.gov.

Informational Document Regarding Designated UST Operator Requirements

On July 16, 2019, the State Water Board UST Leak Prevention Unit distributed through the UST Program's Email Distribution System (known as Lyris) an email with an informational document attached regarding designated UST operator (DO) requirements. The informational document assists UST owners, operators, DOs, and regulators understand how to comply with the new DO requirements that became effective October 1, 2018. The informational document is presented in a question and answer format that can be easily updated as new questions arise. It is important to note the content contained in the informational document in many instances supersedes previous State Water Board guidance documents. At the end of the informational document is a list identifying which State Water Board documents have superseded content.

Informational documents regarding the emergency generator tank system line leak detection, overfill prevention equipment inspection, spill container testing, secondary containment testing, and new construction, upgrade, and compatibility requirements have been distributed through Lyris and are posted on the UST Program's Federal Reconciliation Regulations webpage under "Staying Connected."
(https://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/fed_rec_regs)

To receive these informational documents and other important UST Program information please subscribe to the UST Program's Lyris email distribution.
(https://www.waterboards.ca.gov/resources/email_subscriptions/ust_subscribe.html)

For more information regarding DO requirements, please contact Mr. Tom Henderson at (916) 319-9128 or by email at Tom.Henderson@waterboards.ca.gov or Mr. Cory Hootman at (916) 341-5668 or by email at Cory.Hootman@waterboards.ca.gov.

International Code Council Begins Administering the Revised California Specific UST Exams

The International Code Council (ICC) began administering the revised California specific ICC UST exams August 1, 2019. Specifically, the California UST Inspector, California UST Service Technician, and California UST System Operator exams were revised to reflect changes in UST statute, regulations, and reference materials. The revisions include, but are not limited to; issuance of UST operating permits, red tag requirements, and overfill prevention equipment inspection requirements. In addition, the references used to study for these exams have been updated to include the most recent published editions. The exam references located on the UST Program's

California UST System Exam References webpage have been updated with the latest ICC UST exam reference materials.
(https://www.waterboards.ca.gov/water_issues/programs/ust/training/exams.html)

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.

Adoption of the Proposed UST Regulations for the Storage of Diesel Containing up to 20 Percent Biodiesel

The proposed UST regulations for the storage of diesel containing up to 20 percent biodiesel (B20) were adopted at the August 6, 2019, Board Meeting. The adopted UST regulations amends California Code of Regulations, title 23, division 3, chapter 16, article 3, sections 2631 and 2631.2. The proposed amendment to section 2631 recognizes B20 as an equivalent to diesel stored in double-walled UST systems, unless any material or component of the UST system is determined not compatible with B20. The adopted amendments also delete section 2631.2, which provides a temporary variance for biodiesel blends from June 1, 2009, to June 1, 2012, because it is inoperative. The next step is to submit the completed rulemaking package to the Office of Administrative Law (OAL) for review and approval before filing with the California Secretary of State.

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For more information regarding the adopted UST Biodiesel Regulations, please contact Mr. Cory Hootman at (916) 341-5668 or by email at Cory.Hootman@waterboards.ca.gov.

DTSC

Final Regulations: Determining the Initial Penalty for Each Violation (Amending Section 66272.62)

On October 5, 2017, Governor Edmund G. Brown signed AB 245, making amendments to Health and Safety Code sections 25188, 25189 and 25189.2. The amendments made by AB 245 increased the maximum administrative and civil penalty for hazardous waste violations in California from $25,000 to $70,000 per violation per day of violation. This change made the maximum penalty under statute, $70,000, inconsistent with the maximum penalty under regulation, $25,000.

On July 5, 2018, OAL approved an emergency rulemaking action submitted by DTSC to amend section 66272.62, Determining the Initial Penalty for Each Violation. The

emergency rulemaking increased penalties in regulation uniformly with a maximum penalty of $70,000, matching statute. On December 31, 2018, and April 3, 2019, OAL approved re-adoptions of the emergency regulation. On June 24, 2019, OAL approved the Certificate of Compliance submitted by DTSC, making permanent regulatory increases in the minimum-to-maximum initial penalty amount for violations of laws related to hazardous waste control and disposal.

For additional information, please go to https://dtsc.ca.gov/regs/initial-penalty-regulations/

2019 Verification Questionnaire Report Cycle Now Open

The 2019 Verification Questionnaire report cycle is now open. The Verification Questionnaire is completed through the electronic Verification Questionnaire (eVQ) System. The eVQ System provides a fast and convenient way for hazardous waste handlers to complete the required annual EPA ID number verification and fees assessment to maintain the active status of their EPA ID numbers. Handlers that need assistance with the Verification Questionnaire can email eVQ@dtsc.ca.gov or call 1-877-454-4012, Monday - Friday from 9:00 a.m. to 4:00 p.m. (PDT).
(C:\Users\CGill\Desktop\CalEPA Newsletter Submissions\evq.dtsc.ca.gov)

CUPA Access to the Transporter Quarterly Report (TQR) System

CUPAs can request access to the TQR System by sending an email to TQR@dtsc.ca.gov. On the subject line of the email, please write "Access to TQR Database". The following reports are available:

1. TQR Submitted by Transporter – Lists transporters that submitted their quarterly report for a specific reporting period.

2. TQR Detail Report
   - By Manifest – Provides a list of generators, waste type, and quantity for a specific manifest.
   - By Waste Category or Waste Code – Provides a list of manifests for a specific waste stream.
   - By Shipment Date – Provides a list of manifests for a specific date/date range.

3. Summary Report – For a specific transporter, provides the summary of waste type and total quantity for a specific date/date range.

4. TQR Generator
   - Eligibility – This report identifies ineligible generators for consolidated manifests.
   - Listing – This report identifies a list of generators per transporter.

5. Transporter List by Generator - Identifies a list of transporters per generator.

6. Generator Manifests by Jurisdiction - Lists all generators for consolidated waste within a geographic region.

New DTSC Website Links to Commonly Used Factsheets

Factsheets: All https://dtsc.ca.gov/publications-index/

Hazardous Generator Requirements: https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/06/HWM_FS_Generator_Requirements.pdf

EPA Id Numbers: https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/02/OAD_EPA_ID_FS.pdf

Accumulation Time for Generators: https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/02/FS_OAD_Accumulation.pdf

Used Oil: https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/02/RAG-UsedOilforGenerators.pdf

Used Oil Filters: https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/02/RAG_Used-Oil-Filters_Generators1.pdf

Used Oil Filter Advisory: https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/02/AdvisoryUsedOilFiltersMarch2017Final.pdf

Spent Lead Acid Batteries: https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/02/FS_DutyOfficer_LeadAcidBatteries1.pdf

Load Checking at Solid Waste Facilities: https://dtsc.ca.gov/wp-content/uploads/sites/31/2016/01/HWM_FS_LoadChecking_Landfills.pdf

Spent Batteries at Solid Waste Facilities: https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/02/Management-of-Discarded-Batteries-Fact-Sheet-09282016.pdf

Managing Empty Containers: https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/02/Managing-Empty-Containers.pdf

HHW: (just web page): https://dtsc.ca.gov/universalwaste/household-hazardous-waste/
- HHW Inspection checklist: https://dtsc.ca.gov/wp-content/uploads/sites/31/2016/01/PHHWCF_Insp_Checklist_2010.pdf

Universal Waste: https://dtsc.ca.gov/wp-content/uploads/sites/31/2016/01/UW_Factsheet1.pdf

Consolidated Manifesting Generator requirements: https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/06/HWM_FS_SB271_Gen_Req1.pdf

Generator Summary Chart: https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/05/California-Generator-Chart.pdf

DTSC Staff Directory

The staff directory is no longer available on DTSC's website. To find contact information for a DTSC employee, you can click on the following links:

CalEPA Agency-Wide Directory: https://agency.calepa.ca.gov/StaffDirectory/default.asp?VW=LST&TP=LST&SL=F&BDO=0

California On-Line Directory: https://cold.govops.ca.gov/

Violations Scoring Procedure

The Violations Scoring Procedure (VSP) regulations became effective January 1, 2019, and they require DTSC to comprehensively evaluate each hazardous waste facility's compliance history as part of the permit decision-making process. The VSP regulations establish a systematic process for evaluating and characterizing a hazardous waste facility's compliance with substantive hazardous waste management requirements.

