



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

**1215 K St., Suite 1650
Sacramento, CA 95814**

Thursday, June 11, 2026 9:00 a.m. – 3 p.m.

**Additional Teleconference Locations are Listed on the
Last Page of this Agenda**

(All Teleconference Locations are Accessible to the Public)

This meeting will also be livestreamed for public access. Members of the public can watch or listen to the meeting using one of the following methods:

1. Join the Zoom meeting application on your computer, tablet or smartphone:

Go to: <https://rcrcnet.zoom.us/j/85352346889>

Enter Password: 353361

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PUBLIC COMMENT USING ZOOM: Members of the public who join the Zoom meeting, either through the Zoom app or by calling in, will be able to provide live public comment at specific points throughout the meeting.

EMAIL PUBLIC COMMENT: One may also email public comment to jlunn@rcrcnet.org before or during the meeting. All emailed public comments will be forwarded to all ESJPA Board of Directors members.

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

- A. Overview of Meeting Procedures – Staci Heaton, ESJPA Deputy Executive Director.

II. Business Matters

Discussion and possible action related to the following:

- A. Approval of Minutes from the Meeting of March 26, 2026 **(ACTION)** – Supervisor Lori Parlin, ESJPA Chair. *(pgs. 1-5; 5 minutes)*
- [03262026 minutes DRAFT.docx](#)
- B. Consideration and Approval of the 2026-28 ESJPA Business Plan **(ACTION)** – Staci Heaton and Christopher Egan, RCRC Management Analyst *(pgs. 6-8; 10 minutes)*
- [ESJPA Business Plan MEMO 06112026.docx](#)
 - [ESJPA 2026-2028 Business Plan 6.1.2026 - Final.docx](#)

III. Public Comment

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

IV. Presentations

- A. Plastic Pollution Prevention and Packaging Producer Responsibility Act (SB 54) Implementation – Emily Coven, California Executive Director, Circular Action Alliance *(30 minutes)*
- B. Report from CalRecycle – Melissa Vargas, Local Assistance and Market Development Branch *(15 minutes)*

V. Member County Concerns/Comments

VI. Legislative Update

(Supplemental Packet, 25 minutes)

(This item may be heard at any time during the meeting depending upon the availability of staff)

Discussion of Legislation – John Kennedy, RCRC Senior Policy Advocate

Bills to be discussed:

- AB 762 (Irwin)
- AB 1812 (Aguiar Curry)
- SB 501 (Allen)
- SB 922 (Laird)
- SB 1010 (Ashby)
- AB 1617 (Alanis)
- AB 2667 (Hadwick)
- SB 758 (Umberg)
- SB 936 (Blakespear)
- SB 1341 (Cabaldon)

VII. Extended Producer Responsibility (30 minutes)

- California Product Stewardship Council Update – Joanne Brasch, Director of Advocacy and Outreach, CPSC
- Mattress Recycling Council Update – Christine Messer, Northern California Program Coordinator
- PaintCare Update – Eric Humphreys, Regional Coordinator – Central California

VIII. Solid Waste/Regulatory Update

Discussion and possible action related to the following:

A. CalRecycle (20 minutes)

- a. SB 54 Implementation – John Kennedy, and Larry Sweetser, Sweetser and Associates
 - [CalRecycle SB 54 Website](#)
 - [Rulemaking](#)
 - [Covered Materials](#)
 - [Needs Assessment Studies](#)
- b. SB 1383 Implementation – Larry Sweetser and Staci Heaton
- c. Illegal Dumping – Larry Sweetser
- d. Embedded Battery Standards (SB 1215) – Larry Sweetser (pgs. 9-13)
 - [Embedded Battery Workshop Notice.pdf](#)
- e. Responsible Battery Recycling Act (AB 2440) – Larry Sweetser (pgs. 14-97)
 - [Proposed Regulation Text \(2\).pdf](#)
 - [battery-collection -best-practices-report-to-congress_508.pdf](#)
- f. Textile Stewardship Plan Update – Larry Sweetser (pg. 98)
 - [Agenda - Textile Needs Assessment Informational Workshop \(4-7-26\).pdf](#)
- g. Electronic Annual Reports – Larry Sweetser
- h. Used Oil Program – Larry Sweetser
- i. Architectural Paint Recovery Program (AB 1526) – Larry Sweetser (pgs. 99-129)
 - [Paint - 2025Jun23DraftProposedRegulatoryTextAB1526andS.pdf](#)

B. California Air Resources Board (20 minutes)

- a. Advanced Clean Fleets – Staci Heaton (pgs. 130-161)
 - [2026.04.17 ACF 15 Day Local Government and Contracted Fleets Letter.pdf](#)
 - [2nd 15d notice.pdf](#)
 - [a-1 2nd 15d.pdf](#)
- b. Landfill Methane Regulations Update – John Kennedy and Larry Sweetser (pgs. 162-223)

- [2026-05-19_SCS_AB 32 LMR Revisions Presentation_v1.0.pdf](#)
- c. Landfill Emission Inventory – Larry Sweetser
- C. Department of Toxic Substances Control *(10 minutes)*
 - a. eVQ Enforcement – Larry Sweetser
 - b. Safer Consumer Products – Larry Sweetser *(pgs. 224-226)*
 - [Safer Consumer Products newsletter.pdf](#)
 - c. Program Updates – Larry Sweetser
- D. Grant Program and Contracts Update *(10 minutes)*
 - a. CalRecycle Rural Zero Waste Plan – Larry Sweetser and Staci Heaton
 - b. ESJPA Ongoing and Potential Grants – Larry Sweetser
 - c. Greenhouse Gas Calculator – Larry Sweetser
 - d. Household Hazardous Waste Grants – Larry Sweetser
- E. Highlights of April-May 2026 CalRecycle Monthly Meetings – Larry Sweetser *(pgs. 227-273; 5 minutes)*
 - [CalRecycle April 2026 Monthly Public Meeting Revised Agenda.pdf](#)
 - [CalRecycle April 2026 Monthly Public Meeting Presentation.pdf](#)
 - [CalRecycle May 2026 Monthly Public Meeting Agenda.pdf](#)
 - [CalRecycle May 2026 Monthly Public Meeting Presentation.pdf](#)
- F. Other Regulatory Announcements/Issues of Interest
 - Cal EPA CUPA Newsletters *(pgs. 274-285)*
 - [Unified Program Newsletter - April 2026.pdf](#)
 - [Unified Program Newsletter - May 2026.pdf](#)
- G. Agenda Suggestions, Member County Presentation Volunteer, Workshop Topics for Next ESJPA Board Meeting Scheduled August 20, 2026

IX. Articles of Interest

(Page 286)

- [Article 1.pdf](#)
- [Article 2.pdf](#)
- [Article 3.pdf](#)
- [Article 4.pdf](#)

X. Adjournment

Lunch Break

Technical Advisory Group Breakout Session 1 p.m.

Use of Air Curtain Burners for Woody Waste Disposal

Meeting facilities are accessible to persons with disabilities. By request, alternative agenda document formats are available to persons with disabilities. To arrange an alternative agenda document format or to arrange aid or services to modify or accommodate persons with a disability to participate in a public meeting, please call (916) 447-4806 at least 48 hours before the meeting.

Agenda items will be taken as close as possible to the schedule indicated. Any member of the general public may comment on agenda items during the public comment period. To facilitate public comment, please let staff know if you would like to speak on an agenda item. The agenda for this meeting of the Board of Directors of Rural Counties Environmental Services Joint Powers Authority was duly posted at its offices, 1215 K Street, Suite 1650, Sacramento, California, at least 72 hours prior to the meeting.

Any written materials related to an open session item on this agenda that are submitted less than 24 hours prior to the meeting, and that are not exempt from disclosure under the Public Records Act, will promptly be made available for public inspection at ESJPA's principal office, 1215 K Street, Suite 1650, Sacramento, CA 95814, (916) 447-4806, during normal business hours, and on the ESJPA website, <https://www.esjpa.org>.

Additional Teleconference Location(s)

Del Norte Solid Waste Management Authority Conference Room 1700 State Street Crescent City, CA 95531	Imperial County Department of Public Works 155 S. 11th Street El Centro, CA 92243
Inyo County Administrator's Office 224 N. Edwards St. Independence, CA 93526	Mono County Civic Center Convict Lake Room 1290 Tavern Road Mammoth Lakes, CA 93546
Trinity County Solid Waste Office Conference Room 173 Tom Bell Rd Weaverville CA 96093	



Rural Counties
Environmental Services
Joint Powers Authority
ESJPA

CHAIR — LORI PARLIN, EL DORADO COUNTY
VICE CHAIR — RHONDA DUGGAN, MONO COUNTY
EXECUTIVE DIRECTOR — PATRICK BLACKLOCK

TECHNICAL ADVISORY GROUP (TAG)

TAG CHAIR — TEDD WARD, DEL NORTE COUNTY
TAG VICE CHAIR — NARCISA UNTAL, SOLANO COUNTY
DEPUTY EXECUTIVE DIRECTOR — STACI HEATON

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

1215 K St., Suite 1650
Sacramento, CA 95814

Thursday, March 26, 2026

VOTING MEMBERS PRESENT

Jeff Gardner	Amador County
Valerie Meza	Butte County
Tedd Ward	Del Norte County
Supervisor Lori Parlin	El Dorado County
Jose Castaneda	Imperial County
Supervisor Jennifer Roeser	Inyo County
Supervisor Aaron Albaugh	Lassen County
Supervisor Rhonda Duggan	Mono County
Brad Torres	Nevada County
Sean Graham	Plumas County
Charleen Beard	Shasta County
Narcisa Untal	Solano County
Supervisor Mike Holland	Tuolumne County

STAFF IN ATTENDANCE

Staci Heaton, Deputy Executive Director	Rural Counties ESJPA
Larry Sweetser, ESJPA Consultant	Sweetser and Associates, Inc.
Christopher Egan, Management Analyst	RCRC
John Kennedy, Senior Policy Advocate	RCRC
Julie Lunn, Office Coordinator	RCRC

GUEST SPEAKERS

Melissa Vargas, CalRecycle
Joanne Brasch, California Product Stewardship Council
Heidi Sanborn, National Stewardship Action Council
Christine Messer, Mattress Recycling Council
Terri Marsman and Arielle Lewellyn, PaintCare
Lisa Mekis, Carpet America Recovery Effort

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

- A. Overview of Meeting Procedures – Staci Heaton, ESJPA Deputy Executive Director.

Supervisor Lori Parlin, ESJPA Chair, called the meeting to order at 9:05 a.m. A quorum was determined at that time.

II. Business Matters

- A. The Board considered minutes from the meeting of October 16, 2025 for approval. Motion/Second to approve by Mono County/Tuolumne County. Motion approved unanimously.
- B. Election of the 2026 ESJPA/TAG Chair and Vice Chair

Staci Heaton heard nominations for the 2026 ESJPA/TAG Chair and Vice Chair.

ESJPA Chair: Supervisor Lori Parlin, El Dorado County
ESJPA Vice Chair: Supervisor Rhonda Duggan, Mono County
TAG Chair: Tedd Ward, Del Norte County
TAG Vice Chair: Narcisa Untal, Solano County

Motion/Second to approve by Lassen County/Butte County. Motion approved unanimously.

Staci Heaton and Christopher Egan, RCRC Management Analyst asked the Board for recommendations on the draft 2026-28 ESJPA Business Plan, which was included in the packet. Recommendations included adding “coordinating multiple member efforts under grant programs” to organizational health, as well as adding the Blue Strike project to “Increased Visibility.” Supervisor Parlin suggested taking video at tours for use in advocacy and membership building efforts.

- C. Review and Approval of the 2026 ESJPA Budget

The Board considered the proposed 2026 ESJPA Budget. Motion/Second to approve the calendar by Del Norte County/Mono County. Motion approved unanimously.

- D. Consideration and Approval of the 2026-28 ESJPA Business Plan

Staci Heaton and Christopher Egan, RCRC Management Analyst asked the Board for recommendations on the draft 2026-28 ESJPA Business Plan, which was included in the packet, updated with recommendations from the October 2025 meeting. Board members requested that ESJPA work with the ESJPA Chair and TAG Chair to further refine the plan, for consideration at the June 2026 meeting. No vote was taken.

III. Public Comment

None noted.

IV. Presentations

A. Report from CalRecycle

Melissa Vargas, Local Assistance and Market Development Branch, noted the next SB 1383 chat would be held on April 1, 2026, with a focus on education and outreach. Ms. Vargas mentioned several upcoming grant deadlines, to be included in her written follow up report. Mr. Sweetser inquired about the status of SB 1383 compliance reviews. Ms. Vargas committed to raising the issue with her branch chief.

V. Member County Concerns/Comments

Tedd Ward, Del Norte County, discussed a CAL TRANS fuels reduction event in their county, and their request to use an air curtain burner at their facility. CAL TRANS did not coordinate with CalRecycle.

Charleen Beard, Shasta County, discussed a request from CalRecycle for them to reopen an old landfill site.

Supervisor Roeser, Inyo County, noted that they are working on a composting program and there are questions about animal medications passing into the manure.

VI. Legislative Update

(Supplemental Packet)

(This item may be heard at any time during the meeting depending upon the availability of staff) Discussion of Legislation – John Kennedy, RCRC Senior Policy Advocate

John Kennedy, RCRC Senior Policy Advocate, updated the Board on legislative actions on specific solid waste, recycling, and EPR legislation.

VII. Extended Producer Responsibility

- California Product Stewardship Council Update

Joanne Brasch, Director of Advocacy and Outreach, gave an update on several legislative measures that CPSC is sponsoring. She also introduced John Hayes

from Landbell USA, the CalRecycle-selected entity serving as the producer responsibility organization for textiles.

- National Stewardship Action Council Update

Heidi Sanborn, Executive Director/CEO, noted that NSAC is working with ESJPA/RCRC on a number of legislative measures.

- Mattress Recycling Council Update

Tyler Douthit, Senior Program Coordinator, discussed two MRC events in Butte County and a new location in Quincy.

- PaintCare Update

Arielle Lewellyn, PaintCare, noted that they are offering \$1.60/gallon for reused paint. Mr. Ward discussed that he would like to see an expansion to aerosols and thinners.

VIII. Solid Waste/Regulatory Update

A. CalRecycle

a. SB 54 Implementation

Implementation is still ongoing. Mr. Kennedy noted that CalRecycle has transmitted the latest version to the Office of Administrative Law and it will be implemented immediately. The Advisory Board is looking for members to fill a number of openings, and Tim Burroughs will no longer be the county representative.

b. SB 1383 Implementation (Larry Sweetser and Staci Heaton)

Mr. Sweetser noted that this was a check-in. JACE reviews are ongoing. Another of our counties was added to JACE review. Narcisa Untal, Solano County, noted that three large cities in her county were recently under JACE review (Fairfield, Vacaville, Vallejo). Under notice to submit for Dixon, Suisun, Rio Vista, etc. Brad Torres, Nevada County, mentioned that they have been under review and got a NOV for the years they did less than required on composting.

c. Illegal Dumping

Mr. Sweetser noted that there was an Illegal Dumping TAC group meeting coming up, and that Contra Costa County coming in to talk about their program. Statewide illegal dumping conference will be held in April, again in Alameda County.

d. Embedded Battery Standards

Mr. Sweetser noted that the covered electronics program has started collecting a fee. He also expressed disappointment that the program is not more robust.

B. California Air Resources Board

- a. Landfill Methane
Stakeholders have had a lot of meetings with CARB. New regs are expected for landfill methane/monitoring sometime this month. Supervisor Albaugh asked if the regs will constitute a reimbursable mandate. Mr. Sweetser noted that it's one of the things ESJPA is considering. ESJPA is looking into putting together training for landfill gas monitoring so facilities can do it themselves.
- C. State Water Resources Control Board
Mr. Sweetser noted that the Water Board is starting their annual process on reviewing WDR fees. The Board will pass the new fees mid-year for implementation at the beginning of next year.
- D. Department of Toxics Substances Control
 - a. Safer Consumer Products
Mr. Sweetser discussed certain types of acids and bases that will be added to the list. If a product contains them, the producer will have to justify the inclusion.
 - b. Program Updates – Larry Sweetser
Mr. Sweetser reminded members again that failure to submit eVQ report can result in fines. He also noted that ESJPA did a webinar on how to submit the eVQ.
- E. Grant Program and Contracts Update
 - a. CalRecycle Rural Zero Waste Plan
ESJPA is working on an expedited timeframe due to a pause in work. Report is still on track to be released by June 30.
 - b. ESJPA Ongoing and Potential Grants – Larry Sweetser
Mr. Sweetser discussed events for the Tire Amnesty grant that he would be facilitating in Sierra, Mariposa and Colusa Counties. He noted that Sierra County is getting a disproportionately large number of tires.
 - c. Greenhouse Gas Calculator
Mr. Sweetser discussed the development of a Greenhouse Gas calculator, noting that several counties are working together on the grant.
 - d. Household Hazardous Waste Grants
This was identified as one of the grants ESJPA can help with, as well as beverage container grants.
- F. Highlights of August-October 2025 CalRecycle Monthly Meetings
Mr. Sweetser discussed highlights from recent CalRecycle Monthly Meetings.

IX. Adjournment

The meeting was adjourned at 12:10 p.m.



MEMORANDUM

To: ESJPA Board of Directors

From: Staci Heaton, Deputy Executive Director

Date: June 3, 2026

RE: Approval of the 2026-28 ESJPA Business Plan (ACTION)

In 2022, the ESJPA Board of Directors approved a 2023-25 ESJPA Business Plan. ESJPA established targets and metrics for success of the Business Plan, which was approved by the Board by the December 2022 ESJPA Board of Directors meeting. ESJPA established targets and metrics for success of the Business Plan, which has been implemented over the last three years.

As the Business Plan is set to expire, ESJPA is presenting a final draft of the 2026-28 ESJPA Business Plan to the Board. The first step, a SWOT (Strengths, Weaknesses, Opportunities, and Threats) analysis to gather feedback from the members of the Board, was conducted at the August 2025 meeting. Members asked ESJPA to present a first draft of the Business Plan at the October 2025 meeting, and received additional feedback from the Board. At the March 2026 meeting, ESJPA was asked to work with the ESJPA Chair and TAG Chair to refine the Business Plan further.

Recommendation

It is recommended that the ESJPA Board approve the final 2026-2028 ESJPA Business Plan, as presented on June 11, 2026.

Attachments

- Final Draft 2026-2028 ESJPA Business Plan

ESJPA 2026-2028 Business Plan



Rural Counties
Environmental Services
Joint Powers Authority

ESJPA

Goal: Organizational Health

Objective: Enhance the organization's financial stability and workforce capacity.

- *Strategy:* Expand staff capacity to support ESJPA programs and projects.

Metrics:

- Number of staff trained to a level of technical proficiency and program management authority equal to or exceeding a Program Coordinator standard.

Goal: Engaged Membership

Objective: Increase member engagement and enhance services through targeted outreach and the Technical Advisory Group.

- *Strategy:* Launch pilot programs in select member counties.
- *Strategy:* Facilitate broader discussions with board members on key materials and initiatives.
- *Strategy:* Reach out to individual members to further understanding of local issues and concerns and provide timely updates and guidance on state and federal political developments.
- *Strategy:* Expand technical training and assistance programs to address member needs, with a focus on SB 1383 (organic waste procurement and food recovery compliance) and SB 54 (producer responsibility and packaging mandate readiness) utilizing these sessions as recruitment vehicles to demonstrate ESJPA's expertise and value to prospective Participating Entities.
- *Strategy:* Promote remote participation options to increase board meeting attendance.

Metrics:

- *Number of trainings conducted as part of Technical Advisory Group meetings and otherwise.*
- *Percentage of member counties represented in attendance at Board Meetings*
- *Number of new delegate/alternate orientations.*
- *Number of orientations done for new members*
- *Grant Benefits:*
 - *Number of jurisdictions that are solicited for grant-funded programs.*
 - *Number of grant applications completed on behalf of jurisdictions.*

Goal: Increased Visibility

Objective: Increase visibility and awareness of ESJPA operations and programs.

- *Strategy:* Conduct presentations on ESJPA programs and services to County Boards and provide ESJPA updates at RCRC Board meetings.

- *Strategy:* Develop and distribute a newsletter to highlight ESJPA initiatives.
- *Strategy:* Facilitate visits to member and non-member county facilities for ESJPA staff and stakeholders.
- *Strategy:* Promote and market all ESJPA programs, tools, and services, including targeted outreach to rural non-member communities to highlight the benefits and cost-sharing advantages of the Participating Entity Program.
- *Strategy:* Leverage multimedia tools, including video content, to enhance ESJPA's advocacy efforts and broaden stakeholder engagement.
- *Invite outside counties to join meetings to share their concerns and issues*

Metrics:

- *Number of county board presentations conducted. Newsletter created and distributed. (Yes/No)*
- *Number of member county facilities visited.*
- *Number of non-RCRC jurisdictions added to Participating Entity Program.*

Goal: Impactful Advocacy

Objective: Advance the interests of ESJPA members at the state and federal level.

- *Strategy:* Develop targeted advocacy campaigns related to new recycling and waste streams and/or funding initiatives.
- *Strategy:* Explore test claims cases for unfunded mandates on solid waste management topics.
- *Strategy:* Increase member engagement with the legislature, regulatory agencies, producer responsibility organizations, and nonprofits on legislative proposals, regulations, policies, and programs.
- *Strategy:* Facilitate member advocacy by providing template letters and action alerts. Package these templates and provide instructions to member counties regarding advocacy efforts, template letters, action alerts, laws, regulations, policies, plans, and programs.
- *Strategy:* Increase engagement with coalitions.
- *Strategy:* Organize educational tours of member county facilities with legislators and CalRecycle to raise awareness of rural county needs.
- *Strategy:* Identify opportunities to provide input to legislators and regulators on disaster response planning and policy.

Metrics:

- *Number of educational tours conducted.*
- *Number of member position letters aligned with ESJPA.*
- *Number of bills and regulatory proposals:*
 - *Monitored by ESJPA*
 - *Supported by ESJPA; and*
 - *Sponsored by RCRC in the solid waste and recycling issue area.*
- *Progress of adopted bills and regulations that incorporated advocated positions by ESJPA.*

Public Meeting Notice: Notice of Public Workshop – Rescheduled Covered Battery-Embedded Waste Recycling Fee Workshop

[New Public Notices Search](#)

Event Information

Start Date & Time

6/17/2026 10:00AM

End Date & Time

6/17/2026 12:00PM

Location

Byron Sher Auditorium, 2nd Floor, 1001 I Street, Sacramento, CA 95814

Summary

Description

The Department of Resources Recycling and Recovery (CalRecycle) rescheduled the May 26, 2026, informal public workshop. CalRecycle will now hold the informal workshop on **June 17, 2026**, to solicit feedback from the public, the regulated community, and other interested persons on the proposed covered battery-embedded waste recycling fee. (See Public Resources Code (PRC) section 42464(b)(3).)

Last year, CalRecycle established the covered battery-embedded waste recycling fee that became effective on January 1, 2026. CalRecycle is required to establish a covered electronic waste (CEW) recycling fee for covered battery-embedded products (CBEPs) based on the reasonable regulatory costs to administer CEW recycling pursuant to PRC Section 42464(b)(3), on or before October 1, 2025, and on or before October 1 each year thereafter. The CEW recycling fee for CBEPs is referred to as the “covered battery-embedded waste recycling fee.” The purpose of this workshop is to consult with the public, the regulated community, and other interested parties to solicit feedback on the proposed battery-embedded waste recycling fee that will take effect January 1, 2027.

A copy of the presentation will be posted in advance of the workshop at CalRecycle Public Notices.

Request for Public Feedback

At the public workshop, CalRecycle will be presenting the proposed battery-embedded waste recycling fee that will take effect January 1, 2027. (PRC section 42464(b)(3).)

How to Participate in the Workshop

CalRecycle will hold the hybrid public workshop starting at **10:00 am on June 17, 2026**, to solicit stakeholder feedback on this matter. The public workshop will be a hybrid in-person and virtual workshop, accessible in person in the Byron Sher Auditorium, 2nd Floor, 1001 I Street, Sacramento, CA 95814. The Byron Sher Auditorium is wheelchair accessible. The public workshop will also be accessible virtually via Zoom for direct participation and via Webcast for observation only.

Simultaneous Spanish interpretation will be available in-person at the workshop and remotely via Zoom or webcast. For in-person interpretation services, headsets will be available and can be provided by CalRecycle staff prior to or during the workshop. If you need interpretation services in a language other than Spanish, please notify CalRecycle at regulations@calrecycle.ca.gov by June 5, 2026, and we will do our best to accommodate your request.

Instructions for how to access the Zoom meeting (registration required) or Webcast (no registration required) are included below.

Public Workshop for Covered Battery-Embedded Waste Recycling Fee

Date: June 17, 2026

Time: 10:00 am to 12:00 pm

Location to Attend In-Person: Byron Sher Auditorium, 1001 I Street, Sacramento, California

[Registration Link to Attend Via Zoom](#)

[Observe via Webcast](#)

Please note that Webcast participants will not be able to provide comments. If you are participating remotely and anticipate providing comments, it is recommended to join through Zoom. No registration is necessary to view the Webcast.

Important

Interested parties and members of the public will be able to submit general comments and responses both in-person and via Zoom.

Written feedback and questions may also be submitted prior to the workshop and after the workshop has concluded in one of the following ways:

- CalRecycle's public comment portal: [Covered Battery-Embedded Waste Recycling Fee Comment Period](#)
- or via mail to:

Donnet McFarlane
Covered Battery-Embedded Waste Recycling Fee
Department of Resources Recycling and Recovery, Regulations Unit
1001 "I" Street, MS-24B
Sacramento, CA 95814

By submitting a written comment to CalRecycle in connection with this rulemaking action, you shall be deemed to have expressly indicated a willingness to receive a notice by means of an electronic written communication via email unless you specifically request CalRecycle to deliver its notice(s) via non-electronic communication.

Please note that under the California Public Records Act (Government Code section 7920.000 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone number, email address, etc.) become part of the public record and can be released to the public upon request.

Subscribe to the [Proposed Regulations Listserv](#) to receive emails regarding rulemaking developments.

Subscribe to the [E-Waste Listserv](#) to receive updates related to the CEW Recycling Program.

Please visit the [Covered Battery-Embedded Waste Recycling Fee Rulemaking webpage](#) for more information about this rulemaking.

Type

Workshop: CalRecycle

Public Notice Date

5/20/2026

Contact Name

Donnet McFarlane

[New Public Notices Search](#)



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PROPOSED REGULATION TEXT

Responsible Battery Recycling Act Permanent Regulations
Division of Circular Economy

DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY
CALIFORNIA CODE OF REGULATIONS

Note: All text is added text to title 14, division 7 of the California Code of Regulations.

TITLE 14

DIVISION 7

CHAPTER 11

ADOPT

ARTICLE 5: Battery Stewardship Program

Adopt sections, 18976, 18976.1, 18976.2, 18976.3, 18976.4, 18976.5, 18976.6, 18976.7, 18976.8, 18976.9, 18976.10, 18976.11, 18976.12, 18976.13, 18976.14, 18976.15, and 18976.16. California Code of Regulations, title 14.

ARTICLE 5: Battery Stewardship Program

Section 18976. Definitions

(a) Except as otherwise noted, the following definitions shall govern the provisions of this Article and supplement the definitions set forth in Chapter 7.5 (commencing with section 42420), Part 3, Division 30 of the Public Resources Code:

(1) "Act" means the Responsible Battery Recycling Act of 2022, Chapter 7.5 of Part 3 of Division 30 of the Public Resources Code (sections 42420 through 42428).

(2) "All administrative and operational costs" as identified in section 42423.1 of the Public Resources Code include all sub-groupings of costs and expenses listed in section 18976.3(a)(4)(A).

(3) "Battery" as it pertains to the Act and this Article means a device that consists of one or more electrically connected electrochemical cells and primarily serves the purpose of a covered battery set forth in subdivision (d) of section 42420.1:

(A) The presence of the following shall not prohibit a device from being considered a battery:

(i) Components that regulate or manage the reception, storage, or transmission of electric energy or charge, such as battery management systems, voltage converters, or step-up transformers,

(ii) A display demonstrating the device's condition, such as its level of charge or temperature,

(iii) A button, switch, or similar component that activates or deactivates the device,

(iv) Wires or connection ports that allow power to be received by the device from the electrical source or delivered from the device to a product,

(v) A component that supports the device, such as a stand or a suspension clip,

(vi) Tape, soldering, or protective casings designed to organize or protect the cells and the components identified in this sub-paragraph.

(B) Power banks, as defined in section 18976(a)(17), are batteries. A power bank shall not be prevented from being considered a battery if it can perform a secondary function but still primarily serves the purpose of a covered battery set forth in subdivision (d) of section 42420.1. Examples of such secondary functions include:

(i) Shining light from a bulb in the power bank,

(ii) Playing music from speakers in the power bank, and

(iii) Generating energy from a solar panel on the power bank.

(4) "Brand" has the same meaning as subdivision (a) of section 42420.1 of the Public Resources Code, and:

(A) A brand can identify an owner or licensee directly or indirectly. A brand identifies its owner or licensee indirectly when it signifies the owner or licensee of the brand.

(B) Where a trademark is placed on a covered battery, that trademark shall be the brand of the battery. That trademark shall remain the brand even if the battery is later associated with a product in the state.

(C) If there is no trademark placed on the battery, and the battery is sold in or into the state at any point without being associated with a product, the brand shall be determined according to the priority set forth in this subparagraph. The brand assigned in this manner shall remain the brand even if the battery is later associated with a product in the state.

(i) The trademark occurring:

(I) On the website description, if sold through a website.

(II) On the packaging.

(III) In documents associated with the batteries, such as invoices.

(ii) A logo, a name, a symbol, a word, an identifier, or a traceable mark that qualifies as a brand but not as a trademark which occurs:

(I) On the website description, if sold through a website.

(II) On the battery.

(III) On the packaging.

(IV) In documents associated with the batteries, such as invoices.

(D) Where a battery is associated with a product prior to import into the state and there is no trademark placed on the battery, the brand shall be determined according to the following priority:

(i) The trademark occurring:

(I) On the website description, if sold through a website.

(II) On the packaging.