The VSP regulations are meant to incentivize facilities to improve compliance performance and reduce the number of violations, which over time will result in better protection of public health and the environment. The regulations will also foster a better understanding of permitting decisions. Details can be found at https://dtsc.ca.gov/violations-scoring-procedure/.

Scrap Metal Recycling Webpages

DTSC published new webpages geared towards metal recyclers. Development of these pages is part of a DTSC effort to increase enforcement of and outreach to metal recycling facilities in California. The webpages will serve as a centralized location for information on hazardous waste laws and regulations that generally apply to facilities engaged in scrap metal recycling. The webpages provide information on appliance and vehicle recycling, links to universal waste and electronic waste webpages, as well as guidance, factsheets and additional resources.
(https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fdtsc.ca.gov%2Fscrap-metal-home%2F&data=02%7C01%7C%7Cb37d552dd39947e082e208d71cde6f48%7C3f4ffbf4c7604c2abab8c63ef4bd2439%7C0%7C0%7C637009613991929551&sdata=cleKdeD21Juyis571Xs8LcbkaQLuYiZ8vUtAiYFpl%2BM%3D&reserved=0)

Cal FIRE OSFM

CalFIRE Website

CAL FIRE has recently launched its new website to comply with state accessibility requirements per Assembly Bill 434. Certain OSFM website links, including the APSA and fire code Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statements (HMIS), have been removed. New links to the APSA and HMMP-HMIS programs will be made available once they meet the accessibility requirements.

In the interim, if you want a document previously posted on the OSFM APSA or HMMP-HMIS website, such as the Tier II Qualified Facility SPCC Plan template, farm fact sheet, or guide on tanks in underground areas, you may contact OSFM staff at cupa@fire.ca.gov.

The online APSA Basic Inspector Training course is still available to UPA staff or inspectors. If interested, email the OSFM staff at cupa@fire.ca.gov and include the following information in the email:

- Name,
- Name of your UPA,
- Email address and phone number, and
- Name of your supervisor or manager, and cc them in your email.

For others interested in APSA training, visit the San Diego County CUPA website at https://www.sandiegocounty.gov/content/sdc/deh/hazmat/hmd_apsa/hmd_tier_1_template_course.html for free online training on 'How to Prepare Your Own SPCC Plan.' You may also visit the California CUPA Forum training library at https://calcupa.org/training/training-video-library.html for additional training on various Unified Program topics.

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.

CalEPA Unified Program Home Page

Agenda Item IX

ARTICLES OF INTEREST

(https://resource-recycling.com/plastics)

PLASTICS RECYCLING UPDATE
A Resource Recycling, Inc. publication

PCR bottle mandate approved in California (https://resource-recycling.com/plastics/2019/09/18/pcr-bottle-mandate-approved-in-california/)

Posted on September 18, 2019

by Colin Staub (https://resource-recycling.com/plastics/author/colinstaub/)

(https://resource-recycling.com/plastics/?p=11533&preview=true)

Beverage bottles will be subject to phased-in recycled plastic mandates, if AB 792 is signed by the governor. | Myibean/Shutterstock

A recycled plastic requirement for beverage container producers cleared the California legislature last week. But comprehensive legislation reducing single-use packaging failed to advance.

Building recycled plastic demand

Producers of most plastic beverage containers sold in California will need to include 10% recycled plastic across their product offerings by 2021 and 50% by 2030.

Assembly Bill 792 (https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB792) cleared the California State Assembly on a 60-12 vote on Friday, which was the final day for lawmakers to pass bills before the session closed.

Under the bill, plastic bottles that are covered under the state's container redemption program will be subject to phased-in recycled plastic mandates. Manufacturers' usage will be evaluated across the company's entire product line sold in California, meaning not all of a company's containers will need to include recycled plastic as long as the overall percentage meets the mandate.

The percentages and timeline were softened multiple times during the course of the bill's development. It originally set a 100% recycled plastic mandate (https://resource-recycling.com/plastics/2019/04/24/recycled-plastic-mandate-advances-in-california/) by 2035. Later, that was reduced (https://resource-recycling.com/plastics/2019/07/10/proposed-plastics-fee-and-other-calif-legislative-news/) to a maximum of 75% by 2030. The mandate was further reduced to 50% by 2030 in the final version that passed last week.

A legislative analysis of the bill put the mandates in the context of major beverage companies voluntarily increasing their recycled plastic use. Coca-Cola and PepsiCo, for example, have announced recycled feedstock goals in recent years.

"While these goals indicate that incorporating additional recycled content is possible, currently the vast majority of plastic beverage containers contain little to no recycled content," the analysis states.

In previous hearings on the bill, proponents said the bill would build demand for recycled plastic, creating an industry that could even outpace the bill's content requirements. Opponents pointed to insufficient collection infrastructure.

Nestlé Waters North America, which initially opposed the bill, released a statement (https://www.prnewswire.com/news-releases/nestle-waters-north-america-applauds-california-legislature-for-passing-new-recycled-content-law-300920042.html) praising the passage of the final legislation.

Describing the bill as "ambitious and workable," the company pointed to one change in particular that influenced its position shift. In the final text, the California Department of Resources Recycling and Recovery (CalRecycle) must, at least annually and at most twice per year at the request of the beverage industry, consider whether the requirements are realistic in light of a variety of factors. The agency will analyze market conditions, the availability of recycled plastic, the capacity of recycling and processing infrastructure, and more.

Upon a request from beverage manufacturers, CalRecycle must consider the petition within 60 days, according to the bill. If the agency determines the requirements are unrealistic, CalRecycle has the authority to reduce or suspend the recycled plastic mandate.

In a release, Charles Broll, executive vice president and general counsel of Nestlé Waters North America, said the company "appreciates that legislative leaders worked with industry and environmental groups to create this landmark piece of legislation."

The bill now goes to Gov. Gavin Newsom for a signature. According to Assemblyman Phil Ting (https://twitter.com/PhilTing/status/1172950079436517376), who sponsored the bill, the governor has until Oct. 13 to act.

Aggressive single-use material policies are on pause

Meanwhile, sweeping legislation in California that would have set aggressive recycling mandates on a range of items failed to advance.

Assembly Bill 1080 and its companion bill, Senate Bill 54, were not voted on by the end of the day Friday, the deadline to approve legislation. That means the bills, which would have set substantial recycling and source-reduction requirements on single-use packaging, are dead for now.

The legislation (https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB1080) requires CalRecycle to, by 2024, develop and adopt regulations that will require all single-use packaging and "priority single-use products" sold in California to be recyclable or compostable by 2030. It also requires producers source reduce their single-use products "to the maximum extent feasible."

Additionally, the bills mandate that the state "achieve and maintain" a 75% reduction of the waste generated from these single-use products. This can be met through source reduction, recycling or composting.

Besides single-use packaging, the bill identifies "priority single-use products" as foodservice ware such as plates, bowls, cups, utensils, stirrers and straws.

How these goals would carried through is largely up to CalRecycle, which would be required "to conduct extensive outreach to stakeholders and local agencies." CalRecycle would look into certain "specified regulator measures" that reduce single-use materials. One such measure that's laid out in the bill is extended producer responsibility (EPR). The legislation "authorizes CalRecycle to allow producers to implement extended producer responsibility programs if the program meets certain criteria and is approved by CalRecycle," according to a bill analysis from the Senate Environmental Committee.

Other specific regulator measures outlined in the bill text include recyclability labeling requirements, deposit systems, rolling out reusable and refillable delivery systems, advanced disposal fees, incentive programs and more.

The legislation went through numerous iterations during the session, up to and including several key revisions in the past week. In one significant change, the legislation moved from covering specifically single-use plastic materials to being written as a "material neutral" bill: The legislation was rewritten to cover single-use products made from any material, including paper and metals.

That change was key to lessening opposition from some major players in the plastics industry. The American Chemistry Council (ACC) changed its position from "opposed" to "neutral," after the changes to include all materials under the policy, Plastics News reported earlier this month (https://www.plasticsnews.com/news/california-softens-plastics-bill-acc-now-neutral-others-industry-still-oppose?utm_source=pn-sustainability-report&utm_medium=email&utm_campaign=20190912&utm_content=article1-headline). And chemical giant Dow came out in support of the bill after that change. These changes, however, spurred additional industry groups to oppose the bill, as more manufacturing sectors would be subject to the law.

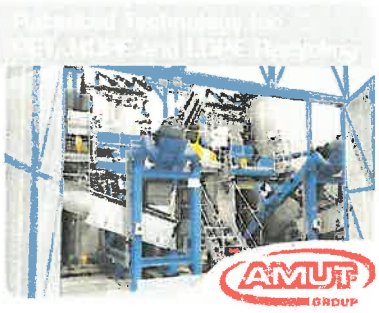
In a statement (https://www.americanchemistry.com/Media/PressReleasesTranscripts/ACC-news-releases/California-Packaging-Recycling-Legislation-Stalls.html) following the bill's failure to advance, ACC said it

urges lawmakers "to continue working on this issue and address key issues such as the need for funding to expand and improve the state's recycling infrastructure and updating the state's solid waste laws to ensure that innovative chemical recycling technologies are part of the solution."

More stories about California

- Proposed plastics fee and other Calif. legislative news (https://resource-recycling.com/plastics/2019/07/10/proposed-plastics-fee-and-other-calif-legislative-news/)
- How technology is helping carpet processor roll forward (https://resource-recycling.com/plastics/2018/11/28/how-technology-is-helping-carpet-processor-roll-forward/)
- CalRecycle gives thermoformer low-interest loan (https://resource-recycling.com/plastics/2018/10/31/calrecycle-gives-thermoformer-low-interest-loan/)

(http://www.sdslogistics.com)



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- How HDPE barrier tubes were tested for recyclability (https://resource-recycling.com/plastics/2019/10/02/how-hdpe-barrier-tubes-were-tested-for-recyclability/)
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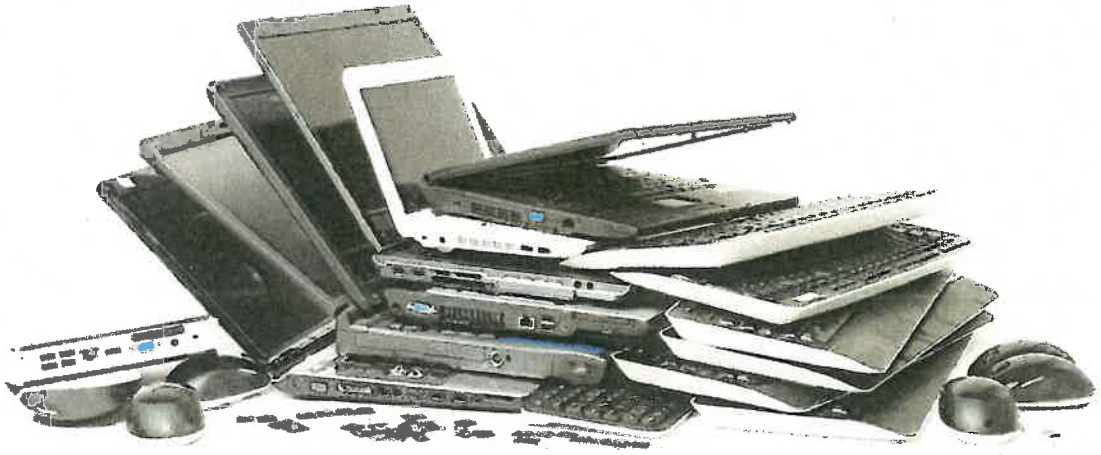
In addition to our e-newsletters, Resource Recycling Inc. will occasionally send emails related to the specific recycling industry

Experts say e-scrap generation to more than double by 2050 - E-Scrap News

Colin Staub

Posted on October 3, 2019

by



Discarded electronics are estimated to reach 122 million short tons per year around the globe by 2050. | Petra Nowack/Shutterstock

A United Nations-backed study predicts massive growth in global tonnages of end-of-life electronics, and it examines how the recycling sector can best prepare.

United Nations University in September released a report highlighting three scenarios for how the e-scrap sector could evolve in years to come. The report, which was authored by UNU's Solving the E-waste Problem (StEP) initiative, points to some of the current pitfalls in e-scrap processing.

These are identified as hurdles to overcome as the volume of e-scrap grows massively in the future.

"In many cases, despite the available technology, there is no economic incentive for recycling materials from e-waste," the researchers found. "And although several policies and regulations have been put in place to cover e-waste, the situation has not improved as expected."

Discarded electronics are estimated to grow to an estimated 122 million short tons per year around the globe by 2050, the researchers say. That's up from the current total of a little over 55 million short tons.

As that expansion occurs, the electronics industry should avoid two scenarios in particular, the UNU authors note.

A "business as usual" approach (of steady increases in electronics production, consumption and innovation) brings affordable products in the short term but ignores the environmental impact of those devices, according to the researchers.

At the same time, a "reactive" approach of strictly regulating the electronics industry to force environmentally conscious end-of-life management improves device management locally, but it can lead to exporting the problem to other countries, particularly those with less stringent regulations, the report states.

Instead, the researchers promote a "proactive" approach to electronics recycling. Under this model, industry players will lead the charge toward "sustainable production and consumption," making changes within their own businesses to reduce the environmental impact of end-of-life electronics.

The report notes equipment manufacturers are an important piece of the puzzle.

"Manufacturers can take the initiative with innovative business models prioritizing lifetime extension and reuse of electronic products," according to the authors. "This shift to more circular business practices will reduce the negative impacts of e-waste, despite the inevitable growth in the use of electronics, and also help to prevent e-waste generation."

More stories about research

- Pilot plant to recover rare earths using hydrogen
- Federal grant to fund e-scrap metals recovery research
- Pilot 'biorefinery' opens for demonstration

September 2019 Fire Report: The Lithium-ion Battery Problem Worsens

Ryan Fogelman | Oct 03, 2019

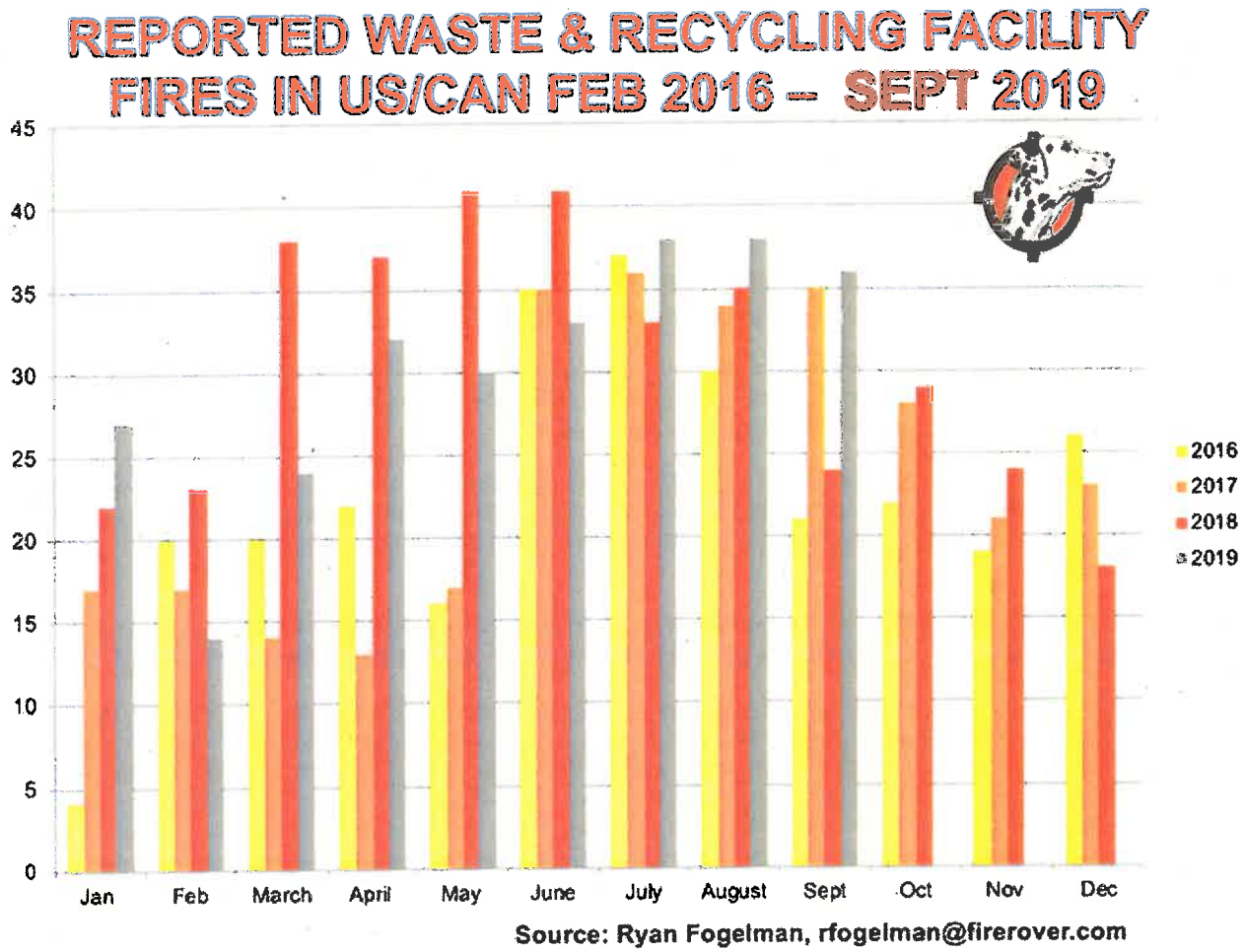
With all things being equal, I am proud of the waste and recycling industry. The industry's attitude toward fire is night and day compared to when I first started down this path in 2015.