- (III) In documents associated with the product, such as invoices.
- (ii) A logo, a name, a symbol, a word, an identifier, or a traceable mark that qualifies as a brand but not as a trademark which occurs:
 - (I) On the website description, if sold through a website.
 - (II) On the packaging of the product.
 - (III) In documents associated with the product, such as invoices.
 - (IV) On the battery itself.
- (5) “Brand registration date” means the date on which a brand is subject to an approved stewardship plan.
- (6) “Chemistry of the covered battery” means the specific combination of materials used in the cathode, anode, and electrolyte of the covered battery. Types of chemistry include, but are not limited to, lithium-ion, nickel-metal hydride, nickel-cadmium, alkaline, and small sealed lead-acid.
- (7) “Common household tools” means tools that are routinely used in households or that meet subparagraph (C).
 - (A) The following items are categorically considered to be common household tools:
 - (i) Flathead, crosshead, and Phillips screwdrivers;
 - (ii) Paper clips;
 - (iii) Coins; and
 - (iv) Hex keys.
 - (B) Common household tools do not include the following items:
 - (i) Hammers, mallets, scissors, pliers, knives, ratchets, saws, chisels;
 - (ii) Screwdrivers with drive tips that are not available for purchase by the general public, only used for the products of a single manufacturer or brand, or have an active U.S. patent;
 - (iii) Tools that require the use of batteries, electricity, or fuel to power;
 - (iv) Tools that require the application of heat or solvents to separate a covered battery from a product.
 - (C) A key, application, or other locking device provided to the consumer by the producer of the product or battery that is warranted by the producer of the product or battery to serve solely to prevent theft of the battery or tampering by persons

other than the consumer and not to inhibit the consumer's ability to remove, replace, or recycle the battery shall be considered a common household tool.

(8) "Confidential proprietary" information shall, exclusively for the purposes of subdivision (e) of section 42424 of the Public Resources Code and section 18976.15(e)(1), only include information that satisfies all the criteria set forth in subparagraphs (A) through (D) of this paragraph:

(A) Commercial or financial.

(B) Privileged or confidential.

(C) Identified as such by the entity providing the information to the department.

(D) Not required to be publicly disclosed under any other law or any regulation.

(9) "Damaged or defective battery" means a battery that is corroded, cracked, broken, leaking, swollen, bloated, showing burn marks, emitting an odor, missing one or more components, or that has the potential of producing a dangerous evolution of heat, fire, or short circuit.

(10) A battery sold, distributed, or imported with a product is "designed to be easily removed from a product by the user of the product, with no more than common household tools" when the product is manufactured so that the included covered batteries can be removed by a consumer using the product using no more than common household tools except as otherwise provided herein.

(A) The following are examples of covered batteries that are designed to be easily removed:

(i) A battery that is marketed to be removed from a product by the consumer using common household tools.

(ii) A battery contained in a product that has a warranty or instructions acknowledging or permitting consumer battery removal using common household tools.

(iii) A battery that powers or charges the product, such as by physically abutting it or by the insertion of its cable into the product, and can be manually removed from the product without the use of any tools.

(iv) A battery that is not glued or otherwise secured within the product in a manner that requires more than common household tools or a trained technician to remove.

(B) A battery that cannot be removed by using a common household tool without voiding the product's warranty is an example of a battery that is not designed to be easily removed.

(C) A battery otherwise qualifying pursuant to these criteria as a loose battery designed to be easily removed from a product by the user of the product, with no more than common household tools, continues to qualify as such regardless of whether the battery is installed in the product or is packed together with, but not installed in, the product at the time of their sale, distribution, or importation.

(11) "DTSC" means the Department of Toxic Substances Control or a successor agency.

(12) "Electronic waste recycler" has the same meaning as "covered electronic waste recycler" pursuant to section 42463 of the Public Resources Code.

(13) "Household hazardous waste collection facility" has the same meaning as defined in subdivision (e) of section 25218.1 of the Health and Safety Code.

(14) "Participant deregistration date" means the date on which a producer that was once subject to an approved stewardship plan is no longer subject to an approved stewardship plan.

(15) "Participant registration date" means the date on which a producer is subject to an approved stewardship plan.

(16) "Permanent collection site" means a fixed location in the state where covered batteries may be dropped off at no cost during regular hours the location is open to the public or a permanent household hazardous waste collection facility as defined in subdivision (h) of section 25218.1 of the Health and Safety Code.

(A) "Regular hours" for permanent collection sites that are retailers means the days and hours the retailer sells covered batteries.

(17) "Power bank" means a portable and rechargeable battery that, when operating normally, can store energy and recharge the battery in a covered battery-embedded product as that term is understood pursuant to subdivision (f) of section 42463 of the Public Resources Code, such as a cellular phone, or recharge the battery in a product that has a removable battery, such as a camera.

(18) "Recalled battery" means a battery, identified by battery model, serial, batch, or lot numbers, that a producer has determined does not perform as expected or presents a safety hazard, and is listed online as recalled on a website of the producer, the manufacturer, a program operator, or a governmental entity with appropriate jurisdiction.

(19) "Service provider" means an entity that contracts with a program operator to provide services, including, but not limited to, collection, transportation, handling, processing, recycling, and disposal of covered batteries, and administration thereof.

(20) "Temporary collection site" means a non-permanent collection site location in the state where covered batteries may be dropped off at no cost.

(21) “Widespread access and convenience” occur when the program operator provides at least one permanent collection site within a 15-mile radius of at least 95 percent of California residents.

Authority cited: Sections 40401, 40502, and 42420.2, Public Resources Code.

Reference: Sections 42420, 42420.1, 42420.2, 42420.3, 42420.4, 42421, 42421.2, 42422, 42422.1, 42422.3, 42422.4, 42422.5, 42422.6, 42423, 42423.1, 42424, 42424.1, 42424.4, 42425, 42425.1, 42425.2, 42425.3, 42425.4, 42426, 42427, 42428, and 42463, Public Resources Code; and Section 25218.1, Health and Safety Code.

Section 18976.1. Program Operator Submittals

(a) Lists of Covered Batteries and Brands

(1) In fulfillment of the list submittal requirements of subdivision (b) of section 42421, subdivision (a) of section 42422.1, and subdivision (f) of section 42424.1 of the Public Resources Code and in accordance with the timelines specified therein, program operator list submittals shall be electronically submitted to BatteriesEnforcement@CalRecycle.ca.gov in a spreadsheet or using CalRecycle’s designated electronic information submittal system, and include the following information in separate columns:

(A) Names and contact information of each producer participating in the program operators’ stewardship plan, including separate columns for:

- (i) Producer name.
- (ii) Contact name and title.
- (iii) Mailing street number and street name.
- (iv) Mailing city.
- (v) Mailing state.
- (vi) Mailing zip code.
- (vii) Physical street number and street name.
- (viii) Physical city.
- (ix) Physical state.
- (x) Physical zip code.
- (xi) Contact phone number.
- (xii) Contact email address.

(B) Each participant registration date.

(C) The brand or brands of the participating covered batteries for each producer.

(D) Each brand registration date.

(E) The covered battery type, primary or rechargeable, which, when combined with the brand indicated in subparagraph (C) of this paragraph, constitutes the combination of brand and covered battery referred to in subdivisions (c) and (d) of section 42425 of the Public Resources Code.

(2) Lists submitted to the department pursuant to this section shall be consistent with the standards set forth for state governmental agencies in section 7405 of the Government Code and the Web Content Accessibility Guidelines (WCAG) 2.2 published in 2024 by the World Wide Web Consortium at <https://www.w3.org/TR/WCAG22/>. The entirety of the Web Content Accessibility Guidelines (WCAG) 2.2 published in 2024 are incorporated by reference.

(3) A program operator shall provide the department with updates to its list within 60 calendar days of any changes to the information contained in that list. The update shall include a summary statement that identifies changes since the last list submission, including:

(A) The date the updated list is effective.

(B) The names of producers and brands added, and the participant registration dates and brand registration dates those producers and brands became registered participants of the stewardship program.

(C) The names of producers and brands removed, and the participant deregistration dates for those producers and brands which are no longer registered participants of the stewardship program.

(4) Failure to meet the requirements of this subdivision constitutes grounds for the department's rejection of the list.

(b) Stewardship Plans

(1) Program operators shall electronically submit stewardship plans in Portable Document Format to DTSC by email to CoveredBattery@DTSC.ca.gov and to the department by email to Batteries@CalRecycle.ca.gov. The date of electronic submittal to DTSC shall be considered the date of receipt by DTSC. The date of electronic submittal to the department shall be considered the date of receipt by the department.

(A) The program operator may elect to proceed with submitting a stewardship plan to the department for review even if it has been less than 150 calendar days since submitting a proposed stewardship plan to DTSC for review, if:

(i) A program operator does not receive a response from DTSC within 90 calendar days after submitting a plan to DTSC for review pursuant to paragraph (3) of subdivision (a) of section 42422.5 of the Public Resources Code; or

(ii) DTSC issues a determination of compliance pursuant to paragraph (4) of subdivision (a) of section 42422.5 of the Public Resources Code.

(2) Upon the submittal of a stewardship plan to the department, a program operator shall make the stewardship plan available to the public by posting the stewardship plan to its internet website. A program operator shall maintain approved stewardship plans on its internet website until a new plan is approved, or the plan expires or is revoked.

(3) The department shall approve the program operator's stewardship plan if both of the following criteria are satisfied:

(A) The stewardship plan was submitted in accordance with the requirements of section 42422.5 of the Public Resources Code and paragraphs (1) and (2) of this subdivision.

(B) The stewardship plan meets the requirements of section 42422.1 of the Public Resources Code and section 18976.3.

(4) Department disapproval of an initial stewardship plan or revised initial stewardship plan submitted by a program operator shall not cause execution of a contingency plan.

(c) Notice of Stewardship Program Implementation Status

(1) Within 12 months of approval by the department of an initial stewardship plan, a program operator shall electronically submit to the department by email to Batteries@CalRecycle.ca.gov a written notice in Portable Document Format that demonstrates that it has fully implemented its stewardship program pursuant to subdivision (a) of section 42422.6 of the Public Resources Code, or that explains the program's incomplete implementation. At a minimum, the notice shall contain the following information:

(A) A statement of the program operator's status regarding the implementation of the stewardship program within 12 months of stewardship plan approval.

(i) A program operator that has fully implemented its stewardship program shall certify its full implementation of its stewardship program.

(ii) A program operator that did not fully implement its stewardship program shall state that its program is not fully implemented, describe the stewardship program activities that are not fully implemented, and identify a timeline to fully implement those stewardship program activities.

(B) Contact information for each producer covered by the stewardship plan, consistent with the requirements in section 18976.1(a)(1).

(C) A list of operational collection sites participating in the stewardship program with the same format and information required in section 18976.3(a)(5)(C).

(D) A list of operational service providers involved in the process of managing covered batteries following collection, including, but not limited to, transporters, sorters, consolidation sites, reuse facilities, and recyclers, including the following information:

- (i) Business name.
- (ii) Mailing and physical address.
- (iii) Service(s) provided.

(E) The website address for the program operator's internet website that includes, at a minimum, a list of operational collection sites.

(2) Upon the submittal of a notice of full implementation to the department, a program operator shall make the notice available to the public by, at a minimum, posting the notice to its internet website. A program operator shall maintain a notice of full implementation on its internet website for at least 180 calendar days following submission to the department or upon submission of the next annual report to the department, whichever date is earlier.

(d) Annual Reports

(1) Program operators shall electronically submit annual reports in Portable Document Format to the department by email to Batteries@CalRecycle.ca.gov on or before June 15 of each year after department approval of the initial stewardship plan. The date of electronic submittal will be considered the date of receipt by the department.

(2) Upon the submittal of an annual report to the department, a program operator shall make the annual report available to the public by, at a minimum, posting the annual report to its internet website. A program operator shall maintain an annual report on its internet website until the department notifies the program operator if the annual report is compliant or noncompliant or a revised annual report is submitted to the department and posted on the program operator's internet website.

(3) An annual report submitted to the department and posted online pursuant to this section shall be consistent with the standards set forth for state governmental agencies in section 7405 of the Government Code and the Web Content Accessibility Guidelines (WCAG) 2.2 published in 2024 by the World Wide Web Consortium at <http://www.w3.org/TR/WCAG22/>. The entirety of the Web Content Accessibility Guidelines (WCAG) 2.2 published in 2024 are incorporated by reference.

(4) The department's 120-day annual report review period specified in subdivision (a) of section 42424.4 of the Public Resources Code excludes any duration of time the department takes to consult with DTSC pursuant to subdivision (c) of section 42424.4 of the Public Resources Code, including any time that DTSC takes to review an annual report. The department shall electronically notify the program operator's contact identified pursuant to section 18976.7(a)(2)(A) when the department's review may

exceed 120 calendar days from receipt of the annual report due to consultation with DTSC.

(5) The department shall review any proposed stewardship plan modifications or revisions a program operator includes in its annual reports pursuant to subdivision (u) of section 42424.1 of the Public Resources Code and notify the program operator whether it can proceed with implementing the proposed modifications or revisions or if the proposed modifications or revisions require any of the following:

(A) Submission of a revised stewardship plan.

(B) Submission of an amendment to its stewardship plan.

(C) Submission of additional information to corroborate or clarify the proposed stewardship plan modifications or revisions.

(6) The department shall find that an annual report fails to meet the requirements of section 42424.1 of the Public Resources Code and is noncompliant when either of the following occurs:

(A) The program operator omits required information or provides erroneous information that prevents the department from ascertaining, to the extent such a determination could be made by evaluation of a complete and correct annual report provided pursuant to section 42424.1 of the Public Resources Code and section 18976.7, that the program operator is providing free-at-drop-off, convenient, and safe collection, transportation, recycling, and otherwise proper management of covered batteries.

(B) The program operator provides information pursuant to section 42424.1 of the Public Resources Code and section 18976.7 identifying program deficiencies that, taken as a whole, jeopardize the free-at-drop-off, convenient, and safe collection, transportation, recycling, and otherwise proper management of covered batteries. In reaching its determination, the department shall consider the magnitude and the duration of the deficiency and the likelihood of the program operator's remedial actions to cure the deficiency successfully.

(7) The department shall include in its notification to the program operator, pursuant to subdivision (b) of section 42424.4 of the Public Resources Code, whether the program operator is required to submit a revised annual report.

(e) Five-Year Stewardship Plan Review

(1) No less than one year prior to a program operator's stewardship plan review deadline, a program operator shall notify the department in writing by email in Portable Document Format to Batteries@CalRecycle.ca.gov whether it intends to submit a revised stewardship plan or believes revisions to its stewardship plan are not necessary. The program operator's statement of intention does not bind the program operator from deciding to pursue a different course of action in the future. Prior to

notifying the department, the program operator shall engage in a consultative process with the advisory body to receive advice on the implementation of the stewardship plan and any potential updates to the stewardship plan.

(2) If a program operator determines, upon review of its stewardship plan, that revisions to the plan are necessary pursuant to subdivision (b) of section 42422.3 of the Public Resources Code, it shall electronically submit a revised stewardship plan in Portable Document Format to the department by email to Batteries@CalRecycle.ca.gov for review no less than 90 calendar days prior to the review deadline and shall include a cover letter that certifies that it reviewed the entirety of the plan and describes what revisions were made to the stewardship plan compared to its prior stewardship plan.

(3) The department shall approve a revised stewardship plan if both of the following criteria are satisfied:

(A) The revised stewardship plan was submitted in accordance with the requirements of section 42422.5 of the Public Resources Code and paragraph (2) of this subdivision.

(B) The revised stewardship plan meets the requirements of section 42422.1 of the Public Resources Code and section 18976.3.

(4) Upon the submittal of a revised stewardship plan to the department, a program operator shall make the revised plan available to the public by posting the revised plan to its internet website. A program operator shall maintain approved stewardship plans on its internet website until a new plan is approved, or the plan expires or is revoked.

(5) If a program operator determines upon review of its stewardship plan at least every five years, that revisions are not necessary pursuant to subdivision (c) of section 42422.3 of the Public Resources Code, it shall electronically submit a letter to the department by email to Batteries@CalRecycle.ca.gov that includes an explanation of the basis for its determination.

(A) The department shall consult with or submit the program operator's letter to DTSC.

(B) The duration of time the department takes for the consultation shall not count toward its 30-day time limit to disapprove the program operator's determination.

(6) Department disapproval of a revised stewardship plan resubmitted by a program operator, or failure to resubmit a revised stewardship plan pursuant to subdivision (c) of section 42422.5 of the Public Resources Code, constitutes grounds for revocation of the stewardship plan pursuant to section 18976.6.

(7) If a program operator determines at any time that proposed stewardship program modifications necessitate amendments to its stewardship plan to achieve the requirements established pursuant to section 42422.1 of the Public Resources Code,

but do not warrant an entire revised stewardship plan, it shall electronically submit the proposed plan amendments to the department by email to Batteries@CalRecycle.ca.gov for review.

(A) Upon the submittal of a stewardship plan amendment to the department, a program operator shall post the plan amendment to its internet website. A program operator shall maintain any approved plan amendments on its internet website until a new stewardship plan is approved, or the plan, and associated amendments, expire or are revoked.

(B) The department shall approve, disapprove, or conditionally approve the plan amendment in a manner consistent with the review process specified in subdivision (b) of section 42422.5 of the Public Resources Code and provide written notice to the program operator of its decision.

(f) Penalty of Perjury

(1) All documents created and submitted by program operators to the department shall be provided to the department under penalty of perjury. A party who is responsible for the contents of the document shall sign the document and provide the following certification statement: "I am authorized to sign this document by the program operator, I am responsible for its contents, and I hereby declare, under penalty of perjury, that the information provided in this document is true and correct, to the best of my knowledge."

Authority cited: Sections 40401, 40502, and 42420.2, Public Resources Code.

Reference: Sections 42421, 42422.1, 42422.3, 42422.5, 42422.6, 42424.1, 42424.4, and 42425, Public Resources Code; and Section 7405, Government Code.

Section 18976.2. Convenient Collection System

(a) Permanent collection sites that are not permanent household hazardous waste collection facilities shall not be required by the program operator to accept more covered batteries than can fit in a two-gallon container from a single consumer in a single day.

(b) Permanent household hazardous waste collection facilities shall not be required by the program operator to accept more covered batteries than can fit in a 15-gallon container from a single consumer in a single day.

(c) Collection sites shall not be required by the program operator to accept battery-embedded products, non-removable batteries contained in electronic devices, or any other products that are not a covered battery as defined in subdivision (d) of section 42420.1 of the Public Resources Code.

(d) For the purposes of demonstrating achievement of the convenient collection system requirements established pursuant to paragraph (1) of subdivision (d) of section 42422.1 of the Public Resources Code:

(1) The program operator shall satisfy the minimum numeric requirements for collection sites in each county with at least 90 percent of those identified collection sites being permanent collection sites.

(2) Once the minimum numeric requirements for collection sites in each county identified are achieved pursuant to paragraph (1) of this subdivision, the program operator may maintain additional temporary collection sites and the existence of such additional temporary sites shall not affect the percentage calculated pursuant to paragraph (1).

(e) A program operator shall not prohibit collection sites that participate in its stewardship program from also participating as a collection site for another program operator.

(f) A program operator shall not collect covered batteries at a collection site in the same container where another program operator collects covered batteries.

(g) Collection sites shall not be required to maintain collection containers in a publicly accessible space or allow consumers to drop off covered batteries directly into collection containers, provided that the collection site displays signage instructing consumers as to how they can drop off covered batteries at no cost at the collection site. Signage must be displayed at entrances, points of sale, or other locations that consumers can see when they are in or approaching the collection site.

Authority cited: Sections 40401, 40502, 42420.2, and 42420.3, Public Resources Code.
Reference: Sections 42420.1 and 42422.1, Public Resources Code.

Section 18976.3. Stewardship Plans

(a) A program operator shall submit a complete stewardship plan to the department that memorializes the program operator's affirmation of obligations it assumes as a program operator, proposes the method by which it will satisfy the affirmative responsibilities set forth herein, and provides the information required pursuant to section 42422.1 of the Public Resources Code, and by this Article, including:

(1) Contact Information and Business Organization

(A) Contact information for the corporate officer, or designee, responsible for submitting and overseeing the stewardship plan on behalf of the program operator, including, but not limited to:

- (i) Name of the program operator.
- (ii) Contact name and title.
- (iii) Mailing and physical address(es).
- (iv) Telephone number.
- (v) Contact email address.

(vi) Internet website address.

(B) Contact information for each producer covered by the stewardship plan, consistent with the requirements in section 18976.1(a)(1).

(2) Stewardship Organization Composition and Control

(A) The stewardship program shall explain how it is organized and its connection to related organizations, as that term is understood pursuant to Schedule R of the Internal Revenue Service Form 990, its instructions, and Instructions for Form 990 Return of Organization Exempt from Income Tax.

(B) Except as otherwise provided in subparagraph (C), a stewardship organization shall not be considered to be established by its producers when that stewardship organization is controlled by businesses that are also service providers to the stewardship organization but are neither exempt organizations pursuant to section 501(c) of the federal Internal Revenue Code nor disregarded entities of an exempt organization. The program operator shall attest in its stewardship plan that it is not controlled in this fashion and provide evidence to support that affirmation. Control of the stewardship organization by a service provider whose parent is neither an exempt organization nor an exempt organization's disregarded entity, shall be considered control of the stewardship organization by the respective service provider. Control of an entity by its service providers includes any of the following circumstances:

(i) Service providers that are neither exempt organizations nor disregarded entities of exempt organizations cumulatively comprise one-third or more of the corporate membership of the stewardship organization,

(ii) Service providers that are neither exempt organizations nor disregarded entities of exempt organizations cumulatively may appoint one-third or more of the directors of the stewardship organization.

(iii) One-third or more of the directors of the stewardship organization are employed by service providers that are neither exempt organizations nor disregarded entities of exempt organizations.

(C) Where a business that contracts with the stewardship organization as a service provider is also a producer of covered batteries, the control exerted by that business or its parent shall not be counted toward control of the stewardship organization by its service providers as otherwise provided in subparagraph (B) of this paragraph.

(D) The explanation shall be accompanied by the following supportive documents that verify the stewardship organization's current exemption from taxation under of section 501(c)(3) of the federal Internal Revenue Code of 1986 and its compliance with the corporate control elements of subparagraph (B):

(i) Ruling or determination letter issued by the Internal Revenue Service to the stewardship organization establishing that it meets the requirements of section 501(c)(3) of the federal Internal Revenue Code of 1986 under which it is claiming an exemption.

(ii) Articles of incorporation or organization most recently filed with the California Secretary of State, or the equivalent formation documents filed in the stewardship organization's state of formation and the bylaws of the organization.

(iii) A list of members of the 501(c)(3) organization, including an indication that the member is any of the following:

- (I) A producer,
- (II) An exempt organization or the disregarded entity of an exempt organization,
- (III) A service provider,
- (IV) A subsidiary of a service provider.

(iv) A list naming the entities that are the stewardship organization's related organizations, as that term is understood pursuant to Schedule R of the Internal Revenue Service Form 990, its instructions, and Instructions for Form 990 Return of Organization Exempt From Income Tax, including entities that are associated or affiliated with the stewardship organization, have control over the stewardship organization, or are controlled by the stewardship organization.

(3) Consultation

(A) A summary of the consultative process between the program operator and the advisory body relating to plan development, including:

- (i) The dates that meetings with the advisory body were held.
- (ii) Any written recommendations from the advisory body.
- (iii) An explanation of how the advisory body's recommendations were considered in the stewardship plan development and incorporated, or not incorporated, in the stewardship plan, or will be incorporated into subsequent stewardship plans, plan amendments, or annual reports.

(B) A description of how the program operator will engage in a consultative process with the advisory body during implementation of the stewardship plan. At a minimum, this includes participating in a meeting with the advisory body at least once per calendar year to receive advice on the implementation of the stewardship plan and any updates or revisions to the plan pursuant to section 42422.3 of the Public Resources Code.

(4) Budget

(A) When, pursuant to paragraph (2) of subdivision (k) of section 42422.1 of the Public Resources Code, the program operator details its anticipated annual costs to implement the California stewardship program, it shall include, at a minimum, separate line items and descriptions of the types of activities relative to each of the following categories, if applicable:

- (i) Administration, personnel, overhead, and state agency administration.
- (ii) Operations, including, but not limited to, collection, transportation, sorting, processing, and disposition of covered batteries.
- (iii) Education and outreach, including, but not limited to, annual evaluation of the efficacy of the comprehensive statewide education and outreach program.
- (iv) Legal and professional services.
- (v) Expenses related to grants, loans, sponsorships, memberships, partnerships, and collaborations.

(B) A description of any costs for implementing elements of the California stewardship program, including amounts that the program operator requests to share with other program operators, if applicable.

(C) The identification of any monies borrowed by the stewardship organization, the source of those loans, and its protocol for assuring that those loans and any monies that may be borrowed in the future will be paid by the producers.

(D) One element of a stewardship organization's operation in a prudent and responsible manner is demonstrated when producer-generated revenue at least equals the administrative and operational costs of the stewardship organization implementing an approved plan in any consecutive three-year period.

- (i) The stewardship organization shall commit to achieving this requirement and identify the measures it will take to satisfy this criterion.
- (ii) Producer-generated revenue includes monies collected from participating producers, income from the investment of monies collected from participating producers, and the sale of materials reclaimed from the producers' batteries. Monies collected from participating producers that are placed in a reserve fund shall be counted as revenue so long as those monies are collected within the relevant three-year period.
- (iii) Administrative and operational costs are defined in section 18976(a)(2).
- (iv) To determine if a stewardship organization satisfies subparagraph (D), CalRecycle will calculate an evaluated total by starting with the consecutive three-year period total producer-generated revenue and from that subtracting the same consecutive three-year period total administrative and operational costs. If the evaluated total is zero or a positive number, the stewardship

organization is compliant. If the evaluated total is less than zero, the stewardship organization is non-compliant with subparagraph (D) and shall be determined not to be operating in a prudent or responsible manner.

(v) CalRecycle shall not make any determinations pursuant to clause (iv) until after six years of program implementation by a stewardship organization.

(E) A stewardship organization shall possess a reserve, that is no less than half nor more than one and one-quarter of the program's proposed operating budget for that year, to mitigate higher than expected expenses or brief disruptions in the collection of adequate monies from its producers, that shall be employed and maintained in the following manner:

(i) Exists in cash or securities maintained in a separate account that may only be drawn upon by the stewardship organization and that appears as its own line item on its budget.

(ii) Only contains monies provided by California producers for the California compliance and may only be expended in support of the California program;

(iii) Is employed whenever the current operating budget is insufficient to maintain the program; and

(iv) Is made full by monies collected from producers within 180 days of the employment of the reserve, according to the stewardship organization's methodology.

(F) The methodology for calculating the cost of satisfying the program operator's obligations over an initial six-month period in which the contingency plan may be executed, consistent with the requirements in section 18976.4, and the anticipated contingency fund balance calculated by the program operator employing this methodology.

(G) The program operator shall propose a cost-sharing methodology and revenue-sharing methodology for any components of the California program that are shared between the California program and the programs of other states, such as the costs of multi-state education and outreach materials or the revenue from the sale of recovered materials that result from the commingled recycling of batteries from multiple states. If there will be no cost-sharing or revenue-sharing, the program operator shall expressly state its election and may omit providing such a methodology.

(H) The program operator shall identify the following and explain how it arrived at the values that are identified:

(i) All assets and all liabilities of the California program; and

(ii) All assets and liabilities that accrue to the California program by virtue of cost allocations with other states' programs.

(iii) All revenue and expenses of the California program.

(iv) All revenue and expenses that accrue to the California program by virtue of its cost allocations with other states programs.

(l) The program operator shall:

(i) Maintain books that are separate from other national or sub-national activities, and

(ii) In its books, accurately reflect any program operator allocated costs and revenues for the California program in accordance with its allocation methodology specified in its approved stewardship plan pursuant to the methodology specified in subparagraph (G).

(iii) Explain how its accounting system and financial records prepared under that system will be compatible with the standards used by its auditor pursuant to section 42424 of the Public Resources Code and section 18976.7(a)(10) and identify any measures it will adopt to ensure that compatibility.

(5) Convenient Collection System

(A) The program operator's affirmation that it will not require collection sites to exceed the applicable limits set forth in section 18976.2(a) and (b).

(B) The program operator's affirmation of its obligation to meet the requirement set forth in section 18976.2(d).

(C) A list of collection sites in a spreadsheet, organized by county, that will be or are collecting covered batteries managed by the program operator, including separate columns for the following information:

(i) Name of business or entity.

(ii) Contact name and title.

(iii) Contact email address.

(iv) Street number and street name.

(v) City.

(vi) State.

(vii) Zip code.

(viii) Latitude.

(ix) Longitude.

(x) Identification of whether the collection site is a permanent collection site as defined in section 18976(a)(16) or whether it is a temporary collection site as defined in section 18976(a)(20).

(xi) Identification of whether the collection site is a retailer, household hazardous waste collection facility, or alternative covered battery collection system.

(D) The program operator's proposed methodology for confirming its compliance with the widespread access and convenience requirement pursuant to paragraph (3) of subdivision (d) of section 42422.1 of the Public Resources Code and section 18976(a)(21).

(E) The program operator's identification of all alternative covered battery collection systems offered by the program operator, including, but not limited to, collection events, large quantity collection programs, consumer mail-back, or other collection mechanisms.

(F) The rules and conditions that the program operator requires of participating collection sites pursuant to subdivision (d) of section 42420.4 and subdivision (i) section 42422.1 of the Public Resources Code and identification of the corresponding statutory or regulatory provision and the purpose of the rule or condition, such as safe collection and handling.

(G) Covered batteries shall be retrieved from collection sites prior to such sites exceeding their capacity. The program operator shall propose the measures it will implement to ensure that this standard is met and a monitoring plan that will confirm or contest the achievement of this requirement.

(H) The program operator's affirmation of its obligation to provide collection sites with information that will enable collection site employees who collect or handle covered batteries to comply with all applicable laws, regulations, and manufacturer-promulgated emergency procedures concerning the types of batteries that might be presented by consumers to the site, including any damaged and defective covered batteries that the collection site has voluntarily chosen to accept and any damaged, defective, and recalled batteries that are inadvertently included in the collection.

(I) Identification of any types of batteries that might be presented at a collection site, that will be refused or treated differently than other batteries in collection or handling based on the battery's appearance or other characteristics and names of those batteries in its plan. Program operators shall provide collection sites with information that will enable collection site employees who collect or handle covered batteries to identify those batteries that need to be distinguished.

(i) Within the scope of batteries that might be presented, the program operator shall, in addition to any other types of batteries, consider damaged and

defective covered batteries that the collection site has voluntarily chosen to accept and inadvertently included damaged, defective, and recalled batteries.

(J) Examples of the information the program operator will provide to collection sites to provide to consumers on how and where to manage any damaged or defective covered batteries or recalled batteries that the collection site refuses to accept, including:

(i) Instructions on how to identify and manage recalled batteries.

(ii) The closest location(s) at which the program operator has confirmed acceptance of damaged or defective batteries and which has approved the program operator to direct consumers to take damaged or defective batteries.

(K) The program operator shall keep the data and metrics for covered battery activities separate from data and metrics for non-covered battery activities, if any collection sites participating in the stewardship program will also collect non-covered batteries, such as electronic waste recyclers, electronic waste dismantlers, and community-based organizations, including a monitoring plan that will confirm or contest the achievement. The program operator shall provide the protocol that it will use to meet this requirement and a monitoring plan that will confirm or contest the achievement of this requirement.