Back then, "fire" was a dirty word not to be mentioned outside of the four walls of any waste and recycling business. If there was a fire, fingers pointed to the operations and safety organizations to fix the operational breakdown that must have occurred.

Fast forward to present day, waste and recycling companies have embraced fire prevention. Most organizations have some sort of plan in place or, at the very minimum, have begun to address the issue through planning, training, public education and investment in technology. So that begs the question:

With all the focus the waste and recycling industry has put into its fire prevention efforts, why are fire incidents in waste and recycling facilities still increasing?

In September, we saw 36 reported waste and recycling facilities fires that occurred within the U.S. and Canada. September's number being so high is only one of the issues we face. The real issue is that we have had a monthly high now for July, August and September. The industry has experienced a summer increase in fire incidents for decades. These fires traditionally are caused by the public's enjoyment of their summer. Hazards from propane tanks, to charcoal, to fertilizers end up on our tip floors that result in close calls to complete destruction of our waste and recycling operations.



September's high numbers could very well be due to the hot and dry summer that has prolonged well into September in many parts of the country. Unfortunately, we cannot rule out the new hazards from lithium-ion batteries that continue to flood our waste stream.

During the past 12 months, the waste and recycling industry has experienced 342 reported facility fires in both the U.S. and Canada. Based on reasonable assumptions, we can extrapolate that 1,800-plus facility fires have occurred during that time, which, based on the number of facilities reported by the Environmental Research & Education Foundation, is more than 40 percent of the Industry.

I define "reported facility fires" as any fire that has been reported by the media that occurs at a waste or recycling facility. Typically, those fires are the two-alarm fires that required fire professionals to arrive on scene.

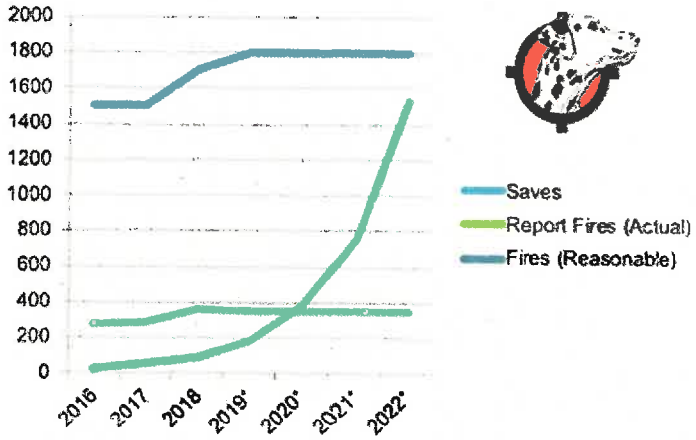
In September, the trend continued as we experienced eight additional reported injuries due to five separate fire incidents. Over the past 12 months, there have been 42 injuries due to these fire incidents, with a significant percentage of these injuries to the fire professionals.

At WasteExpo in 2016, I presented a simple strategy for decreasing the number of fires that our waste and recycling industry face each year. This included a number of different fire safety initiatives, which, in combination with our early detection and remote suppressant solutions, would result in "saves" in materials recovery facilities, transfer stations, construction and demolition (C&D) facilities and metal recycling facilities.

I made the assumption that if we have "saves," the number of reported fires will eventually start going down. I have updated the data in the graph below with actual and updated estimates. But the issue that I underestimated was the sheer number of hazards we face as an industry primarily due to the continued onslaught of lithium-ion batteries in our waste stream.

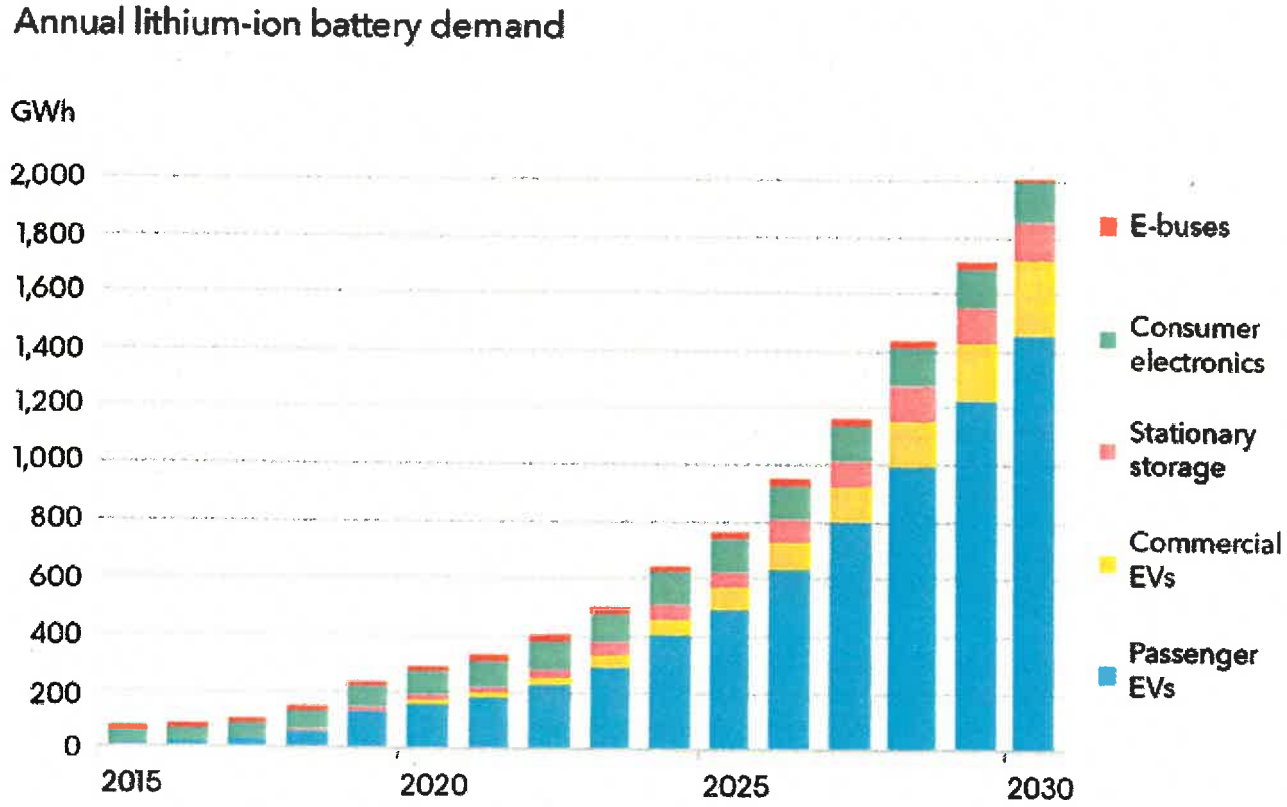
REPORTED WASTE & RECYCLING FACILITY FIRES ACTUAL VS. SAVES

Year	Saves	Report Fires (Actual)	Fires (Reasonable)
2016	25	278	1500
2017	63	290	1500
2018	97	365	1700
2019*	190	350	1800
2020*	380	350	1800
2021*	760	350	1800
2022*	1520	350	1800



Source: Ryan Fogelman, rfogelman@firerover.com

According to an article penned by Matt Bohlsen that was published last month in *Seeking Alpha*, "No matter which way you look at it, lithium-ion ("Li-ion") battery demand is set to surge about tenfold between 2018 and 2030 (see BNEF chart below)." Another way to get a feel is the Benchmark Minerals megafactory data, which as of a July 5 Tweet: "Assessment published at 1,956.6GWh [gigawatt hours] capacity by 2028, increase of 5.25%, now tracking 91 plants." The 91 number was three back in Q1 2015, showing how much megafactory demand has advanced in just four years. (Source: BloombergNEF)



As you can see from the graph above, the amount of power consumers and businesses that need to meet their growing appetite for lithium-ion batteries is staggering. I am not sure we even comprehend what is coming down the pike. The good news is that a significant increase in the need for lithium power is coming from automotive uses, which is the supply chain where I see the most work being focused on developing a closed loop supply chain allowing for fire protection and tracking during the entire product lifecycle.

One of my counter parts, Ronald Butler, is working on just this type of solution for the automotive OEMs, which I highlighted in my May article published in *Waste360*.

Most of the issues that the waste and recycling industry faces is in consumer electronics and stationary storage. These are the products that end up in our recycling bins, on our tip floors, in our C&D material and on our shredders.

Last week, I was fortunate to be part of a Lithium-Ion Battery workshop that was put on by the Solid Waste Association of North America Illinois Chapter for its fall event. I wanted to share some insight that I gained from the other presenters around the issues we are facing as an industry. My presentation focused on national trends and future trajectories of lithium-ion batteries, which I have uploaded below if you are interested in viewing:

The first speaker was Jeff Spangenberger of Argonne National Laboratories, who works in materials recycling research and development. He made the point that although we are testing a number of different types of materials in an effort to replace the dangers of lithium-ion batteries, lithium is currently our best option. I know that I am constantly barraged by headlines from the major news outlets that claim there is a safer, more powerful portable energy storage option coming to the market. Spangenberger made clear that most of the testing is coming from small samples sizes. And although promising, they might not be all that the headlines are making them out to be. Although I believe that eventually a better option will be developed and commercialized, the fact is that we are going to be dealing with lithium-ion batteries for a long time into the future.

The second presentation was led by John Sliwicki, vice president of risk management for Lakeshore Recycling Systems. His presentation highlighted his experience dealing with a large fire at one his facilities in 2018 that required more than 1.5 million gallons of water to contain and completely suppress the fire hazard. Since the fire, his organization had made a number of changes outlined in a disaster preparedness plan that include more employee training, working with the local fire department, grading loads, clearing its tip floor and adding early detection and suppression capabilities.

I would personally like to stress that executives like Sliwicki and a number of others in the industry, including Steve Sargent from Rumpke Waste & Recycling, Brent Shows from Advanced Disposal Services, Michael Gross from Zanker Recycling, Michael DeCastro from Covanta, Rafael Reveles from Apple (formerly Sims Recycling Solutions) and David DeVito from ReEnergy Holdings, have all been on the forefront in both fire preparedness through proper planning, public education and sharing of best practices. I highlighted DeVito's harrowing experience successfully fighting a major C&D fire incident in last October's article. These executives that are willing to share their experiences and learnings for the rest of their industry colleagues and the public to learn from is the spirit of what safety is all about.

Finally, John Schumacher from Assurance shared the insurers' perspective on handling the fire risks in the market. We have all witnessed insurance companies' hesitation to insure the risks in the industry. Schumacher made the point that insurers are requiring higher deductibles/premiums and increasingly only willing to insure layers of the risk. This is different from the days where one insurer would insure an entire property. Schumacher was clear that the best way to get on any of the insurers' good side is to put the programs, policies and investments in place that will lower the risk profile of your operation.

From my experience, insurers do not want to stop writing policies in this industry. They are doing all that they can to make sense of the risks and the incidents they are experiencing. As the industry develops a better understanding of the strategies and investments needed to keep facilities safe from fire incidents, the insurers will be more likely to underwrite the collective risk.

I have one of the best jobs and one of the worst jobs that a person can have. I have spent the past five years engulfed in an industry that we cannot do without (waste) or should not do without (recycling).

We are in the heart of an epidemic that is causing havoc in our operations. From my perspective, we have made it through the hardest part, which was getting our arms around the initial and continued scope of the problem. The problem is not going away, but the industry has been stepping up by working together, educating, executing and investing in strategies and solutions that are mitigating both the traditional fire risks as well as the onslaught of fire risk we are experiencing through lithium-ion batteries.

We need to keep up the fight. The day will come where the number of fire incidents in our facilities, especially the major fire incidents, will catch up to the danger, and we will see these reported numbers steadily decreasing. For those of you out there who are contributing to the solution through your company, organization or yourself, I appreciate your continued efforts.

Ryan Fogelman, JD/MBA, is vice president of strategic partnerships for Fire Rover. He is focused on bringing innovative safety solutions to market. He has been compiling and publishing the "The Reported Waste & Recycling Facility Fire In The US/CAN" since February 2016 and the "Waste & Recycling Facility Fire Annual Report." Fogelman speaks regularly on the topic of the scope of fire problems facing the waste and recycling industries, detection solutions, proper fire planning and early-stage fire risk mitigation.

WTE Upgrade Will Carry Long Beach, Calif., Plant Through 2024

Arlene Karidis | Oct 01, 2019

Large waste-to-energy (WTE) plants come with steep costs to operate and maintain. But after extensive research, the city of Long Beach, Calif., concluded investing in a major overhaul of the 30-plus-year-old Southeast Resource Recovery Facility (SERRF) was the best of its limited options to continue processing the 1,380 tons a day of waste it receives.

Each person in Long Beach generates 3.9 pounds of trash per day, according to the California Department of Resources Recycling and Recovery (CalRecycle).

The SERRF was designed to operate until December 2018, at which time the bonds for its construction had been paid and the city's contract with the utility expired.

In 2017, Long Beach commissioned engineering firm HDR to determine what upgrades would be needed to operate the facility through 2024. That upgrade penciled out to about $13.7 million.

As part of HDR's preliminary condition assessment report, it made estimates for capital investment to continue operations even longer—through 2039. HDR estimated a range of $40 million to $60 million.

"We looked at continuing operations, and we looked at other options that might bridge us to our zero waste program," says Charlie Tripp, an employee of the city of Long Beach and manager of the Southeast Resource Recovery Facility. "We concluded there were only two options: landfilling or waste-to-energy. We felt waste-to-energy was more beneficial from a greenhouse gas perspective than trucking to distant landfills in outlying areas. We told the council we need to make this investment to carry us to 2024 to continue to operate the facility as it is now."

Long Beach City Council voted unanimously for the upgrade to the SERRF, which is owned by JSERRF, a joint powers authority made up of the city of Long Beach and the County Sanitation District of Los Angeles. Under terms of agreement between those entities, Long Beach leases the facility and Covanta operates it.

This is the first major upgrade to the plant since its 1988 launch, says Tripp.

There will be no substantial differences in capabilities; rather the project entails performing maintenance that's required over time, according to James Regan, director of corporate communications for Covanta.

"Projects like these are very typical at this stage of operation. It's all about

ensuring continued reliable operation of the facility," he says. "Take conveying systems, for example. With new systems, there will be less of a chance for equipment breakdowns; therefore, the associated time/manpower required for a repair would be reduced."