(6) Management of Covered Batteries

(A) The name, address, and contact information of service providers involved in the program operator's management of covered batteries, including, but not limited to, transporters, sorting facilities, and recycling facilities.

(B) The methodology and information the program operator will use to determine and calculate the total weight and number of covered batteries sold in or into the state attributed to a producer participating in the program operator's plan, that are collected in the state and recycled by the program operator each year pursuant to subdivision (g) of section 42424.1 of the Public Resources Code.

(C) The program operator's protocol and methodology for tracking and calculating the weight of covered batteries collected, and covered battery components recycled, or managed via any other disposition method.

(7) Education and Outreach

(A) The program operator shall ensure that its internet website is designed with functionality for mobile platforms and maintained to ensure all information is up to date and accurate and provide the protocol it shall use to confirm this requirement is met. The internet website shall include, but is not limited to:

(i) Collection site addresses.

(ii) Collection site telephone numbers.

- (iii) Collection site days and hours of operation.
- (iv) Addresses of locations in the state that accept damaged or defective batteries.
- (v) Limits on the number of covered batteries to be deposited by a single consumer in a single day.
- (vi) Information and instructions for properly managing recalled batteries.
- (vii) The program operator's telephone number for consumers to call to locate covered battery collection sites and learn other stewardship program information.

(8) Labeling

(A) The program operator shall ensure that, beginning January 1, 2031, all participating producers' covered batteries and packaging for covered batteries are marked with labeling in a conspicuous manner that is visible to consumers to ensure proper collection and recycling. In its plan, the program operator shall identify the measures it will take to ensure compliance with this requirement and the timeframe in which those measures shall be implemented. The program operator shall identify the actions that its participating producers must take and the timeframes within which those actions shall be accomplished. The following information shall appear on the batteries and their packaging:

- (i) The brand name of the covered battery.
- (ii) The chemistry of the covered battery or the standard abbreviation for the chemistry of the covered battery.
- (iii) An indication that the battery must be recycled or disposed of properly.

(B) The communication protocol program operators shall use to notify participating producers of the labeling requirements and the actions the program operator will require of its participating producers to meet the January 1, 2031, labeling requirements.

(C) The program operator shall remove any producer from participating in the stewardship program within 30 calendar days of identifying or learning that a participating producer is not complying with the labeling requirements.

(9) If DTSC did not respond to the program operator's request to review its stewardship plan within 90 calendar days of receipt, documentation of the program operator's request and a written certification that, at the time of submittal to the department, the stewardship plan is consistent with all laws and regulations relevant to DTSC's authority, and DTSC did not respond within 90 calendar days of receipt of the stewardship plan.

(10) A contingency plan that meets the requirements in subdivision (q) of section 42422.1 of the Public Resources Code and section 18976.4.

(11) Acknowledgment that the stewardship plan objectives are free at drop-off, convenient, and safe collection, transportation, recycling, and otherwise proper management of covered batteries and compliance with the Act and this Article.

(12) Authorization for the entity responsible for the financial assurances to develop and implement, subject to department approval, adaptive management strategies to ensure that the stewardship plan objectives are met if specific plan elements conflict with the achievement of the plan objectives while the contingency plan is being executed.

Authority cited: Sections 40401, 40502, 42420.2, and 42424.1, Public Resources Code. Reference: Sections 42420.4, 42422.1, 42422.3, 42422.4, and 42424.1, Public Resources Code; Section 25218.1, Health and Safety Code; Section 501, Title 26, United States Code; and Section 501, United States Internal Revenue Code.

Section 18976.4. Contingency Plans

(a) The contingency plan shall fully satisfy the criteria set forth herein, and the program operator is obligated to carry out and to accomplish all of the following:

(1) The program operator shall identify a methodology for calculating the required amount, which, for purposes of this section, is the amount of money required to fully fund six months of program operation obligations. The program operator shall explain why this methodology is appropriate for making the required amount determination. The required amount calculated by this methodology at the approval of the plan and, subsequently, at annual report submission shall be the amount required for the financial assurance.

(2) At all times from the department's first approval of the program operator's plan through self-execution of the contingency plan the program operator shall maintain financial assurances that meet the requirements of subdivision (c) of this section.

(3) The contingency plan shall self-execute seven calendar days after:

(A) The revocation of the program operator's stewardship plan, or

(B) The terminating program operator's continued service has been revoked because it has defaulted on the obligations set forth in section 18976.5.

(4) The program operator shall perform the following tasks, as specified herein and in the manner prescribed, and propose how it will perform these tasks in its contingency plan:

(A) Empower the entity responsible for the financial assurances mechanism to operate the program from the date of self-execution to the end of the period specified by subdivision (b) of section 42425.2 of the Public Resources Code.

(B) As appropriate for the selected assurance, immediately deposit an amount or obtain an increase in assurances that will establish an adequate amount for the financial assurance if the value of the instrument is lower than the required amount.

(C) Upon the program operator's first close of books after receiving the department's notice of intended revocation of the stewardship plan or a terminating program operator's continued service, and each month thereafter until the cessation of program operator status, provide the department with the most recent accounting books and financial records, including its general ledger, bank statements, and records related to the payment status of contracts and payment by producers.

(D) Ensure that contracting for services necessary for the satisfaction of the producers' responsibilities pursuant to subdivision (b) of section 42425.2 of the Public Resources Code can be continued by the entity responsible for the financial assurance upon self-execution of the contingency plan and shall:

(i) Propose whether this shall occur by assignment and assumption of the program operator's contracts or by another means, and shall specify those means, and

(ii) Furnish proof that the proposal is accepted by the entity responsible for the financial assurance and, if one exists, the beneficiary of the assurance.

(E) Upon self-execution of the contingency plan:

(i) Carry out all actions assigned to it under the contingency plan, including the transfer of administration of the program, unless directed otherwise in writing by the department.

(ii) Pay all money owed in arrears on contracts subject to assignment and assumption, if assignment or assumption has been elected in the plan specified pursuant to subparagraph (D) of this paragraph, and notify the department that it has paid these amounts.

(iii) Provide the department and the entity responsible for the financial assurances mechanism with all records necessary to execute the contingency plan.

(iv) Provide written notification to producers, collection sites, transportation contractors, recycling service providers, intermediate supply chain entities, and contractors supporting the program operator's implementation of its stewardship plan.

(F) Immediately upon discovery, notify the department in any of the following circumstances:

(i) The value of the financial assurance is lower than the required amount.

(ii) The financial assurance is no longer valid or the entity responsible for the assurance is no longer willing to perform its responsibilities.

(5) As a condition of serving as a program operator, it acknowledges and assents to the following:

(A) Maintenance of adequate and valid financial assurances is a condition of serving as a program operator.

(B) The program operator claims no interest in the monies which comprise the financial assurances except those monies in a trust or escrow account that exceed the required amount identified pursuant to paragraph (1) of subdivision (a) of this section prior to self-execution of the contingency plan or those monies that remain in the assurance after all obligations intended to be funded by the assurance have been satisfied.

(C) The legislature's provision for the satisfaction of the producers' responsibilities pursuant to subdivision (b) of section 42425.2 of the Public Resources Code and for a third party to implement plan objectives during this period pursuant to subdivision (q) of section 42422.1 of the Public Resources Code necessarily entails that the contracts which implement the plan are subject to assignment to that third party upon self-execution of the contingency plan, and every contract into which it enters is subject to assignment and assumption as specified in these regulations.

(b) The program operator's failure to carry out fully its responsibilities pursuant to this section, including the obligation to implement its contingency plan as written, constitutes a violation of the Act and this Article. Such a violation may be found regardless of the fact that the plan has been revoked or terminated.

(c) In order to maintain the required financial assurance pursuant to paragraph (2) of subdivision (a) of this section, the program operator shall establish and maintain a mechanism such as an irrevocable trust, escrow agreement, performance bond, or guarantee that meets all applicable requirements of this subdivision:

(1) A fund, in an account separate from all other accounts, that contains the required amount, deposited by the program operator, from 36 months after the department's first approval of the plan through self-execution of the contingency plan and has the sole purpose of allowing for the satisfaction of the producers' responsibilities pursuant to subdivision (b) of section 42425.2 of the Public Resources Code and to implement plan objectives pursuant to subdivision (q) of section 42422.1 of the Public Resources Code.

(2) Identifies one of the following as the beneficiary of the fund:

(A) The department, or

(B) To the extent compatible with all applicable laws, those producers that are participating in the plan on the date of self-execution to be the beneficiaries of the trust. For example, if the producers are the sole members of a single corporation, such a corporation may be the beneficiary of the trust.

(3) Empowers the department to advise the entity responsible for the financial assurances mechanism and approve adaptive management strategies.

(4) Obligates the entity responsible for the financial assurances mechanism to carry out all responsibilities assigned to it pursuant to subdivision (d) of this section, through the closure date specified pursuant to section 18976.5, or until 365 days have followed the department's revocation of the program operator's stewardship plan.

(5) Requires the department's approval prior to any of the following taking effect:

(A) Installation of any successor entity responsible for the financial assurances mechanism proposed by the program operator.

(B) Amendment of the financial assurances mechanism.

(6) Shall not terminate in the absence of the program operator providing another financial assurance provided for in this subdivision and approved by the department. An irrevocable assurance, such as a trust, may not be terminated.

(7) Is administered, construed, and enforced according to the laws of the State of California.

(8) The entity providing the financial assurance waives notice of amendments to the plan.

(9) If a guarantee, the guarantor shall meet the following requirements based on the guarantor's audited year-end financial statements:

(A) Two of the following three ratios: a ratio of total liabilities to net worth that is less than 2.0; a ratio of the sum of net income plus depreciation, depletion, and amortization to total liabilities that is greater than 0.1; and a ratio of current assets to current liabilities that is greater than 1.5; and

(B) Net working capital and tangible net worth each at least six times the required amount; and

(C) Tangible net worth of at least \$15 million; and

(D) Assets located in the United States amounting to at least 90 percent of its total assets or at least six times the required amount.

(10) If an entity, such as a guarantor or a bond surety, elects to pay the amount rather than to perform the work, it shall establish a trust fund that meets all of the criteria set forth in this section for a trust fund. Upon the successful establishment and full funding of the trust fund and the engagement of a trustee approved by the department, the

trustee shall become the entity responsible for the fulfillment of the requirements of subdivision (d) of this section.

(d) Upon self-execution of the contingency plan, the entity responsible for the financial assurances mechanism shall:

(1) Administer the financial assurances.

(2) Implement the program operator's most recent stewardship plan, including any adaptive management strategies of the stewardship plan, if applicable.

(3) Propose adaptive management strategies to the department for its approval and implement them once approved. The entity shall submit its proposal of adaptive management strategies electronically to the department by email to Batteries@CalRecycle.ca.gov. The date of electronic submittal to the department shall be considered the date of receipt by the department.

(4) Upon written request, immediately provide to the department records necessary to determine compliance with the Act and this Article. At the department's option, records shall be provided either by allowing physical access to the department or other duly authorized regulatory agency or by submitting them to the department by electronic means.

(5) Meet monthly with the department.

Authority cited: Sections 40401, 40502, and 42420.2, Public Resources Code.

Reference: Sections 42422.1 and 42425.2, Public Resources Code.

Section 18976.5. Stewardship Plan Termination

(a) The one-year period established pursuant to subdivision (b) of section 42425.2 of the Public Resources Code in which a program operator may continue to operate under the most recent approved stewardship plan shall commence on the plan expiration date and terminate on the closure date.

(b) The closure date shall be 365 calendar days from the expiration date.

(c) A program operator shall terminate its stewardship plan by proposing an expiration date and complying with this section.

(d) At least 395 calendar days prior to the closure date and 30 calendar days prior to the program operator's proposed expiration date of the stewardship plan, the program operator shall electronically submit a termination proposal to the department by email to Batteries@CalRecycle.ca.gov containing the following information:

(1) The program operator's reason for proposing to terminate its stewardship plan.

(2) A detailed explanation of the program operator's outstanding obligations to the department.

(3) The program operator's plan to notify entities of its decision to terminate the stewardship plan, including, but not limited to, producers, collection sites, recycling service providers, intermediate supply chain entities, and contractors supporting the program operator's implementation of its stewardship plan.

(4) A statement addressing whether the program operator intends to dissolve, and, if the program operator does intend to dissolve, the program operator shall include the planned milestones for its dissolution and its anticipated timing for those milestones.

(e) The program operator's proposal shall be considered received by the department on the date of electronic submittal to the department. The fact that the program operator proposes to terminate its program and its proposed expiration date are matters of public record and the program operator's proposal shall be rejected if the program operator claims that these facts in its proposal are exempt from public disclosure. Solely for the purposes of subdivision (b) of section 42425.2 of the Public Resources Code, the plan will be considered terminated on the expiration date.

(f) Except where directed otherwise pursuant to paragraphs (1) and (2) of this subdivision, the program operator shall continue to meet the plan objectives by implementing the Act, this Article, and the obligations it undertook in its former plan until the closure date.

(1) Where the plan objectives can no longer be met by implementation of the plan, the program operator shall propose adaptive management strategies for approval by the department. The program operator shall submit its proposal of adaptive management strategies electronically to the department by email to Batteries@CalRecycle.ca.gov. The date of electronic submittal to the department shall be considered the date of receipt by the department.

(2) Upon revocation of a terminating program operator's continued service, the program operator shall only perform those obligations required by subdivision (h) of this section.

(g) A violation shall accrue to a program operator for conduct during the period between the expiration date and the closure date in the same manner as a violation would have accrued to the program operator prior to the expiration date, including violations pertaining to the program operator's implementation of its plan or former plan.

(h) A program operator's failure to implement completely its obligations under this section is a violation of the Act and this Article and shall constitute grounds for revoking a terminating program operator's continued service pursuant to section 18976.14. Upon the department's revocation of the terminating program operator's continued service:

(1) The contingency plan shall self-execute as described in section 18976.4; and

(2) The program operator shall perform all obligations required by the Act, this Article, and its contingency plan that apply post-execution, including any obligations that might exist as specified in its plan developed pursuant to paragraph (3) of subdivision (d) of this section pertaining to the continuation of contracted services.

(3) The program operator's status shall be resolved in the manner prescribed in section 18976.6.

(i) After the closure date, the program operator whose continued service was never revoked shall no longer be considered a program operator and its status will have ceased, except it remains:

(1) Liable under the Act as program operators for violations and civil penalties arising from conduct that occurred prior to the closure date, including its failure to fulfill its responsibilities under the financial assurances.

(2) Financially responsible as a program operator to the department and DTSC for their costs arising from conduct that occurred prior to the closure date.

(3) Liable under the Act as program operators for violations and civil penalties arising from their failure to fulfill their responsibilities under the financial assurances.

Authority cited: Sections 40401, 40502, and 42420.2, Public Resources Code.

Reference: Section 42425.2, Public Resources Code.

Section 18976.6. Stewardship Plan Revocation and Cessation of Program Operator Status

(a) Grounds for revocation of the program operator's plan include the following:

(1) The program operator's annual report has been found noncompliant.

(2) The program operator has provided inaccurate or false information to the department.

(3) Department disapproval of a revised stewardship plan resubmitted by a program operator, or failure to resubmit a revised stewardship plan pursuant to subdivision (c) of section 42422.5 of the Public Resources Code.

(b) Notwithstanding revocation of its stewardship plan or the revocation of a terminating program operator's continued service, the program operator shall continue to implement its responsibilities under the contingency plan until it ceases to be a program operator.

(c) Within 14 calendar days after the stewardship plan's revocation date or the date of the revocation of a terminating program operator's continued service, the program operator shall provide a written electronic notice to the department by email to Batteries@CalRecycle.ca.gov that it has completed the obligations assigned to it pursuant to section 18976.4 and its contingency plan, and request the cessation of its program operator status.

(d) Within 30 calendar days of the request of cessation pursuant to subdivision (b) of this section, the department shall issue a response to the program operator accepting the program operator's request for cessation of program operator status or denying the request because the program operator has failed to satisfy its obligations under the Act

or the contingency plan, or because an audit is necessary to determine compliance with the Act. Upon the issuance of the department's letter accepting the program operator's request, the program operator shall cease to be a program operator, except as specified under subdivision (e) of this section.

(e) Entities that were formerly program operators remain:

(1) Liable under the Act as program operators for violations and civil penalties arising from conduct that occurred prior to the cessation of their program operator status.

(2) Financially responsible as program operators to the department and DTSC for their costs arising from program operator conduct.

(3) Liable under the Act as program operators for violations and civil penalties arising from their failure to fulfill their responsibilities under the financial assurances.

Authority cited: Sections 40401, 40502, and 42420.2, Public Resources Code.

Reference: Section 42422.5, Public Resources Code.

Section 18976.7. Annual Reports

(a) Annual reports shall include the information required by section 42424.1 of the Public Resources Code and the following:

(1) An executive summary of the annual report that includes the highlights of the year, the weight of covered primary and rechargeable batteries collected, respectively, the weight of covered primary and rechargeable batteries recycled, respectively, the covered primary and rechargeable battery recycling efficiency rates achieved, respectively, and a statement regarding whether the convenience requirements in subdivision (d) of section 42422.1 of the Public Resources Code were achieved.

(2) Contact Information and Business Organization

(A) Contact information for the corporate officer or designee responsible for submitting the annual report on behalf of the program operator consistent with the requirements in section 18976.3(a)(1)(A).

(B) Contact information for each producer covered by the stewardship plan, consistent with the requirements of section 18976.1(a)(1)(B).

(C) A description of any changes to the corporate organization of the stewardship organization, as compared to its most recent annual report, or, if there is no preceding annual report, the stewardship plan.

(D) The names of the stewardship organization's disregarded entities, related organizations, and unrelated organizations, as those terms are understood in Instructions for Schedule R and the Form 990 instructions issued by the Internal

Revenue Service, and the nature of the stewardship organization's relationship with the entities or organizations, if applicable.

(E) A copy of the stewardship organization's most recently filed Internal Revenue Code Form 990 or Form 990-EZ displaying all information that is required to be available for public inspection. A stewardship organization shall redact any information on the copy that, pursuant to Internal Revenue Service laws, regulations, or rules, is not required to be available for public inspection, if applicable.

(F) Confirmation that the stewardship organization is not controlled by service providers that are neither exempt organizations under section 501(c) of the federal Internal Revenue Service Code nor disregarded entities of an exempt organization pursuant to section 18976.3(a)(2), including the names of any directors who no longer serve as directors, any changes in the affiliation of the remaining directors, and the names and affiliations of any new directors.

(3) Advisory Body Consultation Summary

(A) A summary of advisory body consultation activities, including, but not limited to:

(i) The dates that meetings were held with the advisory body pursuant to section 42422.4 of the Public Resources Code and section 18976.3(a)(3)(A)(i).

(ii) Any written recommendations provided by the advisory body.

(iii) An explanation of how the advisory body's recommendations were considered, and incorporated, or not incorporated, into the annual report.

(4) Financing Mechanism

(A) Proposed changes to the upcoming year's budget allocations and an explanation of the reasons for the changes.

(B) All administrative and operational costs incurred during the reporting period to implement the California stewardship program, including, at a minimum, separate line items and descriptions of the activities relative to each of the cost categories identified in section 18976.3(a)(4)(A).

(C) All revenue received by the California program during the reporting period. The program operator shall use the categories provided in section 18976.3(a)(4)(D)(ii) and shall identify the amount, source, and type of any revenue that was not producer-generated.

(D) The comparison of producer-generated revenue to administrative and operational costs for the consecutive three-year period, calculated in the manner set forth in section 18976.3(a)(4)(D)(iv).

(D) A description of and amount of costs that the program operator shared with other program operators, if applicable.

(E) The calculated cost of satisfying the program operator's obligations over an initial six-month period in which the contingency plan is executed.

(F) The contingency financial assurance value.

(5) Convenient Collection System

(A) A list of collection sites participating in the stewardship program during the reporting period, organized by county, consistent with the requirements in section 18976.3(a)(5)(C), as well as columns that identify the date each site began accepting covered batteries, and, if applicable, any dates any permanent collection site was not accepting batteries.

(B) The calculations that ascertain whether the convenience requirements were met pursuant to subdivision (d) of section 42422.1 of the Public Resources Code and section 18976.2(d) and conclusions concerning the program operator's compliance reached as a result of those calculations, including the following:

(i) A description of the program operator's efforts to ensure that retailers with five or more locations in California were aware of the requirement that they make all locations serve as permanent collection sites.

(ii) The number of collection sites in each county.

(iii) The number of collection sites per applicable population increment in each county, based on the California Department of Finance's most recently reported annual data.

(iv) The percentage of collection sites in each county that are permanent collection sites.

(v) A description of how collection sites are spread throughout each county to facilitate widespread access and convenience and an explanation of whether this spread met or did not meet the program operator's commitment in its plan pursuant to section 18976.3(a)(5)(D). In addition to identifying the dates, the program operator shall identify the specific county for which its obligations were unmet.

(vi) A statement identifying any dates during the reporting period when the program operator did not have the required number of sites in any county. In addition to identifying the dates, the program operator shall identify the specific county for which its obligations were unmet.

(C) If the convenience requirements pursuant to subdivision (d) of section 42422.1 of the Public Resources Code and section 18976.2(d) were not met in any county, describe efforts made to achieve compliance.

(D) The number of consumer complaints received by the program operator regarding the acceptance of covered batteries at collection sites.

(E) The results of the implemented measures and monitoring plan to ensure covered batteries were retrieved from collection sites prior to such sites exceeding capacity pursuant to section 18976.3(a)(5)(G).

(6) Management of Covered Batteries

(A) The total weight of covered primary batteries recycled, and the total weight of covered rechargeable batteries recycled, respectively.

(B) The total weight of covered primary battery material that was not recovered by recycling, and the total weight of covered rechargeable battery material that was not recovered by recycling, respectively, and a description of factors that contribute to yield loss in the recycling processes.

(C) A list of the transportation, sorting, and processing infrastructure used during the reporting period, in the manner provided in section 18976.3(a)(6).

(D) For the reporting period, a list of notices of violation, penalties assessed, fines, or other legal discipline, by date and enforcement authority, wherein the named party is the program operator or any of its service providers including, but not limited to, collectors, handlers, transporters, processors, sorters, and recyclers or their employees or agents in the process of collecting, handling, transporting, or recycling covered batteries or covered battery material covered by the program operator's stewardship plan.

(7) Education and Outreach

(A) Numerical results using the metrics identified in the stewardship plan compared with the goals identified in the stewardship plan to determine the success of the statewide education and outreach program pursuant to paragraph (5) of subdivision (o) of section 42422.1 of the Public Resources Code.

(B) A description of efforts to support participation in the stewardship program by all California communities, including to communicate with consumers in languages other than English, and a list of languages in which outreach materials are available.

(8) Labeling

(A) For annual reports covering reporting periods before January 1, 2031, include:

(i) The labeling measures and the elements of the labeling communications protocol that were fully implemented on the timeframe proposed by the program operator.

(ii) Any labeling measures or elements of the labeling communications protocol that were not fully implemented or that were fully implemented later than timeframe proposed by the program operator.

(iii) The participating producer actions detailed in the plan pursuant to section 18976.3(a)(8) that were fully implemented on the timeframe proposed by the program operator.

(iv) The omission or untimely satisfaction of participating producer labeling actions, inclusive of the name of the producer, its brand, its battery type, the requirement involved, and the duration of the omission or delay.

(B) For annual reports covering reporting periods starting on and after January 1, 2031, include:

(i) The program operator's certification that all of its producers labeled all of their covered batteries in the manner prescribed during the reporting period, or a statement explaining which producers did not label their covered batteries in the manner prescribed.

(ii) When identifying an unmet labeling requirement, the program operator shall state the name of the producer, its brand, its battery type, the requirement involved, the date of the discovery of the unmet requirement, and the duration of the omission or delay.

(iii) The date on which a producer with an unmet labeling requirement was removed from the program.

(9) Reports

(A) A description of any reports, including, but not limited to, research, studies, pilot programs, testing, and evaluations relevant to the stewardship program produced by the program operator, or another entity on behalf of the program operator, pursuant to subdivision (s) of section 42424.1 of the Public Resources Code, including the following information:

(i) The purpose of the report and a brief explanation of how the activities are expected to benefit the stewardship program.

(ii) The program operator's website address where the report is publicly available free of charge.

(iii) An explanation of whether any report was redacted and justification for redacting information.

(10) Audits

(A) An independent audit of the program operator conducted by a Certified Public Accountant in accordance with professional standard set forth for licensees in the public practice of accountancy in section 58 of title 16 of the California Code of Regulations. The Certified Public Accountant shall not perform non-audit services for the program operator or engage in any activities that could affect impartiality. The independent financial audit shall include:

(i) Stewardship program financial statements, prepared in accordance with the professional standard set forth above, including financial statements specific to the California program.

(ii) An opinion on the program operator's compliance with the financial aspects of the Act and this Article.

(iii) Findings and recommendations related to the financial aspects of the California stewardship program. The Certified Public Accountant must attest, if it is factually correct, to the following:

(I) The program operator maintained books for the California program that are separate from other national or sub-national activities and did not commingle monies from California producers with monies from any out-of-state programs.

(II) The program operator allocated costs and revenues to the California program in accordance with its allocation methodology specified in its approved stewardship plan pursuant to section 18976.3(a)(4)(H).

(iv) Management Letter issued by the program operator's Certified Public Accountant.

(11) Proposed Stewardship Plan Modifications or Revisions

(A) A description of any proposed modifications or revisions the program operator proposes to make to its stewardship plan subject to department review pursuant to section 18976.1(d)(5), including, but not limited to, any updates to rules and conditions required of participating collection sites, including the following:

(i) The proposed timing for implementation of the modifications or revisions.

(ii) An explanation of how the modifications or revisions are intended to achieve the requirements of section 42422.1 of the Public Resources Code.

(12) Contingency Plan Updates

(A) Any updates to the names, roles, and responsibilities of entities affected by or who have responsibilities pursuant to the execution of the contingency plan required pursuant to subdivision (q) of section 42422.1 of the Public Resources

Code and section 18976.4, including, but not limited to, producers, collection sites, transportation contractors, recycling service providers, intermediate supply chain entities, and contractors supporting the program operator's implementation of its stewardship plan.

Authority cited: Sections 40401, 40502, and 42420.2, Public Resources Code.

Reference: Sections 42422.1, 42422.4, 42424, and 42424.1, Public Resources Code.

Section 18976.8. Record Keeping

(a) A producer, program operator, stewardship organization, manufacturer, distributor, retailer, importer, recycler, and collection site shall maintain records pursuant to sections 42424 and 42425.3 of the Public Resources Code for three years and make them available to the department immediately upon request or by an alternative timeframe approved by the department in writing for inspections and audits to demonstrate compliance with the requirements in the Act and this Article. The department's request for such records shall be made in writing, electronically, or verbally. If a regulated entity receives a records request from the department and has no responsive records, that entity shall immediately inform the department in writing that it has no responsive records; failure to respond to the department is a violation of the Act and this Article. The records required to be maintained are:

(1) Any documentation that a producer, program operator, stewardship organization, manufacturer, distributor, retailer, importer, recycler, or collection site needs to demonstrate its own compliance under the Act and regulations. The specific types of records identified in subdivisions (e) through (j) are illustrative and are not necessarily sufficient to document that entity's compliance.

(A) A program operator is responsible under the Act for ensuring the compliance of other entities, such as producers and service providers that handle, collect, transport, or recycle covered batteries as part of the stewardship program, which necessarily entails maintaining records to substantiate the compliance of those entities. In order for the program operator to demonstrate its own compliance with the Act and these regulations, it shall maintain those records necessary to demonstrate the compliance of those entities.

(2) The specific types of records identified in subdivisions (e) through (j) of this section in order to ascertain the compliance of other regulated entities.

(b) A producer, program operator, stewardship organization, manufacturer, distributor, retailer, importer, recycler, and collection site shall maintain records and make them available to DTSC upon request. DTSC's request for such records shall be made in writing, electronically, or verbally. All document requests made by DTSC must be responded to within 30 calendar days from the date that DTSC made the request.

(c) The department, including its authorized employees, and agents authorized by and acting on behalf of the department, shall be allowed, as part of its inspections and audits, to enter the premises and to access all records of any entity subject to this Article during normal working hours. The department shall review and copy any records it deems necessary for inspections or audits. If the department specifies that the records are to be sent to the department by certified mail, those records shall be mailed in that fashion by the entity subject to the written request. If the department directs that the records are to be sent by electronic submission, the entity to whom the request is directed shall send the records to the e-mail address identified in the written request.

(d) A producer, program operator, stewardship organization, manufacturer, distributor, retailer, importer, recycler, or collection site's failure to provide the department and DTSC with access to records or to maintain such records constitutes grounds for the department to impose civil penalties and take disciplinary action.

(e) Documentation program operators maintain shall include:

(1) Minutes, books, and records that clearly reflect the activities and transactions of the program operator's stewardship program.

(2) Records sufficient to identify all entities that collect, transport, ship, or recycle the covered batteries deposited in the program operator's collection containers, and the timeframes during which those activities occurred. Records may include, but are not limited to, bills of lading, manifests, or other documentation that trace the custody and transfer of covered batteries.

(3) Records sufficient to identify the transport or shipment of covered batteries and covered battery residuals to entities other than recyclers.

(4) Permits, licenses, clearances, inspection reports, or other information documenting its compliance and noncompliance, as understood pursuant to section 18976.8(a)(1)(A), with its stewardship plan and national and sub-national laws, including the laws of jurisdictions within and outside of the United States.

(5) Records of complaints, penalties, or violations taken against the program operator, collection sites, transportation services, or processing facilities in the process of collecting, transporting, sorting or processing of covered batteries or covered battery material covered by the program operator's stewardship plan.

(6) Records of any complaints regarding the collection of covered batteries, and how the complaint was addressed by the program operator.

(7) Copies of audits pursuant to section 18976.7(a)(10).

(f) Documentation covered battery retailers maintain shall include:

(1) Records sufficient to identify the date(s) and the entity from which the retailer purchased the covered batteries.

(2) A copy of the certification letter issued by the department pursuant to subdivision (b) of section 42425 of the Public Resources Code, to the producer of a covered battery sold or offered for sale by the retailer if that producer is compliant with the Act but is not listed on the department's internet website as compliant.

(g) Documentation covered battery importers maintain shall include:

(1) Records sufficient to identify the producer of the covered batteries imported in or into the state, unless the importer claims to be the producer of the covered batteries imported. If the importer claims to be the producer of the covered batteries imported, records sufficient to justify the claim are instead necessary.

(2) Records sufficient to identify the date(s) the covered batteries were imported in or into the state.

(3) Records sufficient to identify the entity to which it transferred title for a covered battery and the entity that transferred title of a covered battery to the importer.

(4) Records sufficient to identify the owner and the purchaser at the time of import.

(5) A copy of the certification letter issued by the department pursuant to subdivision (b) of section 42425 of the Public Resources Code, to the producer of a covered battery imported in or into the state by the importer, if that producer is compliant with the Act but is not listed on the department's internet website as compliant.

(h) Documentation covered battery distributors maintain shall include:

(1) Records sufficient to identify the producer of the covered batteries distributed, unless the distributor claims to be the producer of the covered batteries distributed. If the distributor claims to be the producer of the covered batteries distributed, records sufficient to justify the claim are instead necessary.

(2) Records sufficient to identify the date(s) and the entity from which the distributor received the covered batteries.

(3) Records sufficient to identify the date(s) and the entity to which the covered batteries were distributed.

(4) A copy of the certification letter issued by the department pursuant to subdivision (b) of section 42425 of the Public Resources Code, to the producer of a covered battery distributed by the distributor, if that producer is compliant with the Act but is not listed on the department's internet website as compliant.

(i) Documentation covered battery producers maintain shall include:

- (1) Records sufficient to identify the date(s) the producer sold or distributed for sale the covered batteries in or into the state.
- (2) Records sufficient to identify the entity to which the producer sold or distributed the covered batteries for sale.
- (3) A copy of the certification letter issued by the department pursuant to subdivision (b) of section 42425 of the Public Resources Code, to the producer of a covered battery if that producer is not listed on the department's internet website as compliant.

(j) Documentation covered battery recyclers maintain shall include:

- (1) Permits, licenses, clearances, inspection reports, or other information documenting its compliance and noncompliance, as applicable, with the relevant stewardship plan and national and sub-national laws, including the laws of jurisdictions within and outside of the United States.
- (2) To the extent that a recycler, in the normal course of business, obtains permits, licenses, clearances, or inspection reports documenting the compliance of regulated entities with the stewardship plan or national and sub-national law, including the laws of jurisdictions within and outside of the United States, those records shall be maintained.
- (3) Records sufficient to identify the entity from which the recycler received the covered batteries.
- (4) Records sufficient to identify the date(s) on which the covered batteries were received.
- (5) Records sufficient to identify the chemistry of the covered batteries the recycler received.
- (6) Records sufficient to identify the weight of covered batteries the recycler received.
- (7) Records sufficient to identify the weight of residuals from processing the covered batteries.
- (8) Records sufficient to identify the weight of materials recycled from processing the covered batteries.

Authority cited: Sections 40401, 40502, and 42420.2, Public Resources Code.

Reference: Sections 42420.1, 42421.2, 42422.1, 42424, 42424.1, 42425, 42425.1, and 42425.3, Public Resources Code; and Section 1484 of the United States Code.

Section 18976.9. Compliance Evaluation and Determination

(a) The department shall conduct investigations to examine operational activities and records to determine compliance with the Act and this Article. The investigations require entities subject to the Act and this Article to produce records requested by the department and DTSC. The investigations also require the entity's cooperation with onsite inspections

by the department, including its authorized employees and agents authorized by and acting on behalf of the department. An authorized department employee or agent shall be allowed to enter the premises of any entity subject to the Act and this Article during normal working hours to conduct inspections. Methods may include, but are not limited to, the review and copying of any records required by the Act and this Article.

(b) Notices of violation issued by the department may identify additional records and information that the entity must produce regarding such noncompliance.

(c) The program operator shall be found not to have implemented its stewardship program and thus have violated subdivision (a) of section 42422.6 of the Public Resources Code wherever it fails to satisfy its obligations established pursuant to the Act and this Article, including its obligation to implement its approved plan.

(d) The program operator has a non-delegable duty to ensure that handling, transport, processing, and recycling of covered batteries under the stewardship program complies with all applicable state and federal laws and regulations. A violation of other state or federal laws by a service provider acting in furtherance of the stewardship program that is determined to have occurred by a governing body with appropriate jurisdiction shall be considered to be a determination that the program operator has violated those state or federal laws or regulations.

(e) If a producer, program operator, stewardship organization, manufacturer, distributor, retailer, importer, recycler, or collection site fails to maintain records or other evidence sufficient to demonstrate compliance with any requirement of the Act or this Article or fails to provide such records upon request by the department, penalties for the absence of or failure to provide records shall accrue as follows, with each day of the violation being subject to the per-day penalties set forth in section 42425.1 of the Public Resources Code:

(1) Violations based on the failure to maintain records shall be deemed to have occurred on each day for which the entity failed to maintain sufficient evidence to demonstrate compliance.

(2) Violations based on the failure to provide records to the department upon request shall be deemed to begin on the date of the department's request and to have occurred for each day for which the party failed to provide the records.

(f) For purposes of paragraphs (1) through (3) of subdivision (j) of section 42420.1 of the Public Resources Code only, a person is in the state if the person is subject to the jurisdiction of California courts pursuant to section 410.10 of the Code of Civil Procedure with respect to the Act and any of the following is true:

(1) Service of summons, excluding service in a manner requiring a court order, on the person may be completed in the state pursuant to sections 413.10 through 417.40 of the Code of Civil Procedure (Article 1 of Chapter 4 of Title 5 of Part 2 of the Code of Civil Procedure) or section 2110 of the Corporations Code.

(2) The person consents to being considered in the state, being served notices and statements of charges by any means chosen by the department pursuant to section 18976.12, and being personally subject to the jurisdiction of California courts. To be considered in the state, such person must, upon demand, confirm the foregoing consent in writing, such as by affidavit or written agreement, or through conduct consistent with such consent. Conduct consistent with such consent includes responding to a statement of charges, filing a pleading, or otherwise appearing in a legal proceeding in the state.

Authority cited: Sections 40401, 40502, and 42420.2, Public Resources Code.
Reference: Sections 42420.1, 42422.1, 42422.6, 42424, 42425.1, and 42425.3, Public Resources Code; sections 410.10, and 413.10 through 417.40 of the Code of Civil Procedure; section 2110 of the Corporations Code.

Section 18976.10. Compliant Producer List and Certification Letters

(a) A program operator's submission pursuant to section 18976.1(a) shall cause the department to publish its next list of compliant producers pursuant to section 42425 of the Public Resources Code. Only the producers that are included on a program operator's most recent submission to the department shall be included on the department's new list of compliant producers.

(1) To appear on the department's new list of compliant producers, a producer that formerly participated in a different program operator's stewardship program shall provide sufficient evidence to the department through its new program operator that it is participating in another stewardship program under a department-approved stewardship plan.

(b) A certification letter issued by the department pursuant to subdivision (b) of section 42425 of the Public Resources Code has the effect of demonstrating a producer, brand, and covered battery type are in compliance and may be treated as listed by retailers, distributors, and importers as compliant until the producer is determined to be noncompliant or the department publishes a new list of compliant producers, whichever is sooner.

(c) For the purposes of determining whether a retailer, importer, or distributor may sell, offer for sale, import, or distribute a covered battery pursuant to paragraph (1) of subdivision (d) of section 42425 of the Public Resources Code, that entity shall consult the department's internet website to ensure that the combined producer, brand, and covered battery type are identified together on the department's list.

Authority cited: Sections 40401, 40502, and 42420.2, Public Resources Code.
Reference: Sections 42421, 42421.2, and 42425, Public Resources Code.

Section 18976.11. Administrative Civil Penalties

(a) The department shall issue a written notice of violation before commencing an action to impose administrative civil penalties. The notice of violation shall list and describe the

nature of the violation(s). The department shall issue a notice of violation to the respondent if the department determines that any producer, program operator, stewardship organization, manufacturer, distributor, retailer, importer, recycler, or collection site has violated the Act or this Article.

(b) A producer, program operator, stewardship organization, manufacturer, distributor, retailer, importer, recycler, or collection site not in compliance with the Act or this Article is subject to administrative civil penalties pursuant to subdivision (a) of section 42425.1 of the Public Resources Code.

(c) A penalty order shall be served in the manner as provided for statement of charges in section 18976.12(c).

(d) Subject to the procedural requirements in this Article, and except in the event of a default or other waiver by the person alleged by the department to have violated the Act, penalty determinations shall be made by the director or the director's designee based on evidence presented in hearings conducted pursuant to section 18976.13 addressing, at a minimum, the factual factors identified herein:

(1) The nature, circumstances, extent, and gravity of the violation(s).

(2) The number and severity of violations. In identifying the number and severity of the violation(s), the department shall consider, to the extent such information is available, the following:

(A) The number of noncompliant battery product lines established by a unique stock keeping unit (SKU) or global trade item number such as a universal product code (UPC); or the number of noncompliant battery brands, battery types, and battery sizes, if no SKU or global trade item number is available.

(B) The number of discrete requirements of the Act, this Article, or a stewardship plan that are violated. For example, there are grounds for multiple violations pursuant to subdivision (a) of section 42422.6 of the Public Resources Code and section 18976.9(c) where the program operator fails to implement its stewardship program fully due to its nonadherence to its labeling obligations to which it has committed itself in its plan and its concurrent failure to spread collection sites throughout each county to facilitate widespread access and convenience.

(3) The willfulness of the violator's conduct, including evidence that the violation was intentional, knowing, or reckless.

(4) The violator's financial position, including its business scale and net worth.

(5) History of violation(s) of the same or similar nature.

(6) Whether the violator took good faith measures to comply with the Act and this Article and the period of time over which these measures were taken.

- (7) Evidence of any financial gain resulting from the violation(s).
- (8) The economic effect of the penalty on the violator.
- (9) The deterrent effect that the imposition of the penalty would have on both the violator and the regulated community.
- (10) Any other factor that justice may require.

Authority cited: Sections 40401, 40502, 42420.2, and 42425.1, Public Resources Code.
Reference: Sections 11415.10, 11505, and 11520 of the Government Code; sections 42422.6, 42425.1, 42425.3, and 42425.4, Public Resources Code.

Section 18976.12. Notices

(a) Notices of violation, notices of disciplinary action, and all accompanying documents shall be delivered to the address on file with the department pursuant to subdivision (e) of this section by one or more of the following means:

- (1) Delivery to the address on file via first-class mail, registered mail, certified mail, commercial carrier, or personal delivery.
- (2) Email to the address on file with the department pursuant to subdivision (e) of this section, or, for entities known by the department to have failed to maintain an up-to-date email address on file, any other email address, with written consent or written acknowledgement of receipt.

(b) For persons not required to file a primary business address with the department or that have failed to do so, notices of violation, notices of disciplinary action, and all accompanying documents shall be delivered using any of the methods described in subdivision (a) of this section to at least one of the following addresses:

- (1) The person's mailing address on file with the Secretary of State.
- (2) The person's last known business or mailing address.
- (3) The business or mailing address of the attorney, if any, who acknowledges in writing their representation of the person with respect to the department's allegations, or any other party authorized in writing to receive notices on behalf of the person.
- (4) The person's email address, with written consent or written acknowledgment of receipt.

(c) A statement of charges commencing an administrative proceeding to impose administrative civil penalties shall be served on the person to be penalized using any of the following means:

(1) For persons required to have an address on file with the department pursuant to subdivision (e) of this section, by registered or certified mail.

(2) By personal service in any manner as provided for service of summons pursuant to sections 413.10 through 416.40 of the Code of Civil Procedure.

(3) By any other means, provided that the respondent subsequently files a notice of defense or otherwise appears in the administrative proceeding.

(d) Notices of violation are deemed to be issued on the fifth calendar day or, for notices delivered outside the State of California, the 10th calendar day, after the date on which the department deposits it with the United States Postal Service for delivery via certified mail, unless a notice is delivered by another method permitted pursuant to this section, in which case the notice is deemed to be issued upon delivery. For any violation that accrues from the date of the notice of violation's issuance and for which the penalty imposed pursuant to section 42425.1 of the Public Resources Code, penalties shall accrue from the date the notice of violation is deemed to be issued pursuant to this subdivision.

(e) Program operators and producers are required to maintain an address on file with the department. A program operator shall satisfy this requirement on its own behalf and on the behalf of its producers.

(1) The program operator's address on file is the address found on the most recent of the following filings with the department: the stewardship plan pursuant to section 18976.3 and the annual report pursuant to section 18976.7.

(2) The producer's address on file is the address found on the most recent of the following filings with the department: the list submittal pursuant to section 18976.1 and the annual report pursuant to section 18976.7.

Authority cited: Sections 40401, 40502, 42420.2, and 42425.1, Public Resources Code; sections 11415.10 and 11440.20, Government Code.

Reference: Sections 42425.1, and 42425.2 Public Resources Code; Sections 413.10 through 416.40, Code of Civil Procedure; and Sections 11415.10, 11440.20, and 11505, Government Code.

Section 18976.13. Procedure for a Hearing

(a) All administrative hearings shall be conducted by the department as informal hearings and heard by the director or director's designee according to Article 10 of Chapter 4.5 (commencing with section 11445.10) of Part 1 of Division 3 of Title 2 of the Government Code. Notwithstanding the foregoing, the procedures and requirements set forth in sections 11505(a) and (b) and 11506 of the Government Code shall apply to any hearing conducted under this division.

(b) A respondent may submit to the department a request for a hearing to contest the imposition of penalties or other disciplinary action within fifteen (15) calendar days of being served a statement of charges pursuant to section 18976.12(c). Absent the department's finding that the respondent had good cause, failure to submit a timely hearing request shall waive the right to a hearing.

(c) Within fifteen (15) calendar days of receipt of a respondent's written request for a hearing pursuant to subdivision (b), the director or hearing officer shall provide the respondent with a written notice setting forth the procedures that will govern the hearing, including, at a minimum, procedures relating to the use and admissibility of oral and written testimony, depositions, subpoenas and witnesses, discovery, and other forms of evidence.

(d) After conducting a hearing on the merits, or if no hearing is requested, the department may take any disciplinary or remedial action authorized under the Act, including those described in section 18976.14.

Authority cited: Sections 40401, 40502, 42420.2, and 42425.1, Public Resources Code; and Section 11415.10, Government Code.

Reference: Sections, 42425.1, 42425.2, and 42425.3, Public Resources Code; and Sections 11445.10, 11505, and 11506 of the Government Code.

Section 18976.14. Disciplinary Actions

(a) Actions taken in accordance with subdivision (b) of this section shall occur after notice and hearing, if one is requested in the manner specified in section 18976.13. The department shall issue a written notice of disciplinary action prior to imposing discipline pursuant to subdivision (b) of this section.

(b) In taking an action under subdivision (a) of section 42425.2 of the Public Resources Code, the department shall also take any of the following actions as necessary to ensure compliance with the requirements of the Act:

- (1) Revoke a previously approved stewardship plan.
- (2) Revoke a terminating program operator's continued service prior to the closure date because the program operator has defaulted on its obligations as described in section 18976.5(h).
- (3) Revoke a program operator's status as a program operator.
- (4) Require revisions and resubmittal of the stewardship plan within 60 calendar days or an alternative timeframe approved by the department.

(5) Require additional reporting relating to compliance with the requirements of the Act or this Article that were not met within 60 calendar days or an alternative timeframe approved by the department.

(6) Remove the producer, along with its brands and covered battery types from the department's list of compliant producers, as specified in subdivision (e) of section 42425 of the Public Resources Code.

(7) Remove a producer's brands and covered battery types from the list described in paragraph (6) of this subdivision if the producer is only non-compliant with regard to those specific brands and covered battery types and the purposes of the Act are best served by a more limited de-listing.

(8) Post the noncompliant entity onto a list of noncompliant entities.

(9) Impose additional compliance reporting requirements.

Authority cited: Sections 40401, 40502, and 42420.2, Public Resources Code; and Section 11445.20, Government Code.

Reference: Sections 42422.1, 42425, 42425.1, and 42425.2, Public Resources Code.

Section 18976.15. Information Partially or Wholly Exempt from Disclosure

(a) All records submitted to the department pursuant to the Act and this Article are subject to mandatory disclosure under the Public Records Act, Division 10 (commencing with section 7920.000) of Title 1 of the Government Code, unless an express prohibition or an express exemption from mandatory disclosure applies under the Act or this Article, or the Public Records Act.

(b) The department shall not disclose information that constitutes a trade secret, as defined in subdivision (d) of section 3426.1 of the Civil Code, in response to public records requests.

(c) The department shall not disclose information that subdivision (e) of section 42424 of the Public Resources Code prohibits the department from disclosing.

(d) The department shall not post, without appropriate redaction, a report submitted pursuant to subdivision (s) of section 42424.1 of the Public Resources Code disclosing information that is appropriately identified as trade secret, proprietary, or confidential information protected under existing law in the manner specified in subdivision (e) of this section and was redacted in the entity's submission.

(e) For any information submitted to the department or DTSC that is claimed by the person submitting it to be partially or wholly exempt from disclosure under the Public Records Act, the person shall clearly identify such information and provide the legal basis for it being exempt, in the following manner:

(1) Specifically designate each portion of the submission containing such information. For example, confidential proprietary information protected by subdivision (e) of section 42424 of the Public Resources Code shall be designated "confidential proprietary," trade secret information shall be designated "trade secret," and private email addresses shall be labeled "personal privacy information." Such designation shall be made by directly labeling the portion as such or, if direct labeling is impractical, by submitting written explanation clearly explaining what portions of the submission contain information exempt from disclosure.

(2) At the time of submission, provide the name, telephone number, and physical, mailing and electronic mailing address of the individual to be contacted regarding requests received by the department or DTSC for disclosure of the information.

(3) The entity is responsible for identifying this information in every submission and may not rely on identification of similar information in past submissions to support its claim of exemption from disclosure.

(f) For any submission containing information that the entity claims should be withheld by following the process set forth in subdivision (e) of this section, the entity shall additionally submit a version of the document that reflects the redaction of the sections to which that claim pertains.

(g) In every submission, the entity shall certify the following:

(1) It has specifically identified, by following the process set forth in subdivision (e) of this section, all names of individuals, physical addresses, mailing addresses, email addresses, IP addresses, phone numbers, and other contact information that constitute private contact information, as well as information pertaining to personnel, medical, or similar files which, if disclosed, would constitute an unwarranted invasion of personal privacy.

(2) All information that is not specifically identified is public business information that may be disclosed unless some other express exemption or prohibition applies.

(h) Any portions of submissions that are not specifically designated in the present submission as containing information that should be withheld from disclosure shall be considered not to contain such information and, unless some other express exemption or prohibition applies, shall be deemed subject to mandatory disclosure under the Public Records Act.

(i) For information that a person was required to submit pursuant to this chapter or the Act, the department shall follow the procedures set forth in section 40062 of the Public Resources Code when determining whether information has been properly identified as a trade secret. The information shall be considered subject to section 40062 of the Public Resources Code regardless of the form in which it is maintained by the department, and sections 17044 through 17047 of Title 14 of the California Code of Regulations shall not apply to such information.

Authority cited: Sections 40401, 40502, and 42420.2, Public Resources Code.
Reference: Sections 40062, 42051.2, 42422.5, 42424, and 42424.1, Public Resources Code; Section 3426.1, Civil Code; and Section 7920.000 et seq., Government Code.

Section 18976.16. State Agency Coordination and Fees

(a) Initial Plan Submittal Coordination

(1) Each potential program operator shall notify the department in writing by email to Batteries@CalRecycle.ca.gov within 30 calendar days after the effective date of regulations, or at least 210 calendar days prior to submittal of an initial proposed stewardship plan to DTSC, of its intent to submit an initial proposed stewardship plan.

(2) The notification shall include the date the program operator intends to submit its initial proposed stewardship plan to DTSC.

(b) Agency Fees

(1) At least 90 calendar days before the date the program operator stated it will submit its initial proposed stewardship plan to DTSC pursuant to paragraph (2) of subdivision (a) of this section, the department and DTSC shall independently notify the program operator of its estimated anticipated costs.

(2) The department and DTSC's costs shall cover the full personnel costs related to the administration, implementation, and enforcement of the Act and this Article. Costs shall include labor, fringe benefits, travel, equipment, supplies, and contracts, as well as costs calculated using section 9213.1 of the State Administrative Manual, including for general administration, budgeting, accounting, business services, training, and legal.

(3) Program operators shall, on a schedule determined by the department and DTSC, as applicable to each agency's fees, pay the department and DTSC, respectively.

(A) The department will notify the program operators in writing of the required payment schedule at least 90 calendar days prior to the initial billing cycle and each year thereafter by July 1.

(B) DTSC will notify program operators in writing of the required payment schedule at least 90 calendar days prior to the initial billing cycle and each year thereafter by July 1.

(4) Within 30 calendar days of the department and DTSC notifying a program operator of each department's respective costs, the program operator shall pay the department and DTSC for their full costs.

(5) Notwithstanding subdivision (a) of this section, program operators shall use the department and DTSC's actual incurred costs to estimate the department and DTSC future costs for the purpose of preparing budgets.

Authority cited: Sections 40401, 40502, and 42420.2, Public Resources Code.

Reference: Sections 42423 and 42422.1, Public Resources Code; and Section 9213.1, State Administrative Manual.



Battery Collection Best Practices

Report to Congress

Requested in Section 70401 of the
Infrastructure Investment and Jobs Act
(Public Law 117-58), 2021



Office of Land and
Emergency Management
Office of Resource
Conservation and Recovery
April 2026

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Abbreviations

CFR	Code of Federal Regulations
DDR	damaged, defective or recalled
DOE	U.S. Department of Energy
DOT	U.S. Department of Transportation
EOL	end-of-life
EPA	U.S. Environmental Protection Agency
EPR	extended producer responsibility
EU	European Union
EV	electric vehicle
IIJA	Infrastructure Investment and Jobs Act
HHW	household hazardous waste
MRF	materials recovery facility
NiCd	nickel-cadmium
NiMH	nickel metal hydride
NiZn	nickel-zinc
PHMSA	Pipeline and Hazardous Materials Safety Administration
RCRA	Resource Conservation and Recovery Act
SLABs	Spent Lead-Acid Batteries
SSLA	Small Sealed Lead-Acid
SPU	Seattle Public Utilities
SWIFR	Solid Waste Infrastructure for Recycling
Wh	watt-hour

1 Introduction: The Need for Safe Battery Collection for Recycling in the United States

Batteries containing critical minerals power an increasing number of products that make modern life possible. Improving battery collection at the end of their use can lead to increased battery recycling rates and reduced fires at waste management facilities. Batteries power consumer products, including cars, lawn equipment and toothbrushes. They also are used in many industrial applications, including construction and agricultural equipment, as well as in energy storage and backup power for infrastructure and artificial intelligence data centers. Safely collecting and recycling batteries can increase the recovery of critical minerals in the U.S. and create jobs. However, challenges associated with battery collection have led to low battery recycling rates, and batteries in the waste stream have caused fires at waste management facilities. Challenges include a lack of awareness among consumers and businesses about which products contain batteries and how to properly collect, store and transport them for recycling. Battery collection locations are often not convenient for many battery types. State, Tribal and local governments; businesses; and nongovernmental organizations have developed best practices to overcome collection challenges and create effective recycling programs.

This report fulfills the mandate from Congress in Section 70401(b) of the 2021 Infrastructure Investment and Jobs Act¹ for the U.S. Environmental Protection Agency to “develop best practices that may be implemented by state, Tribal and local governments with respect to the collection of batteries to be recycled in a manner that, to the maximum extent practicable, is technically and economically feasible for state, Tribal and local governments; is environmentally sound and safe for waste management workers; and optimizes the value and use of material derived from recycling of batteries.” Congress mandated that EPA develop best practices for collection in coordination with state, Tribal and local governments and relevant nongovernmental and private sector entities. EPA developed the report using feedback gathered from organizations in virtual feedback sessions,² a request for information,³ a virtual workshop on lithium batteries in the waste stream⁴ and working sessions on battery collection.⁵ This information builds upon EPA’s decades of experience to support state and local governments’ efforts to soundly manage solid waste under the Resource Conservation and Recovery Act.

Box 1. Key Barriers Affecting Battery Collection

For consumers:

- Lack of consumer awareness and knowledge
- Lack of collection infrastructure or access
- Exacerbated challenges in communities facing logistical challenges

For management facilities:

- Fire hazards and safety concerns for workers
- Inability to remove embedded batteries
- High maintenance costs
- Complex shipping and transportation requirements
- DDR batteries

1.1 Challenges to Safe and Effective Battery Collection

[Box 1](#) summarizes key barriers to battery collection. Improperly managed loose lithium batteries may catch fire or explode during transportation, in landfills, and at materials recovery facilities that process curbside recyclables, posing significant risks to both infrastructure and worker safety. Embedded lithium batteries also pose fire and safety hazards. Consumers may not know that many electric or electronic devices (e.g., children’s toys, personal

care devices, e-cigarettes) have embedded lithium batteries, and may dispose of these products in municipal trash or recycling bins. Damaged, defective or recalled batteries of all chemistries present an even higher risk of catching fire and can present more pronounced safety concerns when they are handled, transported, stored or disposed of incorrectly.⁶

MRFs are particularly vulnerable, as fires at these facilities can destroy valuable equipment and critical community infrastructure, creating challenges for recycling other materials such as aluminum, steel, paper and plastic. Nearly every MRF in the U.S. reported a fire between 2014 and 2020, with many of these fires caused by improper placement of lithium batteries in mixed curbside recyclables.⁷

Many state, Tribal and local governments struggle to collect and recycle batteries in a safe and cost-effective way. Respondents from 39 states reported that batteries were the most difficult-to-manage material out of a list of 21 waste materials, according to a 2024 survey by the Association of State and Territorial Solid Waste Management Officials.⁸ Respondents cited risk of fires, high operational costs, lack of collection and transportation infrastructure and limited availability of recyclers as key barriers to battery recycling.⁸ Fires significantly affect the economic viability of MRFs by causing operational downtime during shutdowns and reducing available insurance options.

Additionally, many MRFs are near communities and fires can contribute to local air pollution ([Figure 1](#)).



Figure 1. Fires at recycling facilities pose threats to public health and safety. Source: EPA

1.2 What's in This Report?

This report contributes to EPA's work to fulfill the IJIA mandate in Section 70401(b) as follows:

- Section 2 provides information about battery recycling in the U.S., including information on battery types, projected demand for batteries and current rates of battery recycling.
- Section 3 describes current best practices for battery collection.
- Section 4 presents conclusions and next steps.

2 Battery Recycling in the U.S.

Planning for sound battery management and recycling requires governments to understand the landscape of these materials in the U.S. now and in the future. Battery size, chemistry and use have changed dramatically over the past few decades. To facilitate engagement with interested organizations, EPA developed a framework

for categorizing the most common types of batteries in the U.S. EPA also investigated current recycling rates and recycling methods across the country.

2.1 Battery Types and Categories

EPA classified batteries into four categories based on format, type, use and chemistry (Table 1). These categories draw from existing definitions and industry categories from various regulatory bodies, including Section 40207(f)(1) of the IIJA,¹ Washington State Senate Bill 5144,⁹ the California Responsible Battery Recycling Act of 2022¹⁰ and the 2023 European Union Batteries Regulation.¹¹ While some batteries may fall outside of the ranges provided in Table 1, these categories are consistent with most batteries currently on the market. Appendix A offers more information on battery chemistries.

Table 1. Battery Categories Identified by EPA

Format	Small Format Consumer Electric and Portable Batteries		Mid-Format Batteries	Large Format Batteries
Type	Single-use	Rechargeable	Rechargeable	Rechargeable
Uses	Removable or embedded in electronics and electric devices, such as watches, hearing aids, cameras, key fobs, toys, portable radios and flashlights	Removable or embedded in electronics and electric devices, such as phones, computers, appliances, small uninterruptable power supplies, power tools and power banks	<ul style="list-style-type: none"> E-mobility devices, including e-bikes and e-scooters Outdoor power equipment Portable power stations 	<ul style="list-style-type: none"> Automotive starting and motive vehicle batteries, except lead-acid batteries Materials handling equipment (e.g., forklift, crane) Grid, off-grid and microgrid Commercial, including building systems, data centers, server rooms, medical and hospital equipment and retail backup power
Chemistries	<ul style="list-style-type: none"> Alkaline Zinc-carbon Silver oxide Lithium metal 	<ul style="list-style-type: none"> Lithium-ion (including lithium polymer) Nickel-cadmium, nickel metal hydride, nickel-zinc Small sealed lead-acid 	<ul style="list-style-type: none"> Lithium-ion SSLA Lead-acid vehicle batteries 	<ul style="list-style-type: none"> Lithium-ion NiMH Various lithium chemistries NiCd
Weight range	Up to 4.4 pounds	Up to 11 pounds	11 to 25 pounds	More than 25 pounds
Watt-hour rating	Up to 300 Wh	Up to 300 Wh	300 Wh to 2,000 Wh	More than 2,000 Wh

2.2 Recycling Rates

Research shows that lead-acid batteries have the highest recycling rate currently, but the market for used lithium-ion batteries is likely to grow. Recycling rates are not nationally tracked for all batteries. However, various sources provide information about battery recycling. The global battery recycling market—which includes the collection, reuse and processing of batteries—was \$2 billion in 2023, with a projected 750% increase to \$17 billion by 2030.¹² The same source estimated the U.S. battery recycling market at \$379 million in 2022, with the vast majority of the

market comprised of lead-acid battery recycling.¹³ Lead-acid batteries have the highest industry-reported recycling rate (99.3%) in the U.S., largely due to federal and state solid waste disposal regulations.^{14,15} Alkaline batteries have an estimated recycling rate of 4%.¹⁶ There is no widely accepted U.S. lithium-ion battery recycling rate, but the current rate is assumed to be low.¹⁷ The literature often refers to a lithium-ion battery recycling statistic of 5%, which originated in Europe and is close to a decade old. However, one organization estimated that material recovery capacity for lithium-ion batteries in the U.S. and Canada will grow from 5,150 metric tons in 2021 to 1,175,300 metric tons in 2030.¹⁵ For other battery chemistries (such as NiCd, NiMH and zinc-carbon batteries), reliable recycling data remain sparse or difficult to verify.

2.3 Processing Batteries for Recycling

Battery recycling is complex and involves a number of entities and stages such as collection, sorting, and various types of processing. Municipalities, retail locations or other management facilities manage battery collection sites. After collection, batteries go to one or several management facilities, where workers sort and evaluate the batteries, store them and prepare them for transport to a recycler. Recyclers typically use two stages of processing: mechanical separation and metal extraction.¹⁸ During mechanical separation, battery components are dismantled or shredded and then processed for further separation and preparation for metal extraction. Metal extraction, which may be done at specialized downstream processors, focuses on recovering valuable metals (i.e., cobalt, lithium and nickel) from the cathode material. As shown in [Figure 2](#), the two most common types of metal extraction are pyrometallurgy, which is a high-temperature smelting process, and hydrometallurgy, an acid-leaching process.¹⁹ Direct recycling is an emerging technology that could support a higher recycling efficiency by not breaking down the chemical structure of battery materials.