The upgrade includes new chutes that feed waste into the combustion chamber; new equipment that discharges ash and metal that remains after combustion onto conveyor belts; and new conveying systems that move the ash residue and metal to a separate area to be sorted.

Power made at SERRF is sold to California ISO, which maintains the power grid and operates a wholesale energy market.

Tripp estimates the operation will generate approximately $8 million in revenue in 2019, which helps to support operational costs to run the facility.

In addition to processing Long Beach's municipal solid waste, SERRF works with federal, state and local law enforcement agencies to destroy narcotics and drug-related paraphernalia. In Fiscal Year 2017, more than 533,000 pounds of confiscated material were destroyed.

"The facility helps keep Long Beach refuse rates competitive in the market and provides a positive alternative to the environmental impacts of sending waste to a landfill," says Tripp.

He says among the objectives the system was designed for are ensuring compliance with AB 939 and supporting that legislation's priorities of waste avoidance, reduction, reuse, recycling and recovery, as well as providing what he calls an "environmentally sound management of waste" that is not diverted for reuse or recycling.

As with other WTE facilities, there has been controversy around this one, with East Yard Communities for Environmental Justice among its most adamant opposers. The organization, with many low-income members living within a few miles of the facility, had pushed for the city to consider other options over the upgrade.

As far as whether Long Beach will invest in further upgrades to run the SERRF past 2024, that decision will be made by considering a multitude of factors, "including but not limited to commercially available waste management disposal options, quality of service to our community, costs and others," says Tripp.

The city of Long Beach will invest $8.7 million from a dedicated SERRF fund within the city's Energy Resources Department, and Covanta will supply the remaining $5 million.

But this is far from the costliest upgrade to a WTE facility. At the Pinellas County, Fla., facility, Covanta is managing more than $240 million in capital projects designed to ensure the plant can run efficiently into the future, says Regan.

Glass Recycling Coalition offers certification for MRFs - Resource Recycling News

Jared Paben

Posted on October 1, 2019

by

According to a 2018 industry survey, 27% of MRFs have glass cleanup equipment. | AlxCreate/Shutterstock

An industry group will recognize and promote recycling facilities that take steps to clean up the glass they move downstream.

The Glass Recycling Coalition launched a MRF Glass Certification Program to entice facilities to install glass cleanup equipment and implement procedures to produce higher quality material.

"The long-term goal is to encourage and produce quality glass products that are viable in the glass container market or other beneficial reuse applications and not in a landfill," Tom Outerbridge of Sims Municipal Recycling stated in a press release. Sims is a member of the glass group.

According to a 2018 industry survey, 27% of MRFs have glass cleanup equipment.

Participants in the free certification program will be listed on the Glass Recycling Coalition's online map and will receive traditional and social media recognition for their efforts.

The Glass Recycling Coalition was founded in 2016 by the Glass Packaging Institute (GPI), spirits maker Diageo and brewer New Belgium in collaboration with more than a dozen founding member companies. The group now has almost 40 companies in its membership.

Earlier this year, glass stakeholders launched the Glass Recycling Foundation, which works closely with the Glass Recycling Coalition.

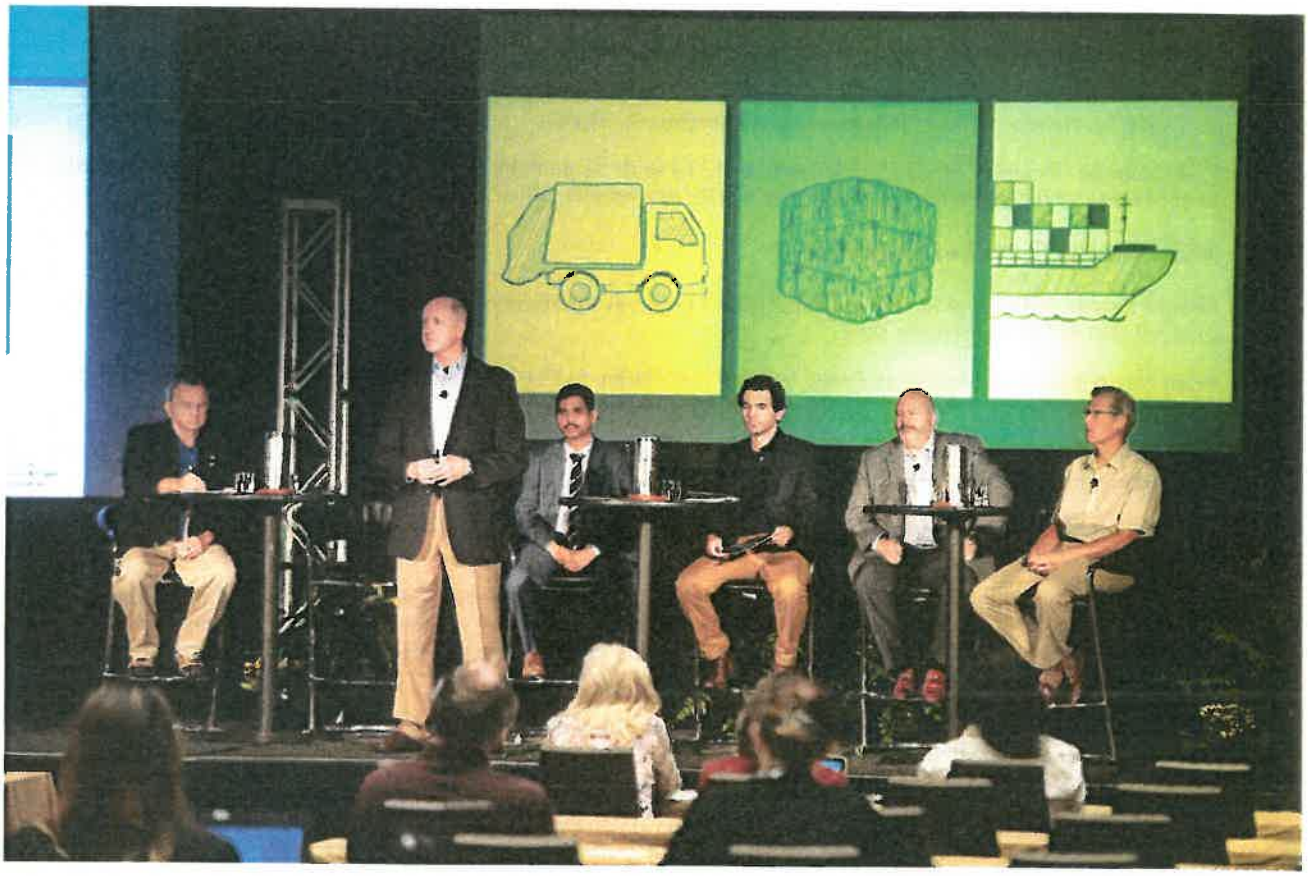
More stories about glass

- Two recycled-content bills gain approval in California
- Pair of projects offer hope for glass markets in South

- Large cullet end user coming to Southeast

Experts talk recycled paper realities and forecasts - Resource Recycling News

Colin Staub



From left: Mick Barry, Brian Hawkinson, Shailesh Gothal, Dave Yousif, Mark Bond and Dave Claugus at the 2019 Resource Recycling Conference and Trade Show. | Brian Adams Photography/Resource Recycling Conference

MRF operators, brokers and others recently discussed why fiber is still "the elephant in the room" in municipal recycling conversations.

During a recovered fiber session at the 2019 Resource Recycling Conference and Trade Show in New Orleans, stakeholders from throughout the paper recycling sector discussed where the market is and where it's headed.

Fiber is the "elephant in the room" as far as the value of the residential mix that municipalities receive, said Dave Claugus, vice president of Pacific Northwest MRF operator Pioneer Recycling Services.

The session featured experts from the American Forest & Paper Association, Gemini Corporation, the Continuous Improvement Fund, Sustana Fiber and Pioneer Recycling Services. It was moderated by Mick Barry of Mid-America Recycling.

Why the fiber focus?

Paper is the "main event" at a MRF, said Claugus. In the Pacific Northwest, paper makes up 75% of the material that comes onto the tip floor Monday through Friday.

"That means that paper moves the price of whatever the processor can pay or needs to charge the municipality," Claugus said.