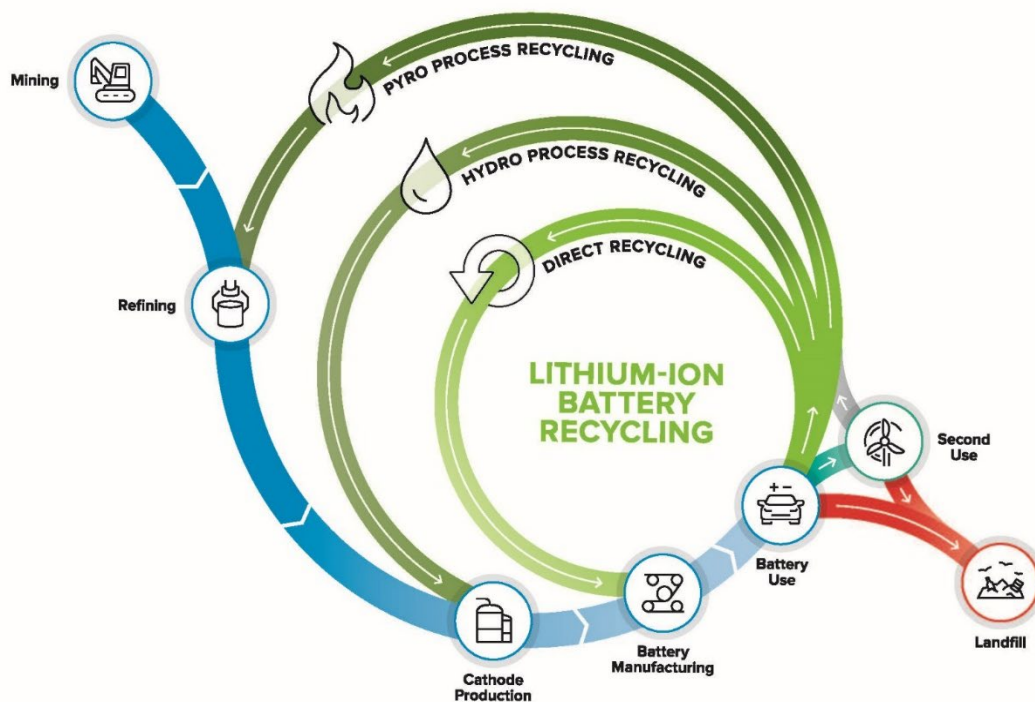


Figure 2. Lithium-ion battery life cycle and recycling processes. Source: ReCell Center

Safety concerns, especially with lithium batteries, can affect any of the facilities that manage batteries. Lithium batteries can explode or catch fire when they are collected, stored, transported or processed. They also can be

damaged if they are disposed of in the trash or in municipal recycling bins, as they can be crushed or punctured during collection or by sorting and processing equipment (e.g., by perforators used to prepare plastics for recycling).²⁰ DDR batteries require special handling as hazardous waste under RCRA in many cases, and damaged lithium batteries pose a heightened risk of fire.

3 Best Practices for Collecting Batteries

EPA conducted several outreach workshops and virtual feedback sessions between March 2024 and July 2025 to learn about existing best practices for battery collection, recycling, labeling and education in the U.S. and internationally. Many state, Tribal and local governments; nonprofits; and businesses have developed policies and programs varying in scope and maturity to facilitate sound battery collection and recycling. Through case studies; virtual working sessions; and a review of publicly available information from all 50 states; five territories; Washington, D.C.; and many municipalities; EPA identified the policies and programs that make battery collection possible at state and local levels ([Table 2](#)). These best practices are technically feasible for state, Tribal and local governments to replicate; are environmentally sound and safe for waste management workers; and optimize the value and use of material derived from recycling batteries.¹

Table 2. Summary of Existing Battery Collection Policies and Programs

Policy/Program	Description	Who Funds Collection	Batteries Collected			
			Small Format Consumer	Mid-Format	Large Format Vehicle/Equipment	Large Format Stationary Storage
Legislative	Advanced recovery fee	Consumers	✓			
	Disposal ban	Consumers and manufacturers	✓	✓		
	Extended producer responsibility	Manufacturers	✓	✓		
	Collection sites and events	Governments	✓	✓		
Non-Legislative	Curbside collection	Governments	✓			
	Mail-in collection	Consumers	✓			
	Retail takeback and collection	Manufacturers	✓	✓		
		Manufacturers	✓		✓	
	Voluntary EPR	Manufacturers	✓	✓		✓

3.1 Best Practices for State, Territory and Local Governments

State, territory and local governments use different techniques to recover small format batteries depending on their geographical context. These programs have involved messaging campaigns to educate consumers on how to properly recycle their batteries. Some state and territory governments have enacted legislative measures, including disposal bans and EPR laws (Figure 3), while others focus on voluntary programs such as establishing statewide battery collection sites and hosting household hazardous waste collection events. Many local governments have worked to make collection accessible by launching their own collection events, directing residents to battery collection locations at big-box retailers or offering the convenience of curbside collection for certain types of batteries.

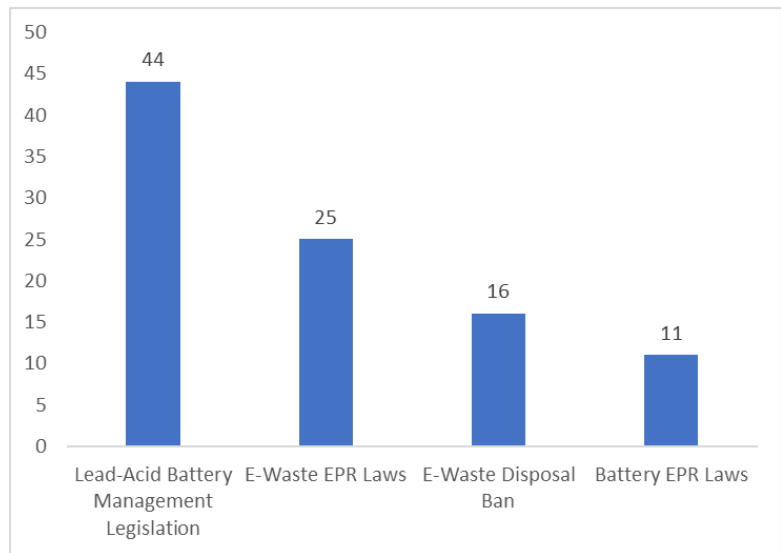


Figure 3. Number of states with battery-related legislation as of July 24, 2025.

3.1.1 Small Format Consumer Electric and Portable Batteries

Consumers frequently use small format batteries, which include many different battery types, such as alkaline and lithium batteries. Consumers frequently cannot identify different battery chemistries, or which products contain batteries. State, Tribal and local governments; businesses; and nonprofit organizations have worked to ensure that consumers know how to identify batteries and where and how they can recycle their batteries. They have also worked to provide adequate accessible collection locations for recycling.

Messaging to Consumers

Many state and local governments have developed informational materials, such as fact sheets, flyers, videos and social media posts, to inform consumers about proper battery disposal (Box 2). Common messages include the following:

- **Do not put batteries in curbside recycling bins or household trash.** Most programs recommend bringing batteries to a collection location. Some also recommend taping the terminals of these batteries, or placing alkaline and single-use zinc-carbon batteries²² in the trash because of the costs associated with recycling alkaline batteries.²³ Other programs accept alkaline batteries along with other battery types because consumers often cannot determine the chemistry of their batteries.

Box 2. Engaging Messaging in Montgomery County, Maryland

The Montgomery County Department of Environmental Protection developed an [informational video](#) for the public on the importance of proper battery disposal as a way of reducing the risk of fires. The video includes information on different battery chemistries, warning signs of damaged batteries and instructions on storing household batteries. It points residents to the Shady Grove Processing Facility as a local drop-off location.²¹

- **Properly store batteries at home.** An important first step in preventing fires is storing batteries correctly at home. For example, California recommends storing old batteries in a safe, dry place, out of children’s reach and away from flammable items.²⁴
- **Look for warning signs of damage.** All lithium batteries pose a fire risk and should be handled carefully. However, batteries that are DDR have a higher risk of catching fire, especially during transport.²⁵ Disposing of DDR batteries requires special care and handling. Consumers can identify DDR batteries through visual cues like swelling, corrosion and damaged wires.²⁵

Collection Policies and Approaches

States and territories use different policies and approaches to collect small format batteries. About half of U.S. states have laws that address e-waste (which often contains batteries). A few states are implementing or exploring policies specifically for small format rechargeable batteries. The laws addressing e-waste are older and states have established best practices for their implementation, while many states are still learning about how to successfully implement laws specific to batteries.

Advanced recovery fees are added to the price that consumers pay for electronics or batteries under some policies. The state collects this fee and uses it to reimburse recyclers for collecting and recycling the devices.²⁶ California is the only state to implement an advanced recovery fee for some electronic wastes. In 2022, California amended the Electronic Waste Recycling Act of 2003 to add covered battery-embedded products. Prior to the amendment, the act only covered electronics with video displays, such as laptops, cell phones, televisions, desktops and computer monitors. Once California implements the regulations, covered products will include battery-embedded devices specified by the amendment, and consumers will pay an advanced recovery fee at purchase to fund recycling and disposal of those covered products.²⁷

Disposal bans prohibit the disposal of batteries or electronics in trash cans. More than 15 states have disposal bans on e-waste, rechargeable batteries, or both. New York State’s rechargeable battery disposal ban, which is part of the Rechargeable Battery Law of 2010, requires consumers to take batteries out of specific products and properly dispose of them at a HHW collection site or a business collection box.²⁸ Connecticut law bans rechargeable batteries from disposal and tasks municipalities with providing proper collection and recycling programs for residents.²⁹ Some localities have used disposal bans as part of a larger approach to address battery fires. For example, Seattle Public Utilities banned the disposal of alkaline, lithium-ion and small button batteries, in addition to some e-waste, in carts or dumpsters. Their website provides information on how to properly discard batteries at transfer stations, local HHW facilities, The Battery Network (formerly Call2Recycle) partner retail locations or curbside pickup. In cases of improper disposal, SPU puts a tag on the resident’s cart or dumpster asking for the e-waste or batteries to be removed.³⁰

EPR is a policy approach that gives producers financial or physical responsibility for a product’s entire life cycle, including the management or disposal of post-consumer products.³¹ This mechanism moves the financial burden of managing the waste from the government to the business(es) that designed and produced the product. Ten states and D.C. have passed EPR laws specifically for collecting and recycling portable and rechargeable batteries (not including e-waste; [Figure 4](#)).³⁵ Twenty-four states and D.C. have EPR laws for e-waste, most of which were passed in the mid- to late 2000s before the exponential rise in battery-embedded consumer products.

The scope of products covered by state EPR laws varies in terms of battery chemistries and formats, as shown in [Figure 4](#)—likely due to products on the market when these laws were passed. In New York and Minnesota, battery EPR laws cover small format rechargeable batteries only. Battery EPR laws in California and D.C. cover small format single-use and rechargeable batteries. More recently adopted battery EPR laws in Colorado, Connecticut, Illinois, Nebraska, Vermont and Washington cover both small and mid-format single-use and rechargeable batteries. New Jersey also passed the Electric and Hybrid Vehicle Battery Management Act, a separate EPR law pertaining to large format EV batteries. Washington’s battery EPR law instructs the Department of Ecology to conduct an assessment analyzing EOL management opportunities and challenges to incorporating large format batteries, battery-containing products, batteries in medical devices and products with embedded batteries participate in a stewardship program.³⁶ [Box 3](#) provides snapshots of three battery EPR programs.

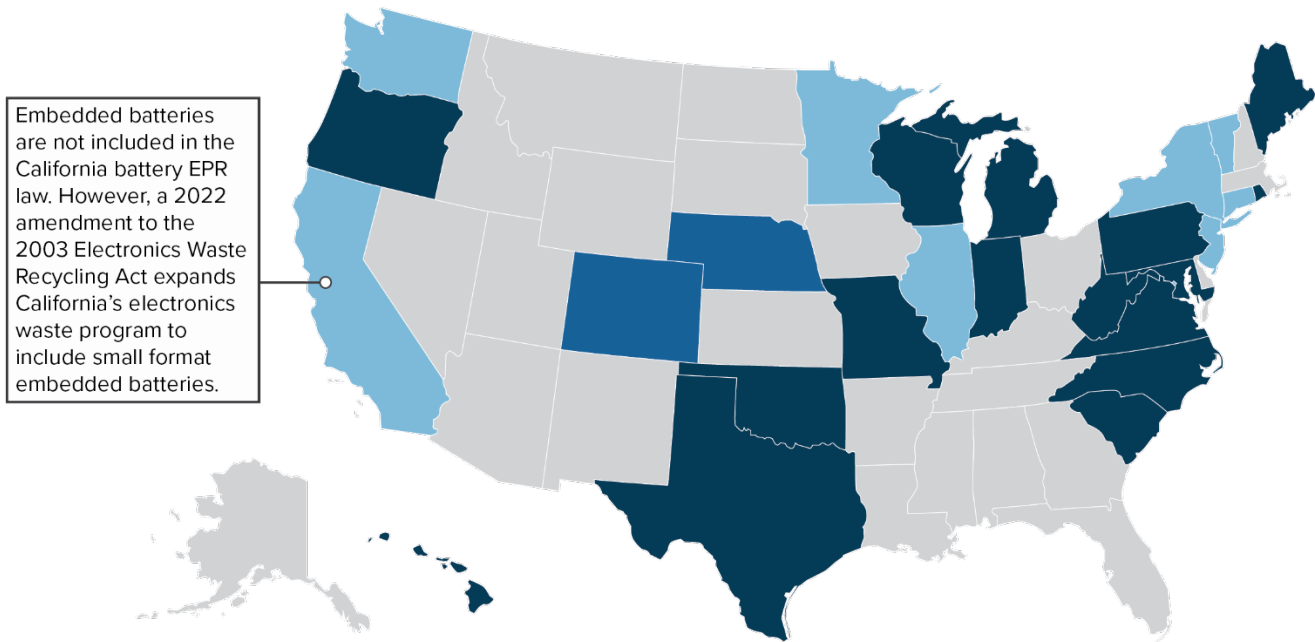
In addition to the state battery EPR laws listed above and depicted in [Figure 4](#), several states (e.g., Florida, Iowa, Maryland) enacted laws governing EOL management of SSLA and NiCd batteries in the 1990s in response to RCRA regulations about metals of concern. However, the map in [Figure 4](#) excludes these laws because they do not include the major elements of more recent battery EPR laws (e.g., stewardship plans, performance measures, producer responsibility organizations), they typically covered only NiCd and SSLA batteries and do not cover lithium-ion batteries. The 1996 Battery Act facilitated the collection and recycling of NiCd and certain SSLA batteries. At the time of the 1996 Battery Act, about 80% of rechargeable batteries were NiCd batteries.

Box 3. Snapshot of State-Led Battery EPR Programs

California: The 2006 California Rechargeable Battery Recycling Act requires all retailers of rechargeable batteries to have a system in place for collection, recycling and proper disposal.³² California passed the Responsible Battery Recycling Act of 2022 to establish an EPR model for covered rechargeable and single-use small format batteries. The law requires manufacturers who sell or distribute these batteries to register with CalRecycle and submit a stewardship plan detailing the collection, transportation, recycling and management of their products. This plan must include a convenient battery collection system that is free to consumers and achieves the collection rate determined by CalRecycle.¹⁰ California’s 2022 battery EPR law does not cover embedded batteries; however, a 2022 amendment to the state’s Electronic Waste Recycling Act will require the program to include embedded batteries.

Vermont: The 2014 Vermont Primary Battery Law was the nation’s first single-use battery EPR law. The law requires producers to fund a stewardship plan that establishes two year-round collection sites in each Vermont county. While collection services at these sites are free for consumers, battery producers fund the program by paying fees to The Battery Network based on their battery sales within Vermont. To ensure accountability, program participants must perform supplementary outreach or enhance program accessibility if they do not meet yearly collection and recycling goals. In 2026, the law will expand to include rechargeable batteries.

Washington, D.C.: The Zero Waste Omnibus Act of 2020 required D.C. to establish at least one collection site for every 10,000 people across all eight wards, consider public transportation accessibility for these sites and accept most types and chemistries of small format consumer electric and portable batteries under 11 pounds.³³ The city worked with The Battery Network to develop a producer-funded system through which consumers can drop off their batteries free of charge. Although there is no cost to retailers and other businesses or institutions to participate as a battery collection site, they are not required to do so. As of November 1, 2023, 194 producers (representing 478 brands) were participating in the program.³⁴



Map Legend

■ 8 states and D.C. have **both battery and electronics** EPR laws
 ■ 2 states have **battery** EPR laws only
 ■ 16 states have **electronics** EPR laws only

Ten states and D.C. have enacted battery EPR laws

The following list of states summarizes the covered battery formats and chemistries in the state's battery EPR law.

- California (2022)
- Colorado (2025)
- Connecticut (2025)
- D.C. (2020)
- Illinois (2024)
- Minnesota (1991)
- Nebraska (2025)
- New Jersey (2024)
- New York (2010)
- Vermont (2014, amended in 2024)
- Washington (2023)

Small format	Mid-format	Large format
Single-use Rechargeable	Single-use Rechargeable	Electric vehicles

Battery chemistries covered in recent battery EPR laws covering small and mid-format batteries

- Single-use chemistries include alkaline, zinc-carbon and lithium metal
- Rechargeable chemistries include nickel-cadmium, small sealed lead-acid, lithium-ion, nickel-zinc and nickel metal hydride
- State battery EPR laws typically exclude mid- and large format lead-acid batteries

Figure 4. U.S. battery and electronics EPR laws.

In **voluntary systems**, producers voluntarily fund collection and/or recycling programs.³¹ For example, in partnership with battery manufacturers and The Battery Network, Vermont has operated a voluntary rechargeable battery EPR program that covers NiCd, NiMH, lithium-ion, NiZn and SSLA batteries since 1997 (until 2026, when Act 152 will formally expand the state's mandatory EPR program to include rechargeable batteries). Vermont offers 274 collection sites, including town and state offices, libraries, hardware stores, pharmacies, solid

waste district offices and HHW facilities. As a result of this program, 98% of Vermont residents and businesses have access to a collection site within a 10-mile radius.³⁷ In 2022, Vermont achieved a 25% collection rate for batteries, exceeding its own goal by two percentage points.³⁸

Several states and local governments offer their own **battery collection sites and events** for residents, either in lieu of or in conjunction with a more formal battery collection policy. For example, Illinois funds five permanent HHW collection sites and coordinates a one-day HHW collection event twice each year.³⁹ Rhode Island has statewide HHW collection sites called “Eco Depots,” which are operated by the Rhode Island Resource Recovery Corporation. Rhode Island also organizes 19 collection events each year across the state. In Los Angeles County in California, all libraries serve as battery collection sites, in addition to the county’s HHW collection sites and temporary collection event sites.⁴⁰

Some localities provide **curbside battery collection**, allowing residents to place used household batteries in a designated bag or bin separate from their household trash and recycling bins. The municipal government, the contracted recycling hauler or another service then picks up the batteries for recycling. This collection strategy involves coordination between municipalities and their waste management service to ensure trucks are suited to handle the demands of battery collection.⁴¹ Recology and SPU in King County, Washington, partner to give residents the option of curbside collection for household batteries at the cost of \$5 per collection occurrence. Residents schedule a special item collection, place their batteries in a separate bag and put the bag out on collection day for pickup. Several Oregon cities and counties also offer curbside battery collection ([Box 4](#)).

Box 4. The Convenience of Curbside Collection in an Oregon County

Since 2000, the 20 municipalities in Marion County, Oregon, have offered curbside collection for most small format consumer batteries, including 9-volt batteries, large “lantern” batteries and rechargeable batteries and battery packs.⁴¹ Residents put batteries in zip-sealed bags and place them on top of their recycling baskets. The county also educates the public on battery recycling practices through multiple media sources. Other localities in Oregon, such as Clackamas County, Washington County, and the city of Gresham, also have established curbside battery collection for recycling.⁴²

Some businesses provide battery collection services in certain regions. The following examples highlight companies that have developed partnerships with a combination of states, communities, organizations and individuals to provide paid battery collection services:

- **WM** provides waste removal services to consumers and commercial businesses in 47 states. WM offers pickup and mail-in services for the following battery chemistries: alkaline (9-volt and smaller), zinc-carbon, NiCd, NiMH, silver oxide and mercury. It does not collect lithium or lead-acid batteries.⁴³ WM’s pickup service is only available to residents in localities that have contracted with WM to service their area.⁴⁴
- **Recology** collects, recovers and processes waste that is not traditionally collected. Battery chemistries collected through their programs include alkaline, lithium-ion, NiCd, NiMH, zinc-air and silver oxide.⁴⁷ Recology serves more than 100,000 commercial customers in California, Oregon and Washington, and the company also provides curbside battery collection to residential households by partnering with municipal garbage services.⁴⁸
- **Ridwell** provides pickup services for batteries and other “hard-to-recycle” items for households in Atlanta, Austin, the San Francisco Bay Area, Denver, Los Angeles, Minneapolis, Portland and Seattle.⁴⁹ Ridwell

collects single-use and rechargeable batteries and works with a network of partners to ensure that as many batteries as possible go to recycling facilities.⁴⁹

The Battery Network ([Box 5](#)) and TerraCycle are two examples of **mail-in programs**, through which consumers can mail in certain household batteries for recycling. Through The Battery Network website, consumers can purchase kits for shipping used rechargeable batteries, DDR batteries and cell phones.⁵⁰ TerraCycle offers paid mail-in battery collection to residents in all 50 states through a sign-up program.⁵¹

Some **retailers** also provide consumers with access to battery collection sites. Retailers, businesses, warehouses and government offices place collection boxes at their building locations, where consumers can easily drop off their batteries. In rural locations, retailers often use a hub-and-spoke model and reverse logistics to collect batteries.

3.1.2 Mid-Format Batteries

Residential consumers are major users of mid-format batteries (in e-bikes, outdoor power equipment, power tools and portable power stations). As a result, these batteries may show up in municipal solid waste recycling or disposal streams. Mid-format batteries also are used by construction and landscaping businesses in outdoor power equipment and power tools. As products with mid-format batteries tend to be newer and have a longer life than products with small format batteries, many mid-format batteries are still in use and have not yet entered the waste stream. State and local collection programs and policies for mid-format batteries are emerging.

Collection Policies and Approaches

Consumers looking to recycle e-bike and power tool batteries can often do so through **retail collection sites**. Producers have partnered with retailers to provide collection points for consumers in response to increased demand for mid-format battery products. The nonprofit People for Bikes worked with The Battery Network to develop Hungry for Batteries, a program to safely collect and recycle e-bike batteries.⁵² Major e-bike manufacturers—such as Bianchi, Cannondale, Specialized, Trek and Yamaha—also are partners in this effort, and jointly help cover the costs of collecting and transporting the batteries.⁵² Consumers can use a location-based search tool on the Hungry for Batteries website to find drop-off locations for EOL e-bike batteries, such as local bike shops, outdoor recreation stores or other retail operations. Hungry for Batteries provides participating retail collection sites with signage, in-store safety materials, training and other resources to learn how to handle used and DDR batteries, as well as U.S. Department of Transportation-compliant recycling kits with prepaid shipping labels.⁵² The Battery Network also partnered with home improvement retailers to collect EOL power tool and equipment batteries.⁵³

Six state-level **EPR laws** (in Colorado, Connecticut, Illinois, Nebraska, Vermont and Washington) include mid-format batteries as covered batteries in addition to small format consumer electric and portable batteries (refer

Box 5. The Battery Network and Battery Recycling

The Battery Network is a nonprofit that offers the nation's largest battery recycling program and currently serves as the producer responsibility organization for all mandatory state battery EPR programs. The Battery Network is governed by a board that includes six representatives from battery manufacturers and five outside directors. The nonprofit partners with battery manufacturers, retailers, and state and local governments to provide consumers with access to battery collection in all 50 states.⁴⁵ The Battery Network also manages a voluntary industry stewardship program. Participating battery retailers and manufacturers fund the program; in return, The Battery Network provides them with third-party strategy, reporting and information to support compliance with federal and state regulations.⁴⁶

to [Figure 4](#) in the previous section). In 2023, Washington passed Senate Bill 5144, which requires battery producers to develop a collection system by January 1, 2029, for mid-format batteries, including those used in power tools and e-bikes.⁵⁴ In 2024, Illinois passed Senate Bill 3686, which takes effect on January 1, 2026, and establishes a statewide EPR program for portable and mid-format batteries.⁵⁵

Messaging to Consumers

To minimize fire risk from mid-format lithium batteries at home, key messaging for consumers includes the following points:

- **Properly store devices at home.** Many home fires involving mid-format batteries are caused by improper storage, such as storing or charging micromobility devices near an exit or a heat source. It is a best practice to keep these batteries attended while charging and to charge them during the day.⁵²
- **Choose certified devices.** When purchasing new or replacement e-bikes or outdoor power equipment, consumers can choose a product that is certified. Certification indicates that an e-bike’s combination of electrical drive train, battery and charger systems has been inspected for fire safety.⁵⁶ Uncertified products may have safety issues, such as charger incompatibility.
- **Follow manufacturer instructions.** New manufacturers and retailers for products containing mid-format lithium batteries continually enter the market, and products are evolving. For up-to-date information, consumers can check directly with manufacturers to ensure they are following correct practices for lithium battery use, maintenance and disposal.
- **Return products to a retailer or a reputable battery takeback program.** When an e-bike or power tool has reached the end of its useful life, consumers may bring the product to a participating retail collection location or a reputable battery takeback program for recycling. The retailer is then responsible for checking the battery for damage, packaging it in a sound recycling kit and shipping the battery for processing.⁵² Mid-format battery collection locations can be found online through The Battery Network’s High-Energy Battery program or E-Bike Battery Recycling program.

3.1.3 Lead-Acid Batteries

Lead-acid battery recycling could serve as a model for recycling other battery chemistries ([Box 6](#)). With an industry-reported 99% recycling rate, lead-acid batteries are the most-recycled battery type in the U.S.⁵⁸ Federal and state regulations governing multiple types of spent lead-acid batteries have led to a well-established, industry-driven national infrastructure for collecting and managing SLABs. Most vehicle batteries are handled by auto repair shops, making the collection and return of large amounts of batteries easier than when batteries are replaced by consumers themselves. Consumers that replace their own batteries are responsible for bringing their used batteries to a location equipped to handle the batteries, and many auto supply stores will take back used batteries.

Box 6. Lead-Acid Batteries: A Model for Collection

The high rate of collection for lead-acid batteries may serve as a model for other battery types. Factors that contribute to the high collection rate include:

- A well-established network of manufacturing, collection and recycling facilities that ensure a reliable supply chain and reduce dependence on international suppliers.
- Financial incentives, such as the refundable core charge, that encourage consumers to return EOL batteries for recycling.
- A standard battery design with few components, which are relatively simple to recover.
- A near-nationwide, uniform regulatory framework that provides handling standards and encourages battery collection for recycling.⁵⁷

Collection Approaches and Policies

One of the most common state-level policies is a requirement for retailers to **take back** SLABs from consumers and post clearly visible signs that the retailer accepts SLABs.⁵⁹ Many states also require retailers to **collect a deposit** from consumers upon purchase—often called a battery core charge—that is given back when the battery is returned.^{59,60} California’s Lithium-Ion Car Battery Recycling Advisory Group, a panel created to advise the legislature on battery recycling policies, expressed support for implementing deposit and takeback policies for EV batteries in California, with a requirement that car manufacturers cover the cost of recycling batteries from any abandoned vehicles.⁶¹

Messaging to Consumers

States, municipalities and retailers frequently direct consumers to bring their SLABs to automotive retailers, HHW collection sites, events or recycling facilities that accept lead-acid batteries. SLABs should only be recycled by trained professionals. SLABs should never be placed in the curbside trash or recycling.

3.1.4 Large Format Vehicle and Motive Equipment Batteries

Used EV batteries are just beginning to enter the waste stream and, unlike lead-acid batteries, do not yet have their own collection system in place. These EV battery packs, which can power a fully electric or hybrid vehicle, are much heavier than lead-acid starting batteries, have much higher voltages and include data and cooling connections between the vehicle and battery that require special equipment and training to handle them. Federal regulations ensure that businesses such as auto repair shops handle these batteries appropriately ([Appendix B](#)), but the systems and infrastructure necessary to recycle these batteries are still developing. While consumers are generally not involved in the repair or replacement of EV batteries, “do-it-yourself” consumers do attempt to replace or repurpose their EV batteries, so it is important that they know how to manage their batteries appropriately. Involvement from key players such as government agencies, battery manufacturers and car repair shops is necessary to ensure that adequate collection infrastructure is available for EV batteries to be recycled.⁶¹

Collection Approaches and Policies

States are beginning to explore using **EPR policies** to manage large format batteries, including EV batteries. In December 2023, New Jersey became the first state to create a framework for collecting and recycling EV batteries.⁶² New Jersey’s Electric and Hybrid Vehicle Battery Management Act makes manufacturers responsible for properly collecting and recycling EV and hybrid vehicle batteries using a stewardship plan. This law also requires vehicle repair facilities, battery recyclers and other relevant actors to play a role in stewardship plans.⁶³

Messaging to Consumers

Consumers should take their EV, with its large format lithium battery still embedded and intact, to automotive retailers, dealerships or car repair shops. Lithium batteries should be repaired or replaced by trained professionals, according to federal and state laws. They should never be placed with their curbside garbage or recycling or taken to HHW collection sites that do not explicitly accept large format lithium batteries.

3.1.5 Large Format Stationary Storage Batteries

Since most stationary storage batteries are extremely large and site specific, they require different collection approaches than smaller batteries. Most stationary storage batteries need to be decommissioned on-site, which involves removing and disassembling parts of the system and transporting the components for disposal, reuse or recycling.⁶⁴ Dismantled batteries can be very heavy, requiring trucks, cranes or other equipment to transport

them.⁶⁴ Many stationary storage batteries are lithium-ion or other lithium chemistries. Federal regulations such as RCRA and shipping regulations by DOT Pipeline and Hazardous Materials Safety Administration cover the post-decommissioning handling and transportation of lithium batteries found in most stationary storage systems.⁶⁵ EPA did not find any state-specific laws that address the management of used batteries from stationary storage systems.

Site owners, manufacturers, developers, engineering contractors and utilities may have a role in decommissioning large stationary storage batteries.⁶⁶ Best practices include the following:

- Develop a decommissioning plan from project outset and clarify responsibilities. Since many parties are involved in planning, developing and maintaining stationary storage systems, EPA encourages the system owner to understand and communicate who is legally and financially responsible for the system's components and their management during and after decommissioning, including who is responsible for managing the waste material.⁶⁶
- Prioritize repairs to extend the system's life cycle. Individual battery cells and modules can be removed and replaced as needed without disrupting the entire system.⁶⁷

3.2 Best Practices for Tribal Governments

Tribal governments collect batteries of all sizes through established drop-off locations, collection events and partnerships. Many of the existing Tribal collection programs are part of broader efforts to collect HHW or e-waste. Some Tribal communities are in remote areas, which makes cost-effective collection challenging; however, some have developed effective partnerships to collect batteries and transport them off Tribal lands.