For example, if paper moves by $10 per ton, it is going to influence the combined value of recyclables by $7.50 per ton. If PET moves by $10 per ton, on the other hand, that would influence the combined value of the recycling stream by just 25 cents per ton due to its smaller volume in the stream.

Claugus argued there is an inelastic supply of recycled paper at the MRFs, meaning the supply does not respond to price and is relatively fixed.

"The generators of this material are totally disconnected from price. They have no price signal and so they don't respond," he said. This dynamic represents a "huge change" from when Claugus got started in the industry 40 years ago, he added, and the inelasticity has "profound" implications for the pricing of the material.

Under this dynamic, "when you have a shift in demand you're not sliding gently down a supply curve, you're falling off a cliff, and that's why the pricing for recycled materials are so volatile," he said.

Claugus also offered his opinion that volatility is the norm in the pricing of recyclables and that stability is the exception. And recognizing these realities, he said, is key to making sustainable recycling contracts.

> "The generators of this material are totally disconnected from price. They have no price signal and so they don't respond." – Dave Claugus, Pioneer Recycling Services

"This is huge; everybody needs to understand this," he said. "It should be part of your thinking as you approach any kind of contract renegotiation whether you're a MRF or a municipality."

Mixed-paper market snapshot

China's import restrictions heavily impacted mixed paper, as the country went from taking hundreds of thousands of tons per year to buying virtually none.

Brian Hawkinson of the American Forest & Paper Association (AF&PA) detailed the domestic mixed-paper market, which has received much attention in the wake of the overseas restrictions.

Over the long run, mixed paper is making up a smaller percentage of all recovered fiber consumed in the U.S. In 2009 it was slightly more than 14%, and by 2018 it had dropped to just more than 12%.

"The biggest by far, of course, is OCC," Hawkinson said, noting that grade makes up about 71% of all recovered fiber consumed in the U.S.

Mixed paper finds two main end markets in the U.S. Recycled paperboard claims 39% of the mixed paper that moves to market in the U.S., and another 37% goes into containerboard. The tissue market takes 19% of the mixed paper, and the remaining 5% goes into construction applications and other paper product grades. This is much different than a decade ago, when packaging was a smaller percentage.

The mixed-paper export market has also shifted dramatically over the past decade, and not just because of the turbulence over the past two years.

Citing U.S. Census Bureau data, Hawkinson showed that mixed-paper exports dropped substantially in 2010 concurrent with the U.S. economic downturn. That year alone, exports dropped from more than 7.5 million short tons to less than 5 million. Exports remained pretty stable between 4 and 5 million tons per year until 2015, when they started a downward slide that continued through 2018.

Details on the largest new market

Export destinations for recovered fiber have shifted dramatically, as well. India has become the current largest buyer of U.S. recovered fiber, and an expert says it is poised to be a strong market for the material moving into the future.

There are around 700 mills and that volume is growing, said Shailesh Gothal of Gemini Corporation, which brokers recyclables. Those mills are relatively small in size, with a typical Indian mill having a capacity of 100 to 250 metric tons per day, he said.

"But all in all, it is helping whatever China is not taking; India is trying to take a little bit more and help paper recycling," he said.

Of the Indian paper mills, 65% are dependent on imported recovered fiber, he said.

Though the markets are very bad currently, India has an advantage in its population, Gothal said. The country is going through a period of greater urbanization and the government is stable, which will increase the per-capita consumption of paper, he said, particularly given the country's massive population.

U.S.-sourced paper makes up 45% of the weight imported in India. The Middle East, meanwhile, contributes 25%, Europe makes up 15% and all other countries contribute the remaining 15%.

By grade, 15% of the newsprint consumed by Indian mills comes from within the country, with 85% being imported. But experts say newsprint is a "dying industry" in India, Gothal said, because no more investments are coming on the newsprint side.

> "India is trying to take a little bit more and help paper recycling." -Shailesh Gothal of Gemini Corporation

"Many mills are converting newsprint mills to kraft mills," he said, a trend that has been unfolding around the world. Printing and writing grades remain relatively strong, he said. But kraft packaging is the strongest grade in India, with upwards of 70% of Indian mills producing these materials.

How North American municipalities are responding

In the months following China's January 2018 implementation of sharper recovered material import restrictions, the Continuous Improvement Fund (CIF) of Ontario received "numerous and almost weekly calls from municipalities asking for support and advice and impacts associated with the National Sword," said Dave Yousif, project manager for CIF, which works to improve municipal blue box recycling programs throughout Ontario.

Similar to the Pacific Northwest, paper plays a critical role in Ontario's recycling programs. Almost 75% of the recyclables marketed in Ontario are fiber products, so "the gravity of the situation and potential impact was significant," Yousif said.

In response to the inquiries from municipalities, CIF recommended recycling programs improve their operational systems through fiber sortation upgrades. This improves the quality of the output, in turn increasing market access into higher-grade end markets, which Yousif said are more available domestically than low-grade end markets.

"We've supported market development in the past, particularly in the field of plastics, but attempting to develop a fiber market is a whole different beast," he said. Therefore, the best step municipalities can take is to improve their quality.

Yousif pointed to several municipalities that have upgraded their fiber optical sorting systems, installed ballistic separators and even completed entire MRF retrofits to include artificial intelligence robotics.

In a small number of cases, Ontario municipalities have converted from single-stream to dual-stream collection, another step aiming to improve recycling stream quality.

Domestic expansion details

Several speakers pointed to signs for improvement on the horizon, citing a handful of mills coming on-line with recovered fiber capacity expansions.

"It's a mix of reasons why the new capacity increases are coming on-line," said Hawkinson of AF&PA, explaining some mills that used to make grades such as newsprint are shifting into recycled packaging, and other idled mills are coming back on-line.

Claugus of Pioneer Recycling Services noted that "with each one of these projects, it is going to, all other things being equal, impact price." Still, he pointed out a significant "Achilles heel" in his prediction: the caveat of "all other things being equal."

"The real world is that every action begets a reaction, and so the real world is constantly changing," Claugus said. "So it's very likely, for example, that some of the assumptions investors made when they announced these projects, by the time they get around to actually spending the money, will have changed to the degree that now they're not so sure if they want to go ahead with the project."

Existing outlets explore new streams

As some of these North American mills prepare to expand their recycled paper purchasing, other mills that have been involved in the recycling sector for years are continuing to advance domestic paper recovery, including with innovative end uses.

Sustana Fiber operates two pulp facilities, one in Wisconsin and one outside Quebec City. These two mills create 250,000 tons per year of "the best recycled white fiber" in North America, said Mark Bond, sales manager for specialty fibers and sustainability at Sustana.

The company takes in 1,000 tons per day of sorted office paper and aseptic and gable-top carton bales, Bond said, and recycles them into new fiber products. The company produces tissue, printing and writing products, and packaging and food-service products.

Sustana produces 100% recycled packaging under the Envirolife brand, which can be used in direct food contact applications. This fiber can be used in lightweight and heavyweight paper packaging to-go products, Bond said.

The food-contact application means some additional requirements of the recycled fiber, such as the material being fluorocarbon free and having other safety measures.

Sustana is involved in pushing forward recovery and recycling of additional fiber streams, as well. Bond referenced a recent project Sustana completed in partnership with Starbucks, WestRock and Seda Packaging, recycling 25 million Starbucks single-use coffee cups for use in new coffee cups.

More stories about fiber

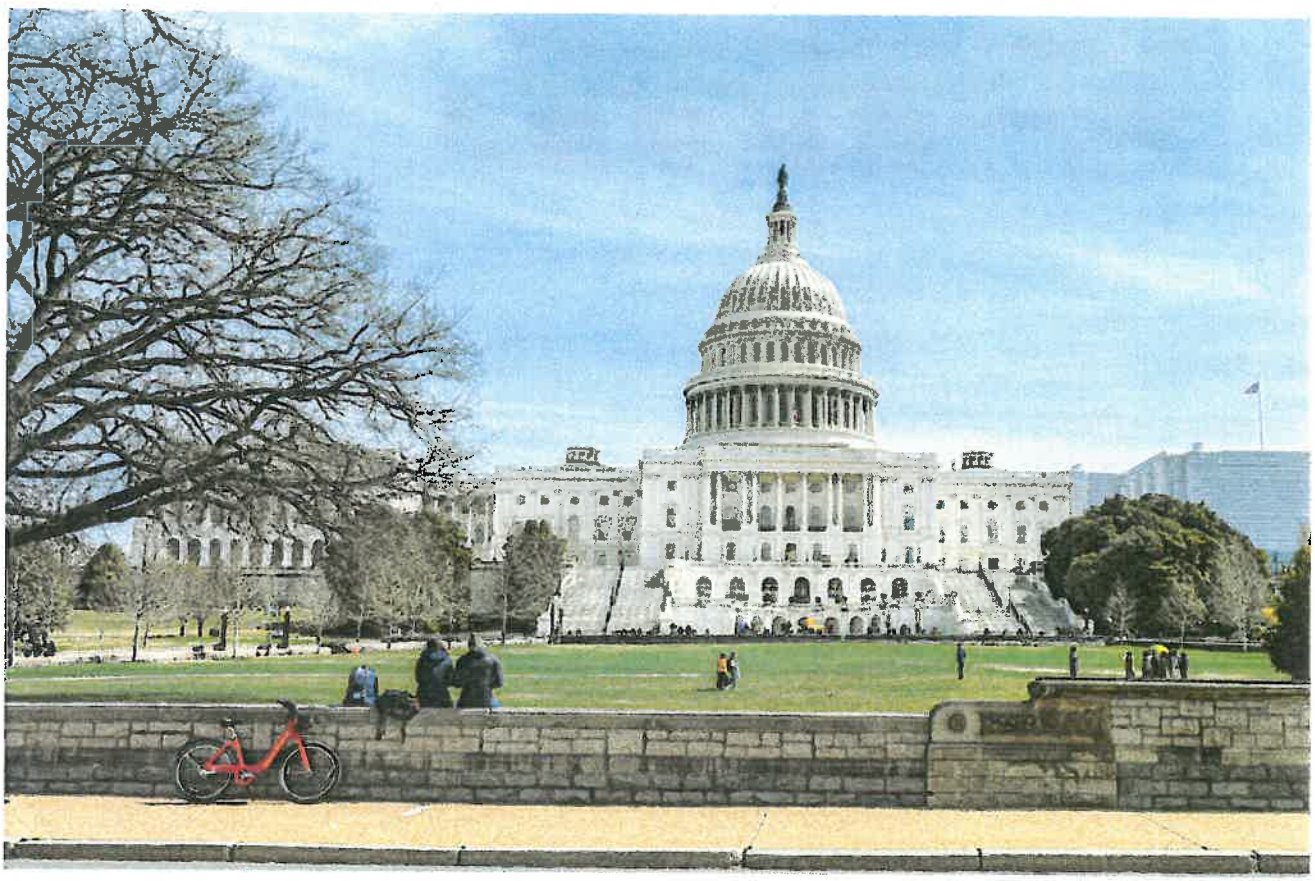
- Trump to visit new recycled paper mill
- Recovered natural HDPE price rises while PET drops
- Norpac plans recovered paper end market expansion

E-scrap export ban introduced in Senate - E-Scrap News

Colin Staub

Posted on September 12, 2019

by



The bill's sponsors have said the proposal would help to grow the domestic recycling industry. | Rolf 52/Shutterstock

Legislation limiting e-scrap exports has now been introduced in both federal legislative chambers, and in both cases the bills have bipartisan sponsorship.

S.2448 was introduced in the U.S. Senate on Sept. 9 by Sens. Sheldon Whitehouse, D-R.I., and Lamar Alexander, R-Tenn.

The full bill text is not yet available, but the bill's official description indicates it is the Senate version of House of Representatives 3559 (H.R. 3559), which was introduced in that chamber in June. Both bills revive a proposal that has been floated several times over the years. In recent years, the bill has been known as the Secure E-Waste Export and Recycling Act (SEERA).

The proposal would allow exports of tested and functional devices as well as some separated commodities destined for recycling. It would also continue to allow the export of recalled devices sent to foreign markets for repair. But any other end-of-life device exports would become illegal.

The bill has been referred to the Senate Banking, Housing, and Urban Affairs committee.

In a release, the bill's sponsors said the proposal "would help to grow the domestic recycling industry, keep jobs in the U.S. and reduce unsafe disposal of e-waste abroad."

"As Americans increasingly use more technology, electronic waste is a growing concern not only to our environment, but also to American consumers and businesses," Alexander said in the release. "This legislation will help limit the flow of electronic waste to countries who do not dispose of it properly, protect our military electronics, and preserve jobs in the U.S."

The Coalition for American Electronics Recycling (CAER), which has advocated for this proposal in the past, praised the Senate introduction. In a release, Stephen Rowland, a trader at CAER member company Glencore, said the proposal will protect the U.S. military by reducing the risk of counterfeit components being used in military applications.

"Equally important, SEERA will ensure e-waste is processed domestically to our industry's high standards for environmental and employee safety," he said.

The House bill has not seen any action since it was introduced and referred to the House Committee on Foreign Affairs last June.

While CAER has supported SEERA each time it has been introduced, the bills have received opposition from the Institute of Scrap Recycling Industries (ISRI), which views them as "unnecessary legislation." ISRI wrote about its objections in an op-ed for E-Scrap News in 2017.

More stories about exports

- Tariffs weaken manufacturing, business confidence
- Overseas e-plastics market dries up
- ISRI: Export prohibition rule is dead in the water

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Resetting Curbside Recycling Programs In The Wake of China

The SWANA Applied Research Foundation's Recycling Group identified the need to provide solid waste managers with up-to-date information and guidance on how to reset curbside recycling programs in the wake of the China National Sword policy implemented in January 2018.

In 2013, China launched a temporary customs program called "Operation Green Fence" aimed at increasing environmental quality by reducing waste importation and contamination in recyclable materials. In 2017, China announced more stringent restrictions that are hereafter referred to as "National Sword."

China's National Sword policy banned the import of several recyclable materials from all countries —including mixed paper and mixed plastics—on January 1, 2018, and reduced the level of contamination in scrap and recyclable materials not banned to 0.5% effective March 1, 2018. China also imposed tariffs on many recyclables specifically from the United States including cardboard, other recovered fiber, metals, and plastics in August 2018.

As China was a major purchaser of recyclable materials from North America and around the world, the China National Sword policy resulted in a significant reduction in demand for these

materials and the prices paid for them. In addition, the extremely low new contamination limit of 0.5% forced managers of materials recovery facilities (MRFs) that processed recyclables collected through municipal recycling programs to reexamine the sources and causes of contamination in their recovered materials.

This report provides a number of important observations and insights regarding the impacts of the China National Sword Policy on curbside recycling programs and the resets that can be made to addresses them, including the following:

- About 65 million households in the US are provided with curbside recycling services. Collectively, these programs divert about nine million tons of recyclables from disposal each year.
- The China National Sword Policy has resulted in about a 50% reduction in the revenues received from the sale of recyclables recovered through curbside recycling. This represents a reduction of over $400 million per year.
- The major recycling commodities that have been impacted by the China National Sword Policy have been mixed paper, mixed plastics, and corrugated containers.
- An analysis of the collection and processing costs and current revenues associated with curbside recycling programs indicates that these programs cost homeowners about $6.85 per household per month when recyclables are collected on a weekly basis. The impact of the China National Sword policy on MRF recycling revenues and processing costs is estimated to account for $0.75 per household per month or about 11% of this cost.
- Certain resets to curbside recycling programs can result in cost savings that will more than offset the cost increases resulting from the China National Sword policy. These include the switching of recyclables collection from a weekly to a bi-weekly basis and the switching of glass recycling from

curbside collection to drop-off center recycling.

- Contamination/residue levels at MRFs typically range between 15% and 25% and are costing curbside recycling programs over $1 billion per year on a national basis when additional collection and processing costs associated with contamination are considered. While contamination has not been caused by the China National Sword Policy, it has been highlighted and exacerbated by it.

The full report, "Resetting Curbside Recycling Programs in the Wake of China," is currently only available to SWANA ARF subscribers. SWANA members receive free access to ARF industry reports one year after publication.