Tribal governments have established permanent **drop-off locations**, particularly for small format batteries. For example, the Morongo Band of Mission Indians has community and government collection areas that accept all small format battery chemistries. The community collection area is a battery kiosk located at the Tribal-owned bowling alley, a place commonly visited by community members. Government collection areas include e-waste bins located in government offices.⁶⁸

Some Tribal communities designate specific **collection events** for HHW or e-waste collection. The Pala Band of Mission Indians hosts quarterly, one-week-long collection events at the Pala transfer station to accept all forms of e-waste.⁶⁹ The Morongo Tribe holds an HHW drop-off day, as well as an Elders pickup day, to provide all community members with lead-acid battery collection access, along with collection for other HHW.⁶⁸ Some organizations provide resources to support collection events for Tribes ([Box 7](#)).

Some Tribal communities in remote areas have established **partnerships** to transport and recycle materials collected at collection sites or events to recycling facilities.⁷⁰ The Morongo and La Jolla Tribes have partnered with American Battery and Battery Barn retailers to buy back used lead-acid batteries, offsetting hauling costs. The Backhaul Alaska program works with a network of federal, state, regional and commercial partners to collect SLABs and other materials in rural Alaskan Tribal communities. In 2022, Backhaul Alaska collected and recycled about 145,000 pounds of SLABs across 45 communities.⁷¹

Box 7. Collection Event Resources

The Battery Network offers free collection site materials to Tribal communities that reside in states with current or recently enacted EPR laws. Tribes may choose the collection site locations. Each location receives:

- Collection containers with fire retardant lining.
- Educational materials describing the battery collection program.
- A listing on The Battery Network's online locator as a publicly available collection site.

3.3 Best Practices for Battery Collection Sites

Collection sites are the first stop after a battery leaves the consumer's hands and enters the waste stream. These facilities can include retail battery collection sites; state, municipal or Tribal collection sites; auto shops; or other locations that collect or store batteries. Batteries also can end up at waste facilities mixed in with other waste. Best practices for handling batteries at management facilities vary by battery chemistry and type.

3.3.1 Small and Mid-Format Lithium Batteries

Lithium batteries pose the greatest risk of fires at collection facilities. Key best practices include the following:

- **Collect batteries in a box or drum that is certified to safely hold and transport batteries.** DDR kits also can be used in addition to these containers and come in drum and small sizes. Routinely inspect the contents of the container. Before shipping the box or drum, check that terminals have been protected and foreign objects are not present.
- **Develop a damaged battery protocol.** Most damaged batteries can be identified through visual cues such as swelling, smoking or leaking. If battery is damaged, store it individually (i.e., away from undamaged batteries or other damaged batteries); in a cool and dry place; and outdoors away from buildings, vehicles and other equipment.⁷² The battery can be placed in a container filled with nonflammable material.
- **Establish fire suppression measures.** To prepare for fires, battery management facilities could:
 - Store batteries with adequate aisle space, away from other flammable materials, and identify additional requirements from local fire codes.
 - Routinely inspect all materials housed in the facility, both visually and thermally.
 - Conduct equipment maintenance and ensure there are enough fire extinguishers or fire suppression mechanisms in easy-to-access locations.
 - Include lithium battery fire response in the facility's emergency action plans.
 - Create a written standard operating procedure on how to handle batteries and ensure all employees understand battery handling practices and evacuation procedures.
 - Establish relationships with local first responders so they understand the facility and its operations.

MRFs and municipal solid waste haulers often want to ensure that batteries do not damage their equipment or other recyclable materials. These businesses could **develop plans for identifying and removing lithium batteries.** Truck drivers and workers at MRFs can identify lithium batteries to ensure safe handling, sorting and storage. Once a worker identifies a lithium battery or a device that contains a lithium battery, they should separate the battery from non-battery materials, tape the battery's terminals and place it in a 5-gallon metal bucket filled with vermiculite or sand for temporary storage.⁷² In 2020, three solid waste and recycling organizations developed the *Guide for Developing Lithium Battery Management Practices at Materials Recovery Facilities*, and MRFs can consult this resource to reduce fire risk.⁷²

3.3.2 Large Lithium EV Batteries

Lithium EV batteries may be managed under the universal waste standards until they reach a destination facility (see Appendix B: Standards for Universal Waste Management) As lithium EV batteries become more common throughout the U.S., management facilities and battery handlers must have the necessary tools to manage them safely and effectively. In 2023, the Suppliers Partnership for the Environment (a partnership between global

vehicle manufacturers and their suppliers) published a guidebook to educate battery handlers on best practices for managing lithium EV batteries. Storage and handling best practices include the following:

- Regularly perform battery inspections and check for deformities, leaks and signs of thermal runaway.
- Disconnect and deactivate all battery power supplies before handling the battery.
- Use rigid, structured packaging and appropriate spacing to limit fire risk and heat spread.
- Store batteries at temperatures below 80 °F to prevent battery degradation.
- Ensure that employees are trained to recognize and respond to early stages of thermal runaway in batteries.

The guidebook also describes how to identify damaged batteries, minimize potential hazards through facility infrastructure upgrades and increase emergency preparedness.⁷³

3.3.3 Mercury-Containing Batteries

Mercury-containing batteries can be managed as universal waste. Since Congress passed the Mercury-Containing and Rechargeable Battery Management Act in 1996, battery producers have largely phased out mercury from most batteries; however, a very small amount of batteries in circulation may still contain mercury.⁷⁴ For example, some button cell batteries—which may be found in hearing aids, watches and calculators—may contain mercury.⁷⁵ To properly manage these batteries, the New Hampshire Department of Environmental Services recommends keeping them separate from other batteries and taping them. The Minnesota Department of Transportation recommends placing individually packaged batteries in plastic containers and requires facilities to ship them for recycling within one year of collection.

3.3.4 Lead-Acid Batteries

SLABs can be managed as universal waste or under a state’s lead-acid battery recycling rules. If the battery is leaking acid, it must be managed as hazardous waste. States such as Connecticut and New Hampshire have published best practice guides for battery handlers, outlining the steps for safely and effectively managing lead-acid batteries.^{76,77} Some key steps from both guides include the following:

- Separate SLABs from other materials—such as paper, rags, garbage, flammables, scrap metals or chemicals—by using a wall or barrier.
- Store SLABs on a concrete or leak-proof surface.
- Stack batteries no more than five layers high, using rigid and non-conducting material between layers.
- Protect batteries from weather by storing them inside or under a leak-proof cover.
- Inspect batteries weekly for signs of deterioration or leaks and take notes in an inspection log to record any damage.

4 Conclusion

Careful management of batteries reduces the risk of fires and improves recovery of critical minerals when batteries enter the waste stream. As the number of batteries and battery-containing products increases, so too does the need for efficient battery collection and recycling. Many state, Tribal and local governments are helping consumers learn how to manage batteries and providing them with safe, convenient locations to take used batteries. After collection, batteries also must be carefully handled and transported. The best practices identified in this report help reduce the risk of fires during collection and transport, although more best practices will likely be developed as the number of batteries in the waste stream increases and the recycling industry matures.

EPA's key next steps for battery management in 2026 include the following:

- **Work with federal agencies and organizations.** EPA will continue coordinating with federal partners; state, Tribal and local governments; and relevant nongovernmental and private sector entities to develop and promote battery collection best practices.
- **Publish the best practices toolkit.** EPA has published a [web-based toolkit](#) for state, Tribal and local governments that contains customizable templates, tools and case studies for battery collection programs. EPA will continue to develop additional resources for the toolkit that will fulfill the IJIA requirements by highlighting best practices that are “technically and economically feasible for state, Tribal and local governments” and “environmentally sound and safe for waste management workers,” and that optimize “the value and use of material derived from recycling of batteries.”¹
- **Release voluntary labeling guidelines.** IJIA required EPA to develop labeling guidelines for information and messaging to help consumers identify battery collection locations, understand battery collection and recycling, and reduce improper disposal of batteries.
- **Publish an EPR framework for batteries.** The IJIA required that EPA and the U.S. Department of Energy (DOE) coordinate to develop a voluntary EPR framework that addresses battery recycling goals, cost structures for mandatory recycling, reporting requirements, product design, collection models and transportation of collected materials.

5 References

1. Infrastructure Investment and Jobs Act, Pub. L. No. 117–58, 135 Stat. 429 (2021). <https://www.govinfo.gov/content/pkg/PLAW-117publ58/pdf/PLAW-117publ58.pdf>.
2. U.S. Environmental Protection Agency. (2024, April 2). *Feedback sessions for the Bipartisan Infrastructure Law solid waste and recycling programs*. <https://www.epa.gov/infrastructure/feedback-sessions-bipartisan-infrastructure-law-solid-waste-and-recycling-programs>.
3. U.S. Environmental Protection Agency. (2022, June 9). *Request for information: Development of best practices for collection of batteries to be recycled and voluntary battery labeling guidelines*. Regulations.Gov. <https://www.regulations.gov/document/EPA-HQ-OLEM-2022-0340-0001>.
4. Eastern Research Group, Inc. & JSE Associates. (2022). *EPA lithium-ion battery disposal and recycling stakeholder workshop: Summary report*. Prepared for the U.S. Environmental Protection Agency. https://www.epa.gov/system/files/documents/2022-03/final_lithium-ion-battery-workshop-public-report_508web.pdf.
5. U.S. Environmental Protection Agency. (2025, August 7). *Battery collection best practices*. Sustainable Management of Electronics and Batteries. <https://www.epa.gov/electronics-batteries-management/battery-collection-best-practices>.
6. U.S. Fire Administration. (2023). *Battery fire safety*. <https://www.usfa.fema.gov/prevention/home-fires/prevent-fires/batteries/>.
7. Aber, S. (2023, June 18). Commentary: Powering down safely: The urgent need for L/Li battery disposal education. *Environmental Research and Education Foundation*. <https://erefdn.org/powering-down-safely-the-urgent-need-for-l-li-battery-disposal-education/>.
8. Association of State and Territorial Solid Waste Management Officials. (2024). *Difficult-to-manage materials survey report*. Sustainable Materials Management Task Force. https://astswmo.org/files/Policies_and_Publications/Materials_Management/2024-04-04-Final-Difficult-to-Manage-Materials-Survey-Report.pdf.

9. Providing for Responsible Environmental Management of Batteries, SB5144, Washington State Senate 68th Legislature (2023). <https://legiscan.com/WA/text/SB5144/id/2812504>.
10. Responsible Battery Recycling Act of 2022, No. 2440, California State Assembly (2022). https://leginfo.ca.gov/faces/billPdf.xhtml?bill_id=202120220AB2440&version=20210AB244091CHP.
11. Regulation (EU) 2023/1542 of the European Parliament and of the Council of 12 July 2023 Concerning Batteries and Waste Batteries, Amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and Repealing Directive 2006/66/EC. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32023R1542>.
12. Grand View Research. (2023). *Battery market size, share & trends analysis report, 2023–2030* (Nos. 978-1-68038-846–6). <https://www.grandviewresearch.com/industry-analysis/battery-market>.
13. Grand View Research. (2023). *Battery recycling market size, share & trends analysis report, 2024–2030* (No. GVR-1-68038-624-0). <https://www.grandviewresearch.com/industry-analysis/battery-recycling-market>.
14. U.S. Environmental Protection Agency. (2019). *Success stories in recycling from the signers of the America Recycles Pledge*. <https://nepis.epa.gov/Exe/ZyPDF.cgi/P100Y4DR.PDF?Dockkey=P100Y4DR.PDF>.
15. Circular Energy Storage. (2024). *Recycling capacity by state/province in North America* [Subscription database]. <https://www.circularenergystorage-online.com/capacity-by-state-na>.
16. NLR, Inc. (n.d.). *Batteries by the numbers* [Infographic]. Retrieved December 15, 2023, from <https://nlr-green.com/batteries-by-the-numbers/>.
17. U.S. Environmental Protection Agency. (2021). *An analysis of lithium-ion battery fires in waste management and recycling* (No. EPA 530-R-21-002). Office of Resource Conservation and Recovery. https://www.epa.gov/system/files/documents/2021-08/lithium-ion-battery-report-update-7.01_508.pdf.
18. Zheng, X., Zhu, Z., Lin, X., Zhang, Y., He, Y., Cao, H., & Sun, Z. (2018). A mini-review on metal recycling from spent lithium ion batteries. *Engineering*, 4(3), 361–370. <https://doi.org/10.1016/j.eng.2018.05.018>.
19. ReCell Center. (2021). *Novel processing and design technologies will make battery recycling profitable* [Fact sheet]. https://www.anl.gov/sites/www/files/2021-12/RECELL_ReCell%20Fact%20Sheet_FIN-2021.pdf.
20. Fogelman, R. (2023, May 10). *May fire report: Lithium-ion battery fires are everywhere*. Waste 360. <https://www.waste360.com/waste-recycling/may-fire-report-lithium-ion-battery-fires-are-everywhere>.
21. Montgomery County Department of Environmental Protection. (n.d.). *How to recycle/dispose batteries*. Retrieved March 25, 2024, from https://www2.montgomerycountymd.gov/DepHowDol/material.aspx?tag=batteries&material_key=22.
22. U.S. Environmental Protection Agency. (2019, May 16). *Used household batteries*. <https://www.epa.gov/recycle/used-household-batteries>.
23. Gasper, P., Hines, J., Miralda, J.-P., Bonhomme, R., Schaufeld, J., Apelian, D., & Wang, Y. (2013). Economic feasibility of a mechanical separation process for recycling alkaline batteries. *Journal of New Materials for Electrochemical Systems*, 16(4), 297–304. https://www.researchgate.net/publication/286103970_Economic_Feasibility_of_a_Mechanical_Separation_Process_for_Recycling_Alkaline_Batteries.
24. California Department of Toxic Substances Control. (2023). *What to do with your old batteries*. Managing Hazardous Waste. <https://dtsc.ca.gov/universalwaste/universal-waste-for-residents-batteries/#oldbatteries>.
25. Pipeline and Hazardous Materials Safety Administration. (2023). *Understanding the risks of damaged, defective or recalled (DDR) lithium batteries* (Nos. PHH50-0199–0323). U.S. Department of Transportation. <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2023-03/final.pdf>.

26. ERI. (n.d.). *State e-waste legislation in the U.S.: California*. Retrieved January 31, 2024, from <https://eridirect.com/sustainability/us-legislation/california/>.
27. Electronic Waste Recycling Act of 2003: Covered Battery-Embedded Products, Senate Bill 1215, Chapter 370, California State Senate 2021–2022. Retrieved December 26, 2023, from https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB1215.
28. *Rechargeable Battery Recycling—NYDEC*. (n.d.). Retrieved January 17, 2024, from <https://dec.ny.gov/environmental-protection/recycling-composting/rechargeable-battery-recycling>.
29. Connecticut Department of Energy and Environmental Protection. (2020). *Annotated list of CT general statutes concerning recycling requirements*. CT.Gov. <https://portal.ct.gov/DEEP/Reduce-Reuse-Recycle/Recycling-Laws---Annotated-List>.
30. Seattle Public Utilities. (n.d.). *Ban on batteries and electronics in garbage*. Seattle.Gov. Retrieved March 7, 2024, from <https://www.seattle.gov/utilities/your-services/collection-and-disposal/ban-on-batteries-and-electronics-in-garbage>.
31. Organisation for Economic Cooperation and Development. (2024). *Extended producer responsibility: Basic facts and key principles (OECD Environment Policy Paper No. 41)*. https://www.oecd.org/content/dam/oecd/en/publications/reports/2024/04/extended-producer-responsibility_4274765d/67587b0b-en.pdf.
32. California Department of Toxic Substances Control. (n.d.). *AB 1125: Rechargeable Battery Recycling Act. Managing Hazardous Waste*. Retrieved April 2, 2024, from <https://dtsc.ca.gov/fs-ab1125/>.
33. Zero Waste Omnibus Amendment Act of 2020, No. D.C. Law 23-211, Council of the District of Columbia (2020). <https://code.dccouncil.gov/us/dc/council/laws/23-211>.
34. Goines, N. (2023). *DOEE's free battery recycling program charges forward*. District of Columbia Department of Energy & Environment. <https://doee.dc.gov/release/doees-free-battery-recycling-program-charges-forward>.
35. The Battery Network. (n.d.). *Recycling laws by state*. <https://batterynetwork.org/stewards/state-recycling-laws/>.
36. Batteries—Environmental Stewardship, Revised Code of Washington (RCW) Chapter 70A.555. <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.555&full=true&pdf=true.%2070A.555.150>.
37. Vermont Agency of Natural Resources. (2019). *Report on battery stewardship*. <https://dec.vermont.gov/sites/dec/files/wmp/SolidWaste/Documents/Universal-Recycling/2019-Report-on-Battery-Stewardship.pdf>.
38. The Battery Network. (2023). *Vermont primary battery stewardship annual report*. Prepared for Vermont Agency of Natural Resources, Department of Environmental Conservation. <https://dec.vermont.gov/sites/dec/files/wmp/SolidWaste/Images/VT%202022%20Annual%20Report%20-%20FinalRev2.pdf>.
39. Illinois Environmental Protection Agency. (n.d.). *Household hazardous wastes*. Retrieved January 25, 2024, from <https://epa.illinois.gov/topics/waste-management/waste-disposal/household-hazardous-waste.html>.
40. Los Angeles County Public Works. (n.d.). *Battery disposal*. Retrieved January 25, 2024, from <https://dpw.lacounty.gov/epd/hhw/Batteries>.
41. U.S. Environmental Protection Agency. (2025). *Battery Collection in Action Case Study: Leading the Charge: Marion County's Battery Collection and Recycling Program*. <https://www.epa.gov/electronics-batteries-management/battery-collection-action-case-study-leading-charge-marion-countys>.
42. Heffernan, M. (2023, February 6). *Oregon counties collect batteries at curbside*. Resource Recycling News. <https://resource-recycling.com/recycling/2023/02/06/oregon-counties-collect-batteries-at-curbside/>.
43. WM, Inc. (n.d.). *Service locations*. Retrieved January 18, 2024, from <https://www.wm.com/us/en/location>.

44. WM, Inc. (n.d.). *Residential service*. Retrieved January 25, 2024, from <https://wmatyourdoor.com/residential/>.
45. The Battery Network. (n.d.). *Find a drop-off location near you*. Retrieved April 4, 2024, from <https://batterynetwork.org/locator/>.
46. The Battery Network. (n.d.). *Stewards program overview*. Retrieved January 25, 2024, from <https://batterynetwork.org/stewards/>.
47. Recology. (n.d.). *FAQ: Batteries*. Retrieved March 6, 2024, from <https://www.recology.com/faq/shoreline-batteries/>.
48. Recology. (n.d.). *Our mission & vision*. Retrieved January 16, 2024, from <https://www.recology.com/about-us/mission-vision/>.
49. Ridwell. *Wasting less, made easy. Join today!* (n.d.). Retrieved January 18, 2024, from <https://www.ridwell.com>.
50. The Battery Network. (n.d.). *Battery collection & recycling services*. The Battery Network Store. Retrieved January 31, 2024, from <https://store.batterynetwork.org/>.
51. TerraCycle. (n.d.). *Recycling solutions*. Retrieved January 18, 2024, from <https://www.terracycle.com/en-US/collection-programs>.
52. e-Bike Battery Recycling. (n.d.). *FAQ for riders*. Hungry for Trash E-Bike Batteries. Retrieved April 2, 2024, from <https://www.hungryforbatteries.org/#faq>.
53. Home Depot. (n.d.). *The Home Depot & Call2Recycle: Making battery recycling easy for customers*. *Eco Actions Blog*. Retrieved July 24, 2025, from <https://ecoactions.homedepot.com/blog/home-depot-battery-recycling-call2recycle/>.
54. Washington State Department of Ecology. (n.d.). *Battery stewardship*. Retrieved April 2, 2024, from <https://ecology.wa.gov/waste-toxics/reducing-recycling-waste/our-recycling-programs/battery-stewardship>.
55. Portable and Medium-Format Battery Stewardship Act, Illinois Public Act 1033 (2024). <https://www.ilga.gov/legislation/publicacts/103/103-1033.htm>.
56. Underwriters Laboratories. (n.d.). *E-bikes certification: Evaluating and testing to UL 2849*. Retrieved April 7, 2024, from <https://www.ul.com/services/e-bikes-certificationevaluating-and-testing-ul-2849>.
57. Gottesfeld, P. (2017). *The lead battery: A growing global public health challenge*. *American Journal of Public Health, 107*(7), 1049–1050. <https://doi.org/10.2105/AJPH.2017.303836>.
58. Battery Council International. (2023). *The U.S. lead battery industry by the numbers* [Fact sheet]. <https://batterycouncil.org/resource/u-s-lead-battery-industry-by-the-numbers/>.
59. Battery Council International. (n.d.). *State recycling laws*. Retrieved January 16, 2024, from <https://batterycouncil.org/recycling-sustainability/state-recycling-laws/>.
60. Baum, Z. J., Bird, R. E., Yu, X., & Ma, J. (2022). *Lithium-ion battery recycling – Overview of techniques and trends*. *ACS Energy Letters, 7*(2), 712–719. <https://doi.org/10.1021/acsenergylett.1c02602>.
61. Brinn, J. (2023). *Building batteries better: Doing the best with less*. Natural Resources Defense Council. <https://www.nrdc.org/sites/default/files/2023-07/ev-battery-supply-chains-report.pdf>.
62. Voloschuk, C. (2023, December 22). *New Jersey passes EV battery recycling legislation*. *Recycling Today*. <https://www.recyclingtoday.com/news/new-jersey-passes-ev-battery-recycling-legislation/>.
63. *New Jersey Electric and Hybrid Vehicle Battery Management Act, S3723*, New Jersey Senate 220th Legislature (2023). https://www.bdlaw.com/content/uploads/2024/01/3723_R3-5.pdf.
64. New York State Energy Research and Development Authority. (2021, June 16). *Decommissioning and end-of-life considerations* [Webinar presentation]. <https://www.nyserda.ny.gov/-/media/Project/Nyserda/Files/Programs/Clean-Energy-Siting/Decommissioning-and-End-of-Life-Considerations.pdf>.
65. Electric Power Research Institute. (2017). *Recycling and disposal of battery-based grid energy storage systems: A preliminary investigation*. <https://www.epri.com/research/products/000000003002006911>.

66. U.S. Energy Storage Association. (2020). *ESA corporate responsibility initiative: Guidelines for end-of-life and recycling of lithium ion battery energy storage systems*. <https://www.mitchellwilliamsllaw.com/webfiles/ESA-Corporate-Responsibility-Initiative-Guidelines-for-End-of-Life-and-Recycling-of-Lithium-Ion-Battery-Energy-Storage-Systems.pdf>.
67. U.S. Energy Storage Association. (2020). *End-of-life management of lithium-ion energy storage systems*. <https://energystorageassociationarchive.org/wp-content/uploads/2020/04/ESA-End-of-Life-White-Paper-CRI.pdf>.
68. U.S. Environmental Protection Agency (Director). (2024, August 22). *Improving battery collection and recycling rates on Tribal lands* [Video recording]. https://mediaspace.nau.edu/media/Improving+Battery+Collection+%26+Recycling+Rates+on+Tribal+Lands/1_04g88csk.
69. Pala Band of Mission Indians. (n.d.). *Pala Transfer Station collection events 2024*. Retrieved September 19, 2024, from <https://palatribe.com/events/household-hazardous-waste-collection-7/>.
70. U.S. Environmental Protection Agency (Director). (2022, July 13). *Bipartisan Infrastructure Law: Battery initiatives Tribal feedback session* [Video recording]. <https://www.youtube.com/watch?v=ED2Y5AtqWhE>.
71. Responsible Battery Coalition. (2023). *Backhaul Alaska retrieves, recycles 145,000 pounds of spent vehicle, equipment batteries from remote Alaskan communities*. <https://www.responsiblebatterycoalition.org/news/backhaul-alaska-retrieves-recycles-145-000-pounds-of-spent-vehicle-equipment-batteries-from-remote-alaskan-communities>.
72. Solid Waste Association of North America, ISRI, & National Waste & Recycling Association. (2020). *Guide for developing lithium battery management practices at materials recovery facilities*. https://swana.org/docs/default-source/safety-documents/mrf-lithium-battery-guidance.pdf?sfvrsn=2fa340ea_6.
73. Suppliers Partnership for the Environment. (2023). *Guidance document: EV battery safe handling & storage*. https://www.supplierspartnership.org/wp-content/uploads/2023/07/Suppliers-Partnership_EVSafetyGuidance_7.21.2023-FINAL.pdf.
74. U-Cycle: Urbana's Recycling Program. (n.d.). *Battery recycling processes*. City of Urbana, Illinois. <https://www.urbanail.gov/public-works/page/u-cycle-recycling>.
75. U.S. Environmental Protection Agency. (2015, September 21). *Mercury in batteries*. <https://www.epa.gov/mercury/mercury-batteries>.
76. Connecticut Department of Energy and Environmental Protection. (2023). *Pit stops fact sheet: Batteries (lead acid)*. https://portal.ct.gov/-/media/DEEP/p2/business_industry/PitStops/PS2014LeadAcidBatteriespdf.pdf.
77. New Hampshire Department of Environmental Services. (2013). *Best management practices for N.H. solid waste facilities: Batteries* [Fact sheet]. <https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/2020-01/bmp-batteries.pdf>.
78. Saini, M. K. (2023). *Difference between lithium-metal and lithium-ion batteries*. Tutorialspoint. <https://www.tutorialspoint.com/difference-between-lithium-metal-and-lithium-ion-batteries>.
79. Niu, C., Liu, D., Lochala, J. A., Anderson, C. S., Cao, X., Gross, M. E., Xu, W., Zhang, J.-G., Whittingham, M. S., Xiao, J., & Liu, J. (2021). Balancing interfacial reactions to achieve long cycle life in high-energy lithium metal batteries. *Nature Energy*, 6(7), 723–732. <https://doi.org/10.1038/s41560-021-00852-3>.
80. Webstaurant Store. (n.d.). *Types of batteries*. Retrieved December 12, 2023, from <https://www.webstaurantstore.com/guide/923/batteries-buying-guide.html>.
81. ScienceDirect. (n.d.). *Alkaline battery*. Retrieved January 19, 2024, from <https://www.sciencedirect.com/topics/earth-and-planetary-sciences/alkaline-battery>.
82. Energizer Brands, LLC. (2018). *Eveready carbon zinc battery handbook and application manual*. https://data.energizer.com/pdfs/carbonzinc_appman.pdf.

83. U.S. Environmental Protection Agency. (2019, May 16). *Used lithium-ion batteries*. <https://www.epa.gov/recycle/used-lithium-ion-batteries>.
84. ScienceDirect. (n.d.). *Nickel cadmium battery*. Retrieved January 19, 2024, from <https://www.sciencedirect.com/topics/engineering/nickel-cadmium-battery>.
85. ScienceDirect. (n.d.). *Nickel metal hydride battery*. Retrieved January 19, 2024, from <https://www.sciencedirect.com/topics/engineering/nickel-metal-hydride-battery>.
86. ScienceDirect. (n.d.). *Nickel zinc battery*. Retrieved January 19, 2024, from <https://www.sciencedirect.com/topics/engineering/nickel-zinc-battery>.
87. U.S. Environmental Protection Agency. (2016). *Hazardous Materials Transportation Act*. <https://archive.epa.gov/emergencies/content/lawsregs/web/html/hmtaover.html>.
88. Pipeline and Hazardous Materials Safety Administration. (2023). *Transporting lithium batteries*. <https://www.phmsa.dot.gov/lithiumbatteries>.
89. Pipeline and Hazardous Materials Safety Administration. (2022). Hazardous materials: Enhanced safety provisions for lithium batteries transported by aircraft (FAA Reauthorization Act of 2018). In *Federal Register: Vol. 87 (244)* (pp. 77995–78011). U.S. Department of Transportation. <https://www.federalregister.gov/documents/2022/12/21/2022-27563/hazardous-materials-enhanced-safety-provisions-for-lithium-batteries-transported-by-aircraft-faa>.
90. U.S. Environmental Protection Agency. (2023). *EPA history: Resource Conservation and Recovery Act*. <https://www.epa.gov/history/epa-history-resource-conservation-and-recovery-act>.
91. U.S. Environmental Protection Agency. (2024). *Requirements for transboundary shipments of specific wastes*. Hazardous Waste Generators. <https://www.epa.gov/hwgenerators/requirements-transboundary-shipments-specific-wastes>.
92. U.S. Environmental Protection Agency. (2025, April 16). *Information for exporters of Resource Conservation and Recovery Act (RCRA) hazardous waste*. Hazardous Waste Generators. <https://www.epa.gov/hwgenerators/information-exporters-resource-conservation-and-recovery-act-rcra-hazardous-waste>.
93. Hoskinson, C. (2023, May 24). *Lithium battery recycling regulatory status and frequently asked questions*. U.S. Environmental Protection Agency. <https://rcrapublic.epa.gov/files/14957.pdf>.
94. U.S. Environmental Protection Agency. (2024, April 17). *Universal waste*. Hazardous Waste. <https://www.epa.gov/hw/universal-waste>.
95. U.S. Environmental Protection Agency. (1997). *Implementation of the Mercury-Containing and Rechargeable Battery Management Act* [EPA530-K-97-009]. Office of Solid Waste and Emergency Response. <https://www.call2recycle.org/wp-content/uploads/ImplementationoftheMercury-ContainingandRechargeableBatteryManagementAct.pdf>.
96. U.S. Environmental Protection Agency. (n.d.). *The Mercury-Containing and Rechargeable Battery Management Act—Public Law 104-142*. Resource Conservation and Recovery Act (RCRA) Laws and Regulations. Retrieved December 21, 2023, from <https://www.epa.gov/rcra/mercury-containing-and-rechargeable-battery-management-act-public-law-104-142>.
97. U.S. Environmental Protection Agency. (n.d.). *Solid waste infrastructure for recycling grant program*. Retrieved August 27, 2025, from <https://www.epa.gov/infrastructure/solid-waste-infrastructure-recycling-grant-program>.
98. ZETA Education Fund. (2023). *Fostering an electric future: A federal perspective on the U.S. critical mineral supply chain*. <https://www.zeta2030.org/white-paper-fostering-an-electric-future-a-federal-perspective-on-the-us-critical-mineral-supply-chain>.
99. U.S. Department of Energy. (n.d.). *Funding selections: Bipartisan Infrastructure Law battery recycling, reprocessing, and battery collection funding opportunity*. Office of Energy Efficiency & Renewable Energy. Retrieved May 27, 2024, from <https://www.energy.gov/eere/vehicles/funding-selections-infrastructure-investment-and-jobs-act-battery-recycling>.

100. U.S. Department of Energy. (2022, October). *Bipartisan Infrastructure Law: Battery materials processing and battery manufacturing recycling selections*. Energy.Gov. <https://www.energy.gov/mesc/battery-materials-processing-grants>.
101. U.S. Environmental Protection Agency. (2022). *Building a circular economy for all: Progress toward transformative change* (No. EPA 530-R-22-004). Office of Resource Conservation and Recovery. https://www.epa.gov/system/files/documents/2022-09/EPA_Circular_Economy_Progress_Report_Sept_2022.pdf.

Appendix A: Battery Chemistries

[Table A-1](#) summarizes the common uses, composition and lifespan for single-use battery chemistries. It also provides a visual example of each battery type.

Table A-1. Common Single-Use Battery Chemistries










Chemistry	Common Uses	Composition	Lifespan	Photo
Lithium metal ^{78,79}	Emergency devices such as pacemakers and fire alarms	Lithium anode in pure metallic form	10–12 years	
Alkaline ^{22,80,81}	Household items such as toys, digital cameras and radios	Zinc and manganese dioxide	5–10 years	
Carbon-zinc ^{80,82}	Household items including toys, remote controls and clocks	Zinc anode, manganese dioxide and zinc chloride	2–3 years	
Silver oxide ⁸⁰	Watches and other small devices	Silver and other metals	3–5 years	

Table A-2 summarizes the common uses, composition and lifespan for rechargeable battery chemistries. It also provides a visual example of each battery type.

Table A-2. Common Rechargeable Battery Chemistries

Chemistry	Common Uses	Composition	Lifespan	Photo
Lead-acid²²	Starting batteries for automobiles, boats, snowmobiles, motorcycles and golf carts	Metallic lead, lead dioxide, lead sulfate and sulfuric acid	3–5 years	
Lithium-ion^{22,83}	Power tools, cameras, laptops, smartphones, toys, appliances, tablets and EVs	Lithium compounds	About 300–500 charging cycles	
NiCd^{22,84}	Power tools, cordless products, cameras and radios	Nickel hydroxide, nickel oxyhydroxide, metallic cadmium and cadmium hydroxide	15–20 years	
NiMH^{22,85}	Phones, cordless tools, cameras and radios	Nickel hydroxide, potassium hydroxide and metal hydride	5 years	
NiZn²²	Cameras, keyboards and smaller electronic devices	Nickel oxide and zinc metal ⁸⁶	10–15 years	

Appendix B: Federal Activities Supporting Battery Collection and Recycling

Over the past 50 years, the U.S. has enacted regulations and issued guidance to ensure proper management, handling and transport of used batteries. These regulations include congressional acts and rules from agencies such as DOE, EPA and DOT (Figure B-1) that provide management practices for and encourage recycling of used batteries.

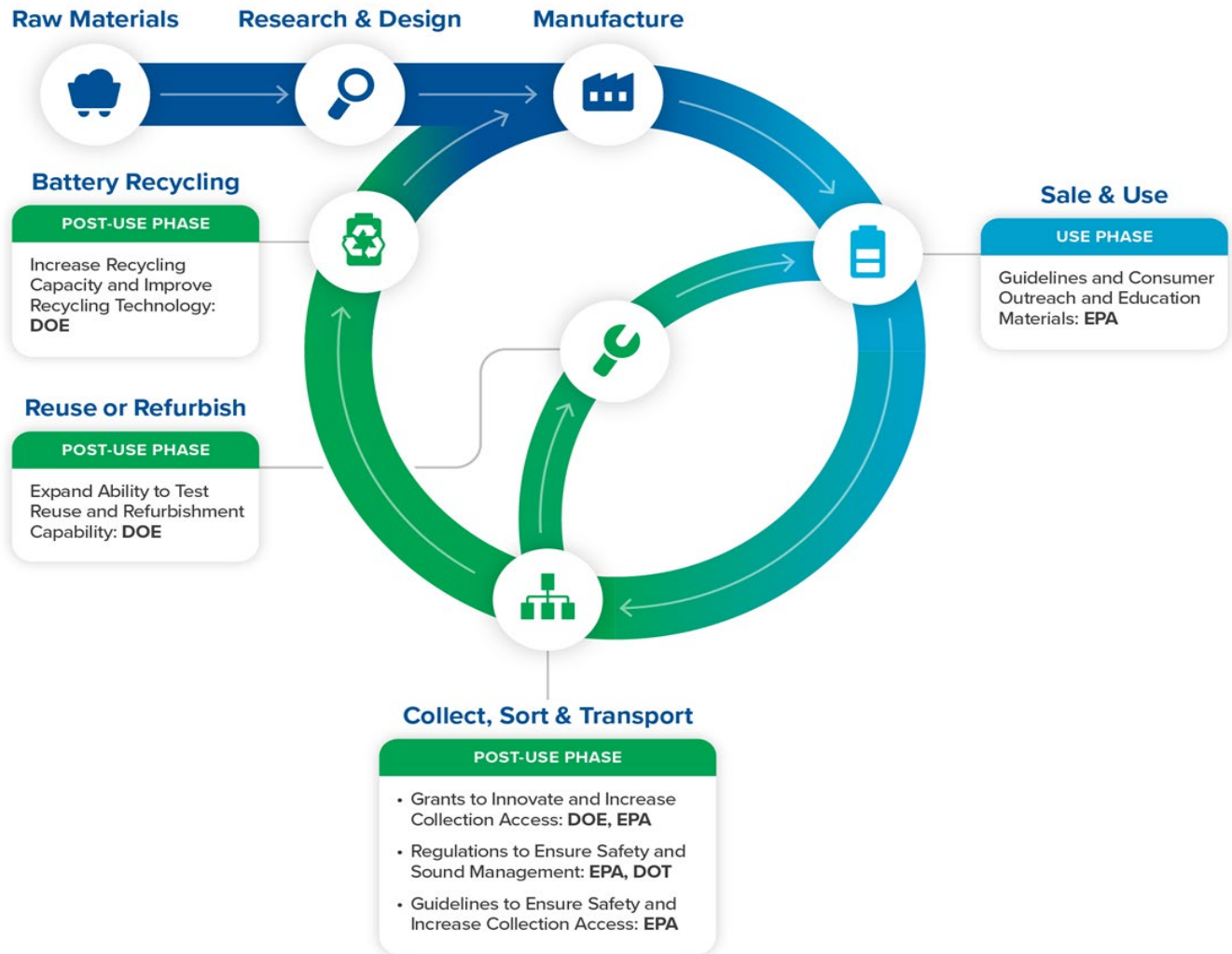


Figure B-1. Federal activities that support battery recycling.

Hazardous Materials Regulations

DOT regulates the transportation and shipment of materials that pose a risk to the public. DOT’s Hazardous Materials Regulations are codified under Title 49 of the Code of Federal Regulations (49 CFR 171–180) to align with the Hazardous Materials Transportation Act, which was enacted in 1975.⁸⁷ Under these regulations, lithium

batteries are considered a hazardous material (due to risks of overheating, flammability and explosion), and anyone transporting them must comply with specific requirements.⁸⁸ In December 2022, DOT PHMSA issued a Final Rule Amendment to the Hazardous Materials Regulations that incorporated important revisions, including prohibiting lithium cells and batteries from being carried as cargo on passenger aircraft.⁸⁹

Resource Conservation and Recovery Act

RCRA is the primary U.S. federal law that regulates the management and disposal of solid and hazardous waste. Subtitle C of RCRA establishes a cradle-to-grave framework for properly handling, treating, storing and disposing of hazardous waste to prioritize waste reduction, conserve energy and protect human health and the environment.⁹⁰ Several types of batteries (e.g., NiCd, mercury, lithium-ion, lead-acid) are classified as hazardous waste and regulated under RCRA Subtitle C,⁹¹ but the law exempts HHW from regulation, and many used batteries fall under that category.⁹⁰ In addition, long-standing provisions in the regulations exempt spent, recycled lead-acid batteries from many hazardous waste requirements during collection and accumulation. For more information about managing SLABs, refer to RCRA 266 subpart G. Requirements for exporting SLABs can be found on EPA's website.^{91,92}

In May 2023, EPA published a memorandum clarifying how RCRA Subtitle C applies to used lithium-ion batteries, saying "most lithium-ion batteries are likely hazardous waste at end-of-life (EOL) and...they can be managed under the streamlined hazardous waste management standards for universal waste until they reach a destination facility for recycling or discard."⁹³ This memo did not affect batteries that are considered HHW, such as lithium-ion batteries used in common household electronics and toys,⁸³ but specifically stated that EV lithium-ion batteries removed at a facility are regulated under RCRA Subtitle C.⁹³

Standards for Universal Waste Management

Roughly 20 years after Congress passed RCRA, EPA established Standards for Universal Waste Management (40 CFR 273) to streamline the collection of certain hazardous wastes, including batteries, and to promote proper management at hazardous waste recyclers or other permitted facilities.⁹³ These universal waste regulations also streamline several requirements put forth by RCRA Subtitle C, including those that pertain to labeling, permissible storage time after use, effective management and suitable handling facilities.⁹⁴ In May 1996, the Mercury-Containing and Rechargeable Battery Management Act made these standards effective in all 50 states to avoid regulation discrepancies across the country.⁹⁵

The universal waste regulations aim to simplify and promote the safe collection, transportation and recycling of certain widely generated hazardous wastes such as batteries, pesticides, mercury-containing equipment, lamps and aerosol cans.⁹⁴ This framework reduces the regulatory burden on entities that generate and transport universal waste, allowing for longer storage periods and reduced paperwork, as long as specific handling and recycling practices are followed. Facilities that manage universal waste during collection and aggregation, such as handlers and transporters, benefit from these streamlined requirements, which help prevent improper disposal in the municipal waste stream while encouraging recycling and reuse. Recycling or disposal of universal wastes, however, must take place at a permitted treatment or disposal facility or a hazardous waste recycler—the same type of facility that would handle other hazardous wastes.⁹⁴

The Mercury-Containing and Rechargeable Battery Management Act

Congress passed the Mercury-Containing and Rechargeable Battery Management Act in 1996 to establish EOL management protocols for rechargeable batteries and to phase out mercury in batteries. The Act regulates industry (i.e., battery manufacturers and handlers) rather than consumers.⁹⁵ It is made up of two titles:

- **Title I—The Rechargeable Battery Recycling Act.** Establishes labeling requirements for NiCd rechargeable batteries and SSLA rechargeable batteries, among others. The Act requires that labels include instructions for how to recycle batteries and mandates that batteries regulated under the Act must be easily removeable. It also streamlines regulations for battery collection programs that incentivize compliance with collection and recycling practices by easing the financial burden on consumers and businesses.⁹⁶
- **Title II—The Mercury-Containing Battery Management Act.** Aims to phase out the manufacture of batteries containing mercury by limiting the sale of battery types with significant mercury content. These battery types include alkaline-manganese batteries containing mercury (Section 203), carbon-zinc batteries containing mercury (Section 204), button cell mercuric-oxide batteries (Section 205) and other mercuric-oxide batteries (Section 206).⁹⁶

The Infrastructure Investment and Jobs Act

The IIJA, signed into law in 2021, calls out batteries as a national priority and supports battery management and recycling in the U.S. The IIJA tasked several agencies to support battery recycling, including EPA and DOE. The IIJA mandated EPA develop the following deliverables:

- Best practices for collection. The IIJA required EPA to develop best practices that could be implemented by state, Tribal and local governments for collecting and recycling batteries in a manner that “is technically and economically feasible for state, Tribal and local governments; is environmentally sound and safe for waste management workers; and optimizes the value and use of material derived from recycling of batteries.”¹
- Voluntary labeling guidelines and consumer outreach materials. IIJA required EPA to develop guidelines to help consumers identify battery collection locations, learn about battery collection and recycling, and reduce improper disposal of batteries.
- EPR framework. The IIJA required that EPA and DOE coordinate to develop a voluntary EPR framework that addresses battery recycling goals, cost structures for mandatory recycling, reporting requirements, product design, collection models and transportation of collected batteries.
- Solid Waste Infrastructure for Recycling grants. The SWIFR grant program aims to improve post-consumer materials management and infrastructure, support local infrastructure improvements and help localities improve their waste management systems.⁹⁷ These grants broadly support recycling, including battery recycling. In 2023, EPA announced the grant selectees for Tribes and intertribal consortia, states, territories and communities. Many states and territories are using their grants to better understand how to collect and recycle EOL products (including electronics and batteries), or to improve data management systems and incorporate life cycle assessment tools.
- Recycling Education and Outreach grants. REO grants fund projects that inform the public about residential or community recycling or composting programs, provide information about materials accepted as part of these programs and increase collection rates while decreasing contamination. Grantees can use this support to provide education and outreach on battery recycling.

The IIJA also required DOE to support the building or upgrading and expansion of commercial-scale facilities that produce battery materials and execute battery recycling. Section 40207 of the IIJA tasked DOE with bolstering the U.S. battery industry by providing grants for:

- Battery collection and recycling projects
- Collection systems at retailers

- A battery material processing program
- Battery manufacturing and recycling
- A lithium-ion battery recycling prize competition
- An EV battery design, recycling and reuse program
- Research, development and demonstration on cost reduction for battery logistics and processing

The Battery Manufacturing and Recycling Grants Program seeks to ensure that the nation has the capacity to support a North American battery supply chain. In 2022, DOE awarded a first round of grants from this program, helping 20 companies in 12 states expand commercial-scale facilities to extract and process lithium and other battery materials, manufacture components and demonstrate new approaches.⁹⁸ In March 2024, under the Battery Recycling, Reprocessing and Battery Collection Funding Opportunity, DOE awarded \$61.5 million to 14 projects aimed at increasing consumer battery recycling, improving battery recycling economics and supporting state and local collection programs.⁹⁹ The Battery Materials Processing Grants and Battery Manufacturing and Recycling Grants allocate about \$7 billion in grants to support the domestic development of battery supply chains, including recycling efforts.¹⁰⁰

Coordination among agencies is important because their activities relate to one another. The DOE’s Federal Consortium for Advanced Batteries brings together federal agencies to cooperate on ensuring a domestic supply of lithium batteries. EPA is one of the 19 agencies that participate in the Consortium. EPA also participates in DOT PHMSA’s Interagency Working Group on Lithium Battery Safety to ensure regulatory coordination between RCRA hazardous waste regulations and DOT hazardous materials regulations.

Other EPA Activities Related to Batteries

EPA developed [considerations for safe installation and incident response at battery energy storage systems](#).

Battery Energy Storage Systems help stabilize electrical grids by providing steady power flow despite fluctuations from inconsistent generation from varied energy sources and other disruptions. While BESS technology is designed to bolster grid reliability, lithium battery fires at some installations have raised legitimate safety concerns in many communities. BESS incidents can present unique challenges for host communities and first responders:

- **Fire Suppression:** Lithium battery fires are extremely difficult to extinguish and may reignite hours or days later.
- **Emissions:** Battery fires can release harmful gases that pose health risks to nearby residents and first responders.
- **Environmental Impact:** Proper cleanup and disposal of damaged batteries requires specialized procedures.

EPA developed comprehensive guidance to help communities safely plan for installation and operation of BESS facilities as well as recommendations for incident response. This [fact sheet](#) includes information from first responder and industry guidance as well as background information on battery energy storage systems and resources.

EPA’s activities to increase battery recycling also support implementation of the Circular Economy Strategy Series (Figure B-2). The 2020 Save Our Seas 2.0 Act provided the foundation and authority for the development of this series and defined “circular economy.” The series offers a comprehensive approach to transform the way materials are managed across their life cycles, focusing on sustainability and waste reduction.¹⁰¹ The [National Recycling Strategy](#), launched in 2021, was the first strategy published as part of the series. It outlined the necessary actions to modernize recycling systems across the U.S. The strategy emphasizes collaboration among federal, Tribal and state partners to enhance recycling infrastructure, improve materials management and reduce contamination in recycling streams. The IIJA provided financial support for implementing the strategies.

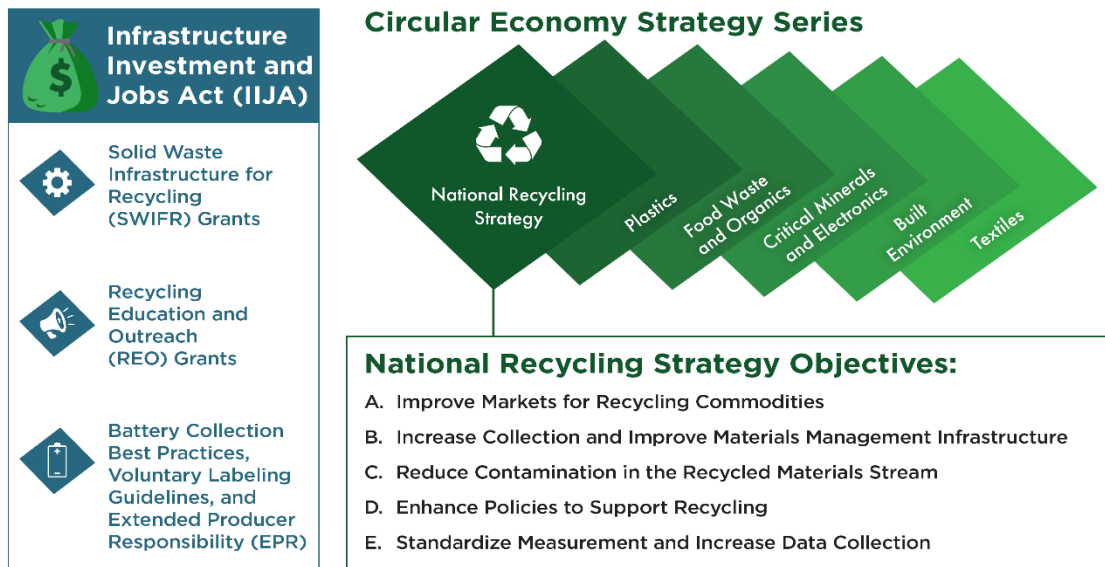


Figure B-2. EPA’s Circular Economy Strategy initiatives.

Textile Needs Assessment Informational Workshop Agenda

Dates: April 7, 2026

Time: 10:00 a.m. – 12:00 p.m.

Locations:

In-Person: Byron Sher Auditorium, 1001 I St, 2nd floor. Sacramento, CA 95814

Public Webcast: [Public Meeting Live Webcast](#)

Zoom: [Link to Zoom Meeting Registration](#)

Public Comments:

- In-Person
- [Zoom Link](#) (for public comments)

Agenda:

- Overview of the Needs Assessment

Contact: For more information, contact Textiles@CalRecycle.ca.gov.

Meeting Information:

Additional information for this workshop is posted on the [Public Meeting Notice](#).

The public may observe the meeting via live webcast online by accessing the meeting link at [Public Meeting Live Webcasts](#). Members of the public who wish to comment during the meeting may do so in-person at the meeting location or through Zoom.

Simultaneous Spanish interpretation will be available in-person at the workshop and remotely via Zoom or webcast. For in-person interpretation services, headsets will be available and can be provided by CalRecycle staff prior to or during the workshop. If you need interpretation services in a language other than Spanish, please notify CalRecycle at Textiles@CalRecycle.ca.gov by March 24, 2026, and we will do our best to accommodate your request.

Persons who, due to a disability, need assistance to participate in this meeting should, prior to the meeting, contact Textiles@CalRecycle.ca.gov. TTY/TDD and Speech-to-Speech users may dial 7-1-1 for the California Relay Service to submit comments on an agenda item or to request special accommodation for persons with disabilities.

PROPOSED REGULATION TEXT

AB 1526 Updates to Architectural Paint Recovery Program
Architectural Paint Recovery Program

DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY
CALIFORNIA CODE OF REGULATIONS

Note: Amendments are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions from the existing regulatory text. The symbol “* * * **” means that intervening text not proposed for amendment is not shown.

TITLE 14. Natural Resources

DIVISION 7. Department of Resources Recycling and Recovery

CHAPTER 11. Product Stewardship

AMEND

ARTICLE 2. Architectural Paint Recovery Program

Adopt sections 18952.1 and 18955.4

Amend sections 18950, 18951, 18952, 18953, 18954, 18955, 18955.3, 18956, 18957 and through 18958, California Code of Regulations, title Title 14.

Repeal sections 18955.1 and 18955.2

ARTICLE 2: Architectural Paint Product Recovery Program

Section 18950. Purpose.

The purpose of this Article is to clarify existing statute and establish administrative procedures to efficiently and effectively implement the department's responsibilities under the law and to provide a uniform competitive business environment to all architectural paint product manufacturers and other regulated entities pursuant to Chapter 5, commencing with §section 48700, Part 7, Division 30 of the Public Resources Code ~~(PRC)~~.

Authority cited: Sections 40401 ~~and~~, 40502, 48701.1, and 48707, Public Resources Code.

Reference: Section 48700, Public Resources Code.

Section 18951. Definitions.

(a) Except as otherwise noted, the definitions of this Article supplement and are governed by the definitions set forth in Chapter 5, ~~(commencing with §section 48700)~~, Part 7, Division 30 of the Public Resources Code:

(1) "Must" or "shall" means a provision is mandatory.

(2) "May" means a provision is permissive.

(b) "Administrative fee" means the fee imposed by the department on the ~~architectural paint~~ manufacturer or stewardship organization in order to cover the costs of administering and enforcing the statute.

(c) "Approved collection site" means a site approved by a manufacturer or stewardship organization to participate as a collection site in its stewardship program. An approved collection site includes a permanent collection site pursuant to section 48701(i) of the Public Resources Code and a temporary collection site pursuant to section 48701(n) of the Public Resources Code.

~~(e)~~(d) "Assessment" means the amount added to the purchase price of architectural a paint product sold in this state necessary to cover the cost of implementing a manufacturer or stewardship organization's ~~paint~~ stewardship program.

(e) "Authorized representative" means a person(s) who has authority to legally bind a manufacturer or stewardship organization to the contents of a submitted document, and who submits a document pursuant to section 48705.1(b) of the Public Resources Code.

~~(d)~~(f) “Brand” means a name, sign, symbol, slogan, or anything that is used to identify and distinguish a specific ~~architectural~~ paint product.

~~(e)~~(g) “Collection” means any method by which a service provider receives postconsumer ~~architectural~~ paint from a consumer.

(h) “Graffiti remover” means a product designed and labeled on the product’s packaging or on the manufacturer’s website to remove spray paint, ink, marker, crayon, lipstick, nail polish, or shoe polish, from a variety of noncloth or nonfabric substrates.

(i) “Ground traffic or marking application” means an “aerosol coating product” designed and labeled on the product’s packaging or on the manufacturer’s website exclusively to be used as a handheld or in specialized equipment and applied to dirt, gravel, grass, concrete, asphalt, warehouse floors, or parking lots. Aerosol coating products used for ground traffic or marking applications must be in a container equipped with a valve and spray head designed to direct the spray toward the surface when the can is held in an inverted vertical position.

(j) “Manufacturer” means, with regard to a paint product that is sold, offered for sale, or distributed in the state, any of the following:

(1) The person who manufactures the paint product and who sells, offers for sale, or distributes the paint product in or into the state under that person’s own name or brand.

(2) If no person meets the definition in paragraph (1), manufacturer means the owner or licensee of a trademark or brand under which the paint product is sold or distributed in or into the state, whether or not the trademark is registered.

(3) If no person meets the definition in paragraphs (1) and (2), manufacturer means the person who distributes the paint product in or into the state for sale or distribution.

(4) If no person meets the definition in paragraphs (1), (2), and (3), manufacturer means the person who imports the paint product in or into the state for sale or distribution.

(5) If no person meets the definition in paragraphs (1), (2), (3), and (4), the manufacturer of that paint product is the person who sells the paint product to a consumer in the state.

~~(f)~~(k) “Operational costs” means costs to operate a manufacturer or stewardship organization’s ~~paint~~ stewardship program, including, but not limited to, collection, transportation, processing, disposal, and education and outreach costs.

(l) “Paint remover” means any product designed and labeled on the product’s packaging or on the manufacturer’s website to strip or remove paints or other related coatings, by chemical action, from a substrate without markedly affecting the substrate.

(m) "Paint thinner" means any product that is designed or labeled on the product's packaging or on the manufacturer's website to reduce the viscosity of coating compositions or components, or a product that prominently displays terms such as "Paint Thinner," "Lacquer Thinner," "Thinner," or "Reducer" on the label, packaging, or on the manufacturer's website.

(n) "Pigment" means any nonvolatile ingredient of either natural or synthetic insoluble material added to a paint product to provide color, opacity, or corrosion inhibition.

(o) "Propellant" means a liquefied or compressed gas that is used in whole or in part to expel a liquid or any other material from the same self-pressurized container or from a separate container.

~~(g) "Reporting period" means a consecutive 12-month period as specified in statute.~~

(p) "Resin" means any nonvolatile ingredient that comprises film-forming ingredients. Examples of resin ingredients include, but are not limited to, acrylic, alkyd, enamel, epoxy, lacquer, polyurethane, polyvinyl chloride, shellac, silicone, and polystyrene.

~~(h)~~(q) "Service provider" means an entity, including, but not limited to, local household hazardous waste collection programs and retailers, that contracts with a manufacturer or stewardship organization to provide services including, but not limited to, collection, consolidation, transportation, processing, or proper disposal of postconsumer architectural paint.

~~(i) "Significant or material change" means any modification of the architectural paint stewardship assessment previously approved by the department.~~

(r) "Stewardship organization" in sections 48701(m), 48702(c), 48703.1(d), 48703.3(e), 48703.4(d), 48703.4(e), 48704.1(a), 48705(a)(11), 48705.1(a), and 48705.1(b) of the Public Resources Code also refers to individual manufacturers with approved stewardship plans.

Authority cited: Sections 40401 ~~and~~, 40502, 48701.1, and 48707, Public Resources Code.

Reference: Sections 48700, 48701, 48701.1, 48702, 48703, 48703.1, 48703.3, 48703.4, 48704, 48704.1, and 48705, and 48705.1, Public Resources Code.

Section 18952. Document Submittals: Stewardship Plan, Annual Report, and Lists.

(a) A stewardship plan, annual report, or any document associated with the preceding that is submitted to the department by a manufacturer or stewardship organization, shall meet all of the following requirements:

(1) The document shall be submitted by an authorized representative of the manufacturer or stewardship organization pursuant to section 48705.1(b) of the Public Resources Code. The document shall include contact information for the authorized representative, including, but not limited to:

(A) Contact name

(B) Title

(C) Name of company or stewardship organization

(D) Mailing address

(E) Phone number

(F) Email address

(G) Internet website address, if applicable

(2) The document shall be submitted electronically using the department's designated electronic submittal process available on the department's website. The date of electronic submittal will be considered the date of receipt by the department.

(A) At the time of submittal, the manufacturer or stewardship organization shall immediately post the document submitted to the department on its internet website that is identified in its stewardship plan.

(i) The manufacturer or stewardship organization shall maintain approved stewardship plans on its internet website until a new plan is approved, the approved plan expires, or the approved plan is revoked.

(ii) The manufacturer or stewardship organization shall maintain its most recent annual report on its internet website until the following year's annual report is posted.

(3) The document shall be consistent with the standards set forth in section 7405 of the Government Code and the Web Content Accessibility Guidelines (WCAG) 2.2 published in 2024 by the World Wide Web Consortium at <http://www.w3.org/TR/WCAG22/>. The entirety of the Web Content Accessibility Guidelines (WCAG) 2.2 published in 2024 are incorporated by reference.

(A) A manufacturer or stewardship organization's failure to comply with the Web Content Accessibility Guidelines in section 18952(a)(3) is grounds for the imposition of civil penalties pursuant to section 18955.

(4) Submittals that include content the manufacturer or stewardship organization asserts is confidential in nature shall include a copy of the submittal with proposed redactions and a cover letter explaining the justification of confidentiality. The cover letter shall identify the specific submittal section(s) asserted to be confidential by page, line, and description. If the manufacturer or stewardship organization does not provide a copy of the submittal with proposed redactions and a cover letter, the department shall consider all information provided in the submittal to be public. Records supplied to the department pursuant to this Article that are, at the time of submission, claimed to be proprietary, confidential, or a trade secret shall be subject to the provisions in Title 14, California Code of Regulations, Division 7, Chapter 1, Article 4, commencing with section 17041.

(b) Lists submitted pursuant to section 48702(c) of the Public Resources Code or any document associated with the preceding that is submitted to the department by a manufacturer or stewardship organization shall meet the following requirements:

(1) The document shall be submitted by an authorized representative of the manufacturer or stewardship organization pursuant to section 48705.1(b) of the Public Resources Code.

(2) The document shall be submitted electronically using the department's designated electronic submittal process available on the department's website. The date of electronic submittal will be considered the date of receipt by the department.

(3) The document shall be consistent with the standards set forth in section 7405 of the Government Code and the Web Content Accessibility Guidelines (WCAG) 2.2 published in 2024 by the World Wide Web Consortium at <http://www.w3.org/TR/WCAG22/>. The entirety of the Web Content Accessibility Guidelines (WCAG) 2.2 published in 2024 are incorporated by reference.

(A) A manufacturer or stewardship organization's failure to comply with the Web Content Accessibility Guidelines in section 18952(a)(3) is grounds for the imposition of civil penalties pursuant to section 18955.

(4) The list of paint product manufacturers participating in the stewardship plan shall include contact information for each paint product manufacturer, including, but limited to:

(A) Name of company, including doing business as (DBA) name, if applicable

(B) Physical address, mailing address, and corporate address

(C) Email address

(D) Telephone number

(E) Internet website address

(F) Business principle contact name and title for the participating paint product manufacturer

(G) Participation status associated by paint product type(s)

(5) The list of paint products and brands of paint products that each participating manufacturer sells, distributes for sale, imports for sale, or offers for sale in or into the state shall include, but not be limited to, the following for each paint product: Paint Manufacturer, Paint Brand(s), unique product identifiers, including, but not limited to, a Global Trade Item Number (GTIN), Universal Product Code (UPC), and Stock Keeping Unit (SKU), if available, and the associated product type(s). If another product identification system is used, the department is to be contacted prior to the submission of the product identification information or data so as the department can coordinate to receive the alternative product identification information or data. The listing shall be disaggregated according to manufacturer or retailer.

(6) Upon receiving changes to the information in the lists pursuant to sections 48702(c) and 48702(d) of the Public Resources Code and section 18952(b), a manufacturer or stewardship organization with an approved stewardship plan shall submit updated lists to the department by the last business day of the month. Otherwise, a manufacturer or stewardship organization with an approved stewardship plan shall submit updated lists to the department no less frequently than once every six months.

~~(a) A corporate officer, acting on behalf of an architectural paint manufacturer or stewardship organization, shall submit as part of the stewardship plan the following information:~~

~~(1) Contact information of the corporate officer responsible for submitting stewardship plan and annual report documents to the department and for overseeing paint stewardship program activities, including, but not limited to:~~

~~(A) Contact Name~~

~~(B) Title~~

~~(C) Name and Company or Stewardship Organization~~

~~(D) Mailing address~~

~~(E) Phone number~~

~~(F) E-mail address~~

~~(G) Web address, if applicable~~

~~(2) List and contact information for each architectural paint manufacturer participating in the stewardship organization, including, but not limited to:~~

~~(A) Name of Company~~

~~(B) Mailing or corporate address~~

~~(C) Web address (if applicable), Contact Name, Title, Phone Number, and e-mail address of participating architectural paint manufacturers shall be provided to the department upon request. The department shall include a reason for any request of this information. The requested information shall be submitted within 30 days of the request unless extended as determined by the department.~~

~~(3) List of brands covered under the stewardship plan.~~

~~(b) The stewardship plan may be submitted electronically according to instructions provided by the department. A hard copy, signed by a corporate officer of a manufacturer or stewardship organization, must be submitted to the department.~~

~~(1) The information submitted in a stewardship plan shall address the criteria for approval in § 18953 and be organized according to this standard outline:~~

~~(A) Contact Information~~

~~(B) Program Goals and Activities~~

~~(C) Collection Systems~~

~~(D) Financing Mechanism~~

~~(E) Education and Outreach~~

~~(F) Stakeholder Consultation~~

~~(2) The department shall determine if the plan is complete and notify the submitting manufacturer or stewardship organization within 30 days. If the department finds that the stewardship plan is complete, the department's 90-day review period for consideration of approval of the stewardship plan, set forth in Public Resources Code section 48704, will commence upon the original date of receipt. If the stewardship plan is incomplete, the department shall identify what additional information must be~~

~~submitted to make it complete and the plan shall be resubmitted within 30 days. If the department determines upon resubmittal that the plan is complete, the department's 90-day review period for consideration of approval of the stewardship plan will commence upon the original date of receipt of the resubmittal.~~

~~(3) The department may approve, disapprove, or conditionally approve a stewardship plan.~~

~~(A) The plan must be approved if it provides for the establishment of a paint stewardship program that meets the requirements of Public Resources Code section 48703.~~

~~(B) If the department conditionally approves a plan, the department shall identify the deficiencies in the plan and the manufacturer or stewardship organization shall comply with the conditions of approval within 60 days of the notice date. If the conditions are met, the department shall approve the plan.~~

~~(C) If the department disapproves a plan, the department shall identify the deficiencies in the plan and the manufacturer or stewardship organization shall resubmit a plan or provide supplemental information requested by within 60 days of the notice date.~~

~~(D) If the department conditionally approves a plan and the conditions are not met, the department shall disapprove the plan.~~

~~(4) The stewardship plan must be submitted for re-approval upon any significant or material change, as defined. The department shall review the revised stewardship plan within 90 days of receipt and make a determination whether or not to approve the plan.~~

~~(5) The approved stewardship plan shall be a public record, except that financial, production, or sales data reported to the department by a manufacturer or stewardship organization is not a public record under the California Public Records Act, as described in Chapter 3.5 (commencing with § 6250) of Division 7 of Title 1 of the Government Code and shall not be open to public inspection. The department may release financial, production, or sales data in summary form only that cannot be attributable to a specific manufacturer.~~

~~(c) The annual report shall be submitted by a corporate officer acting on behalf of a manufacturer or stewardship organization that is operating an architectural paint stewardship program under a department-approved stewardship plan.~~

~~A hard copy, signed by a corporate officer of a manufacturer or stewardship organization must be submitted.~~

~~(1) The information submitted in an annual report shall address the criteria for a finding of compliance per § 18954 and be organized according to this standard outline:~~

~~(A) Contact Information~~

~~(B) Executive Summary~~

~~(C) Program Outline~~

~~(D) Description of Goals and Activities Based on the Stewardship Plan~~

~~(E) Financing Mechanism~~

~~(F) Education and Outreach~~

~~(G) Audits~~

~~(2) The department shall determine if the report is complete and notify the submitting manufacturer or stewardship organization within 30 days. If the department finds that the annual report is complete, the department's 90-day review period for the annual report, set forth in Public Resources Code § 48705, will commence upon the original date of receipt. If the annual report is incomplete, the department shall identify what additional information must be submitted to make it complete and the report shall be resubmitted within 30 days. If the department determines upon resubmittal that the report is complete, the department's 90-day review period of the report will commence upon the original date of receipt of the resubmittal.~~

~~(3) The department may adopt a finding of compliance, non-compliance, or conditional approval for an annual report.~~

~~(A) If the department adopts a finding of compliance, the manufacturer or stewardship organization may continue to sell or offer paint for sale in the state.~~

~~(B) If the department conditionally approves a report, the department shall identify the deficiencies in the report and the manufacturer or stewardship organization shall comply with the conditions of approval within 60 days of the notice date. If the conditions are met, the department shall adopt a finding of compliance.~~

~~(C) If the department adopts a finding of non-compliance, the department shall identify the deficiencies in the report and the manufacturer or stewardship organization shall resubmit a report or provide supplemental information requested by within 60 days of the notice date.~~

~~(D) If the department conditionally approves a report and the conditions are not met, the department shall adopt a finding of non-compliance.~~

Authority cited: Sections 40401, and 40502, 48701.1, 48702, 48703, 48705, and 48707, Public Resources Code.

Reference: Sections 40502, 48700, 48702, 48703, 48703.5, 48704, and 48705, and 48705.1, Public Resources Code; and section 7405, Government Code.

Section 18952.1. Document Approvals: Stewardship Plan and Annual Report.

(a) The department shall approve, disapprove, or conditionally approve a stewardship plan.

(1) A stewardship plan shall be approved if it provides for the establishment of a stewardship program that meets the requirements of sections 48703 through 48703.4 of the Public Resources Code and section 18953.

(2) If the department conditionally approves a stewardship plan, the department shall identify the deficiencies in the stewardship plan and electronically provide written notice to the manufacturer or stewardship organization within 60 days of conditional approval. The manufacturer or stewardship organization shall comply with the conditions of approval within 30 days of the date the department electronically transmits the written notice to the manufacturer or stewardship organization.

(A) If the department conditionally approves a stewardship plan and the conditions are met, the department shall approve the stewardship plan.

(B) If the department conditionally approves a stewardship plan and the conditions are not met, the department shall disapprove the stewardship plan.

(3) An amended stewardship plan submitted pursuant to section 48703.5 of the Public Resources Code shall meet the requirements of sections 48703 through 48703.4 of the Public Resources Code and section 18953.

(4) A stewardship plan shall be submitted for re-approval upon any modification of the paint stewardship assessment previously approved by the department, a change to the manufacturer or stewardship organization's reserve policy, or a change to the performance goals set by the manufacturer or stewardship organization in the existing approved stewardship plan. The department shall review the revised stewardship plan within 120 days of receipt and make a determination whether to approve, disapprove, or conditionally approve the stewardship plan. The modification shall not be implemented prior to the department's approval.

(b) The department shall adopt a finding of compliance or noncompliance for an annual report.

(1) An annual report shall be found compliant if it meets the requirements of section 48705 of the Public Resources Code and section 18954.

(2) A finding of compliance also constitutes grounds for the department to include conditions that must be met by the manufacturer or stewardship organization within 60 days of the date the department electronically transmits the written notice to the manufacturer or stewardship organization.

(3) If the department determines that there are conditions that must be met by the manufacturer or stewardship organization and the conditions are not met, that constitutes grounds for the department to adopt a finding of noncompliance.

(4) If the department adopts a finding of noncompliance, the department shall identify the deficiencies in the annual report and electronically transmit written notice of the deficiencies to the manufacturer or stewardship organization. Such a finding constitutes grounds for the department to take action pursuant to section 48706.1 of the Public Resources Code to administratively impose civil penalties as described under section 18955. A finding of noncompliance also constitutes grounds for the department to require the manufacturer or stewardship organization to resubmit an annual report or provide supplemental information requested within 60 days of the date the department electronically transmits the written notice to the manufacturer or stewardship organization.

Authority cited: Sections 40401, 40502, 48701.1, and 48707, Public Resources Code. Reference: Sections 48703, 48703.1, 48703.2, 48703.3, 48703.4, 48703.5, 48705, and 48706.1, Public Resources Code.

Section 18953. Stewardship Plans ~~Plan Approval Criteria.~~

~~(a) Paint stewardship~~ Stewardship plans must follow the standard outline per § 18952 and contain the following:

~~(1) Contact information. Identify~~ Contact information of the manufacturer or designated stewardship organization responsible for the stewardship plan submittal, including contact information of the authorized representative responsible for submitting the stewardship plan pursuant to section 18952(a)(1). ~~A manufacturer or stewardship organization shall provide updates to the list of manufacturers and brands participating in its program within 30 days of any changes to that list.~~

(2) A list of manufacturers, paint products, and brands of paint products pursuant to sections 18952(b)(4) and 18952(b)(5).

~~(2)~~(3) Program Goals and Activities. Include program Performance goals that are consistent with section 48703.2 of the Public Resources Code specific to and appropriate for California. Performance goals shall include annual goals that cover a minimum of five years. Factors to consider when determining program performance goals may include the current and future recycling infrastructure and capacity and changes in market conditions in California. Description of performance goals must include a baseline-baselines, to be provided by the manufacturer or stewardship organization, from which the performance goals will be measured and reported in the manufacturer or stewardship organization's annual reports. Each performance goal must be described so the department can determine, upon review of the annual report, whether or not the manufacturer or stewardship organization met the annual goal by the end of the calendar year. The baseline-baselines should indicate the status of household hazardous waste management in California at the time of stewardship plan submission. Describe how the goals will be measured, including a description of the methodology used for estimating the amount of leftover paint available for collection in California. Describe the methodology, including metrics, used to establish performance goals and that will be used to report annually pursuant to section 18954. Describe any assumptions and data sources used in establishing the performance goals, if applicable. Describe the performance goals, which shall address how the program will:

(A) Reduce the generation of postconsumer paint;_

(B) Promote the reuse of postconsumer paint;_

(C) Properly manage postconsumer paint at end-of-life in an environmentally sound fashion, including collection, recovery, recycling, and proper disposal of postconsumer paint; and_

(D) Provide a free dropoff and convenient collection system throughout the state, ensuring access to approved collection sites or events for consumers in each county, including but not limited to, rural areas. Include the proposed number, location, and type of approved collection sites located in the state.

(i) Identify whether each approved collection site is a permanent collection site pursuant to section 48701(i) of the Public Resources Code or a temporary collection site pursuant to section 48701(n) of the Public Resources Code.

(ii) Identify whether each approved collection site is a retailer, local household hazardous waste collection program, or other type of approved collection site or system, such as a collection event, large volume collection program, consumer mail-back, or other collection mechanism.

~~(D)~~(E) Manage postconsumer paint containers, consistent with the state's solid waste management hierarchy included in section 40051 of the Public Resources Code.

~~(F) and undertake~~ Undertake market development activities, if a manufacturer or stewardship organization chooses to engage in these activities.

~~(3)(4) Collection Systems. Describe~~ A description of the system that will be used to collect and properly manage postconsumer architectural paint to demonstrate that demonstrates how there will be sufficient funding for the program and how it will be implemented in an environmentally sound fashion. This description must include the following:

(A) Collection methods used for architectural postconsumer paint, by type, including latex architectural coatings, oil-based architectural coatings, nonindustrial coatings, coating-related products, and aerosol coating products.

(B) Destination Destinations for reuse activities, and processing activities, (including recycling), and/or disposal for architectural postconsumer paint, by type, including latex architectural coatings, oil-based architectural coatings, nonindustrial coatings, coating-related products, and aerosol coating products.

(C) Description of best management practices to be followed by service providers that are acting as approved collection points/sites, which may include any training that the manufacturer or stewardship organization intends to provide ~~to~~, or require of service providers to provide, to ensure proper collection and management of postconsumer architectural paint.

~~(D) Description of how each consumer of architectural paint in California will have an opportunity to recycle and properly manage their unwanted architectural paint on a state wide basis, including the proposed number, location, and type of collection points located in the state.~~

~~(E) Address the coordination of the architectural paint stewardship program with existing local household hazardous waste collection programs. A manufacturer or stewardship organization must negotiate with existing local household hazardous waste collection programs wanting to participate in the paint stewardship program as a collection point as much as is reasonably feasible and is mutually agreeable.~~

~~(F) Address the coordination of the architectural paint stewardship program with potential retail collection points. Any retailer may participate, on a voluntary basis, as a paint collection point pursuant to the paint stewardship program. A manufacturer or stewardship organization must negotiate with any retailer wanting to participate in the paint stewardship program as a collection point, as much as is reasonably feasible and is mutually agreeable.~~

(D) Description of how the manufacturer or stewardship organization will coordinate with retailers and existing household hazardous waste collection programs as potential

approved collection sites pursuant to sections 48703.3(d) and 48703.3(b) of the Public Resources Code.

~~(4)~~(5) Financing Mechanism. Include a A description of the funding mechanism consistent with sections 48703.1 and 48704.1 of the Public Resources Code that provides sufficient funding to recover, but not exceed, the cost of the architectural paint stewardship program, including the administrative (including financial audits per PRC § 48705(a)(6)), operational, and capital costs of the program. The funding mechanism includes the following and shall allocate revenues and expenditures applicable to this program in a prudent and responsible manner:

(A) The amount of the assessment per unit-container of architectural paint product sold in the state.

(B) A budget for the program that includes revenue estimates from the assessment, operational costs, capital costs, and administrative costs (including those pursuant to § 18958 re: service payment to the department)-a description of and estimates for:

(i) Revenue from the assessment.

(ii) Total program cost.

(iii) Administrative costs, including those pursuant to sections 48703.1 and 48704 of the Public Resources Code and section 18958.

(iv) Operational costs, including:

(I) Collection costs

(II) Transportation costs

(III) Processing costs

(IV) Education and outreach costs

(V) Any other operational costs the manufacturer or stewardship organization intends to incur

(v) Capital costs.

(vi) Independent financial audits pursuant to section 48705(a)(9) of the Public Resources Code.

(C) A description of the manufacturer or stewardship organization's reserve policy, including how it is consistent with the requirements of section 48704.1(c) of the Public Resources Code.

~~(C) Stewardship organization and manufacturers shall allocate revenues and expenditures applicable to this program in accordance with Generally Accepted Accounting Principles (GAAP).~~

~~(5)(6) Education and Outreach. Include a~~ A description of education and outreach efforts to consumers, contractors, and retailers to promote source reduction and recycling of architectural paint products. The description shall include how the outreach and education methods will be used and distributed. Educational information may include, but is not limited to, signage, written materials, advertising, or other promotional materials pursuant to ~~PRC § 48703(e)~~ section 48703.4 of the Public Resources Code. A manufacturer or stewardship organization ~~may~~ shall not advertise a collection ~~point(s)~~ site(s) as being part of a manufacturer or stewardship organization's program that is not ~~a contracted~~ an approved collection ~~point site~~ site for the manufacturer or stewardship organization's stewardship program. This provision does not apply to referrals to collection ~~points sites~~ sites based on ~~publically~~ publicly available information.

(A) Describe how the education and outreach materials provided pursuant to section 48703.4 of the Public Resources Code will include consistent branding that clearly identifies the manufacturer or stewardship organization responsible for implementing the stewardship program. Branding may include, but is not limited to, a name, logo, design, tagline, or other element that uniquely identifies the manufacturer or stewardship organization responsible for implementing the stewardship program.

(i) The branding for a stewardship organization shall represent the stewardship organization pursuant to section 48701(l) of the Public Resources Code, not an individual company.

~~(6)(7) Stakeholder Consultations. A description of consultations with interested parties, including with~~ In addition to existing local household hazardous waste collection programs per § 18953(a)(3)(E), pursuant to section 48703.2 of the Public Resources Code. ~~Other stakeholders interested parties~~ that may be consulted include, but are not limited to, consumers, retailers, ~~architectural postconsumer~~ architectural paint recyclers, ~~architectural~~ architectural paint contractors, and haulers.

(8) The implementation date pursuant to section 48701.1(b) of the Public Resources Code.

(9) A signed statement by an authorized representative of the manufacturer or stewardship organization to certify that, at the time of submission to the department, the stewardship plan, including all aspects of the plan related to the collection, transportation, and disposal of postconsumer paint, is in compliance with all applicable

local, state, and federal laws and regulations, including, but not limited to sections 25201.16, 25217.2, and 25217.2.1 of the Health and Safety Code.

(b) The manufacturer or stewardship organization submitting the stewardship plan shall provide, upon request, additional information to assist the department as may be necessary for the approval of the stewardship plan in compliance with the California Environmental Quality Act.

Authority cited: Sections 40401 ~~and~~, 40502, 48701.1, and 48707, Public Resources Code.

Reference: Sections 40051, 48700, 48702, 48703, 48703.1, 48703.2, 48703.3, 48703.4, 48703.5, 48704, 48704.1, and 48705, Public Resources Code; and Sections 25201.16, 25217.2, and 25217.2.1, Health and Safety Code.

Section 18954. Annual Reports ~~Report Compliance Criteria.~~

(a) The annual report must contain the following for the preceding calendar year:

(1) ~~Contact information. Identify~~ Contact information of the manufacturer or stewardship organization responsible for the annual report submittal, including contact information of the authorized representative responsible for submitting the stewardship plan pursuant to section 18952(a)(1).

~~(2) Stewardship organizations shall include an~~ An updated list of participating manufacturers and any updates to their respective contact information pursuant to section per § 18952(a)(2)(b)(4).

~~(2)(3) Executive Summary. The purpose of the Executive Summary is to provide a broad understanding of the manufacturer or stewardship organization's program as a whole and to put into context the data and information that will follow. Provide a brief description~~ An executive summary of the manufacturer or stewardship organization's architectural-paint product recovery efforts during the reporting period preceding calendar year pursuant to PRC § section 48705(a) of the Public Resources Code. The executive summary includes, but is not limited to, the highlights, outcomes and challenges, and achievement of the performance goals pursuant to section 18953(a)(3). This may include anticipated steps, if needed, to improve performance and a description of challenges encountered during the reporting period preceding calendar year and how they will be addressed. This may also include a description of postconsumer paint

container management and market development activities if the manufacturer or stewardship organization has chosen to engage in those activities.

~~(3)(4) Program Outline. Describe~~ A description of the paint stewardship program, including information on the following topics:

(A) A description of the methods used to collect, transport, and process postconsumer architectural paint, by type, in ~~California~~ the state.

(i) For reports submitted before 2029 or the approval of a stewardship plan or plan amendment that includes nonindustrial coatings, coating-related products, and aerosol coating products, the report shall describe the methods used to collect, transport, and process latex architectural coatings and oil-based architectural coatings.

(ii) For reports submitted after 2029 or the approval of a stewardship plan or plan amendment that includes nonindustrial coatings, coating-related products, and aerosol coating products, the report shall describe the methods used to collect, transport, and process latex architectural coatings, oil-based architectural coatings, nonindustrial coatings, coating-related products, and aerosol coating products.

(B) ~~Description~~ A description of how each consumer of architectural a paint product in California the state had an opportunity to recycle and properly manage their postconsumer paint on a state wide through the manufacturer or stewardship organization's program, including the number, location, and type of approved collection points sites located in the state.

(i) Identify whether each approved collection site is a permanent collection site pursuant to section 48701(i) of the Public Resources Code or a temporary collection site pursuant to section 48701(n) of the Public Resources Code.

(ii) Identify whether each approved collection site is a retailer, local household hazardous waste collection program, or other type of approved collection site or system, such as a collection event, large volume collection program, consumer mail-back, or other collection mechanism.

(C) ~~Description~~ A description of best management practices followed by service providers that are acting as approved collection points sites, which may include any training that the manufacturer or stewardship organization provided, or required of service providers to provide, to ensure proper collection and management of postconsumer paint.

(D) ~~A statement that~~ description of how the manufacturer or stewardship organization coordinated with retailers and existing household hazardous waste collection programs and retailers as potential approved collection points sites pursuant to section per § 18953(a)(3)(E)(4)(D) and (F) during the reporting period preceding calendar year.

~~(4)(5) Description~~ A description of performance goals and activities based on the stewardship plan. State performance goals from the approved stewardship plan; and the ~~baseline~~ baselines from which the performance goals were measured, and report on achievement of the performance goals during the ~~reporting period~~ preceding calendar year. Describe any assumptions and data sources used in calculating the performance goals, if applicable. If the performance goals were not met, describe efforts made to achieve compliance. Describe any adjustments to goals stated in the approved stewardship plan that may be made for the upcoming reporting period and accompanying rationale for those changes. The annual report must include quantitative information and discussion on the following categories pursuant to ~~PRC § sections~~ 48705(a) and PRC § 48703(d)48703.2 of the Public Resources Code:

(A) The total volume of ~~architectural~~ paint products sold, by type, in the state during the preceding ~~reporting period~~ calendar year.

(i) For reports submitted before 2029 or the approval of a stewardship plan or plan amendment that includes nonindustrial coatings, coating-related products, and aerosol coating products, the report shall include the volume of architectural coatings sold.

(ii) For reports submitted after 2029 or the approval of a stewardship plan or plan amendment that includes nonindustrial coatings, coating-related products, and aerosol coating products, the report shall include the volume of architectural coatings, nonindustrial coatings, coating-related products, and aerosol coating products sold.

(B) The total volume of postconsumer ~~architectural~~ paint recovered, by type, in the state during the preceding ~~reporting period~~ calendar year.

(i) For reports submitted before 2029 or the approval of a stewardship plan or plan amendment that includes nonindustrial coatings, coating-related products, and aerosol coating products, the report shall include the volume of latex architectural coatings and oil-based architectural coatings recovered.

(ii) For reports submitted after 2029 or the approval of a stewardship plan or plan amendment that includes nonindustrial coatings, coating-related products, and aerosol coating products, the report shall include the volume of latex architectural coatings, oil-based architectural coatings, nonindustrial coatings, coating-related products, and aerosol coating products recovered. Also report the total volume of leftover propellant captured from aerosol coating products.

(C) ~~Disposition~~ The disposition of postconsumer paint collected, by type, and by estimated volume sent to each processing method, including name(s) and corporate address(es) for contracted processors for each.

(i) For reports submitted before 2029 or the approval of a stewardship plan or plan amendment that includes nonindustrial coatings, coating-related products, and aerosol

coating products, the report shall include the disposition of latex architectural coatings and oil-based architectural coatings.

(ii) For reports submitted after 2029 or the approval of a stewardship plan or plan amendment that includes nonindustrial coatings, coating-related products, and aerosol coating products, the report shall include the disposition of latex architectural coatings, oil-based architectural coatings, nonindustrial coatings, coating-related products, and aerosol coating products.

(D) The number of containers collected, by type, and the estimated number sent to each disposition method, including but not limited to recycling, landfill, and incineration.

(i) For reports submitted before 2029 or the approval of a stewardship plan or plan amendment that includes nonindustrial coatings, coating-related products, and aerosol coating products, the report shall include the number of containers of architectural coatings.

(ii) For reports submitted after 2029 or the approval of a stewardship plan or plan amendment that includes nonindustrial coatings, coating-related products, and aerosol coating products, the report shall include the number of containers of architectural coatings, nonindustrial coatings, coating-related products, and aerosol coating products.

~~(5)(6) Financing Mechanism. The annual report shall include the total cost of implementing the architectural paint stewardship program and an evaluation of how the stewardship program's funding mechanism operated, including whether or not the funding was sufficient to recover, but not exceed, the administrative, operational, and capital costs of the manufacturer or stewardship organization's stewardship program. Include a statement that any surplus funds are put back into the program to reduce the costs of the program, including the assessment amount. Any proposed change in the amount of the architectural paint stewardship assessment must be submitted to the department for re-approval (see § 18952. Submittals). If a manufacturer or stewardship organization conducts activities that are separate from the implementation and management of the California paint stewardship program, then the~~
The annual report shall include documentation on how the collection and expenditure of assessment funds shall be were kept separate from other activities of the manufacturer or stewardship organization and the methodology for distribution of shared costs. Consistent with PRC §sections 48705(a)(5)(7) and 48705(a)(8) of the Public Resources Code, the annual report shall include the following:

(A) Assessment amount per container

(B) Total program cost

(C) Capital costs

(C) Administrative costs with a separate line item for the annual administrative fee for service payments to the department.

(D) Operational costs, including:

(i) Collection costs

(ii) Transportation costs

(iii) Processing costs

(iv) Education and outreach costs

(v) Other operational costs

~~(D) Cost(\$)/capita~~

~~(E) Cost (\$)/gallon collected~~

~~(F) Education/Outreach (% of total program cost)~~

~~(G) End-of-life materials management (% of total program cost, with line items for reuse, transportation, recycling, fuel incineration, and proper disposal)~~

~~(H) Program administration (% of total program cost, including annual administrative fee for service payments to the department)~~

(E) Capital costs

~~(I)(F) Surplus funding, if any, and how it will be applied to reduce program costs. A description of whether or not the stewardship program's funding mechanism met the reserve policy pursuant to section 18953(a)(5)(C), including any surplus funding. Describe how any surplus funds are put back into the program to reduce the costs of the program, including the assessment amount. Any proposed change in the amount of the assessment must be submitted to the department for approval pursuant to section 18952.~~

(i) If an independent financial audit concludes that a manufacturer or stewardship organization's reserve amount was inconsistent with the manufacturer or stewardship organization's reserve policy, the manufacturer or stewardship organization shall conduct an evaluation of the program's expenses and revenue within 90 days of submittal of the annual report to determine if changes are needed to the program's funding mechanism. Upon completion, the evaluation shall be submitted to the department consistent with section 18952.

~~(6) Education and Outreach. Describe educational and outreach activities in context of those identified in the stewardship plan. Provide a description of educational materials that were provided to retailers, consumers, and contractors during the reporting period and provide electronic examples of these materials. Identify any method(s) used to determine the effectiveness of educational and outreach efforts (e.g., surveys, hits on specific web pages, number of participants at events, etc.), if applicable. These education and outreach materials may include, but are not limited to, any of the following per PRC § 48703(e):~~

~~(A) Signage that is prominently displayed and easily visible to the consumer.~~

~~(B) Written materials and templates of materials for reproduction by retailers to be provided to contractors and consumers at the time of purchase or delivery or both.~~

~~(C) Promotional materials or activities, or both, that explains the purpose of paint stewardship and the means by which it is being carried out.~~

~~(D) Links to website(s) created and maintained by the stewardship organization.~~

~~(7) Audits. The annual report shall include an An independent financial audit of the California Architectural Paint Product Recovery Program funded from the paint stewardship assessment. The audit shall be conducted in accordance with auditing standards generally accepted in the United States of America, and standards set forth in Government Auditing Standards issued by the Comptroller General of the United States. The financial audit submitted to the department shall be prepared by an Independent Certified Public Accountant (CPA). The CPA shall not perform non-audit services for the manufacturer or stewardship organization that would impair independence as defined in the Government Auditing Standards issued by the Comptroller General of the United States (e.g., such as accounting services, development of internal controls, or management decisions). The independent financial audit shall include:~~

~~(A) California Architectural Paint Product Recovery Program financial statements, as required by GAAP.~~

~~(i) Manufacturers with an approved stewardship plan shall provide independent financial audit information only as it pertains to the California Paint Product Recovery Program.~~

~~(B) An opinion on the manufacturer or stewardship organization's compliance with the financial aspects of PRC §section 48700 of the Public Resources Code and Title 14, Division 7, Chapter 11, Article 2 of the California Code of Regulations.~~

~~(C) Findings and recommendations as they relate to the financial aspects of the Architectural Paint Product Recovery Program.~~

(D) A Management Letter, if issued, by the manufacturer or stewardship organization's CPA.

(8) A description of education and outreach activities consistent with the manufacturer or stewardship organization's approved stewardship plan pursuant to section 48703.4 of the Public Resources Code and section 18953(a)(6). Provide a description of educational and other outreach materials that were provided to retailers, consumers, and contractors during the preceding calendar year and provide electronic examples of these materials. Identify any method(s) used to determine the effectiveness of education and outreach efforts, if applicable, which may include surveys, hits on specific web pages, and number of participants at events.

Authority cited: Sections 40401, ~~and~~ 40502, 48701.1, and 48707, Public Resources Code.

Reference: Sections 48700, 48701.1, 48703, 48703.1, 48703.2, 48703.3, 48703.4, 48703.5, and 48705, Public Resources Code.

Section 18955. Civil Penalties.

~~A civil penalty may be administratively imposed by the department on any person who is in~~ Any violation of any provision of this Article or Chapter 5, commencing with section 48700, Part 7, Division 30 of the Public Resources Code constitutes grounds for the department to administratively impose a civil penalty. The responsible party or parties shall be determined by the department and civil penalties shall be based on the totality of the circumstances.

(a) Any manufacturer offering ~~architectural paint products~~ architectural paint products for sale in California or a manufacturer or stewardship organization submitting a stewardship plan or annual report to the department is subject to enforcement under this Article. ~~Architectural paint~~ Paint product manufacturers are subject to penalties as a result of the failure of their designated stewardship organization to comply with this Article on their behalf.

~~(b) Notwithstanding paragraph (a), an architectural paint manufacturer is not subject to any penalty for failing to comply if that manufacturer can demonstrate that it provided true and accurate information to the stewardship organization and the stewardship organization failed to properly report this on behalf of the manufacturer.~~

~~(c) A stewardship organization is not subject to a penalty for failure to comply as a result of submitting false or misleading information if it can demonstrate that it received false~~

or misleading information from an architectural paint manufacturer that was the direct cause of its failure to comply with this Article.

(d)(b) Any manufacturer, distributor, importer, wholesaler, or retailer that offers architectural paint products for sale in the state is subject to enforcement under this Article.

Authority cited: Sections 40401, and 40502, 48701.1, 48703.1, and 48707, Public Resources Code.

Reference: Sections 48700, 48702, and 48704, and 48706.1, Public Resources Code.

~~Section 18955.1. Amount of Civil Penalties and Administrative Penalty Schedule.~~

~~(a) Civil penalties may be imposed administratively in accordance with the following penalty tables:~~

~~(1) Base Penalty Table I is to be used for stewardship organizations and architectural paint manufacturers.~~

~~(A) Identify what violations have occurred.~~

~~(B) Identify the severity of the violations.~~

~~(C) Establish the possible range of the base penalty per violation based on the severity levels described in paragraph (b).~~

Base Penalty Table I: For Stewardship Organizations and Architectural Paint Manufacturers		
<i>Violation</i>	<i>Description of Violation</i>	<i>Severity</i>
PRC 48702(b)(1)	Selling or offering for sale in this state, to any person in this state, architectural paint that is not covered under a department approved stewardship plan or listed as a compliant product on the department's website.	Level 3
PRC 48702(a) and 48703(a)	Failure to submit, individually or through a stewardship organization, an architectural paint stewardship plan to the department	Level 3
14 CCR 18952(b)(3)	Failure to resubmit a stewardship plan or provide supplemental information within 60 days after receiving a notice of disapproval or conditional approval from the department	Level 1
PRC 48704(e)	Failure to implement an architectural paint stewardship program described in a department approved stewardship plan	Level 3

PRC 48704(e)	Failure to pay an annual administration fee to the department	Level 3
PRC 48705(a)	Failure to submit, individually or through a stewardship organization, an annual report to the department	Level 3
PRC 48705(a)	Annual report does not contain required elements	Level 2
14 CCR 18956	Failure to meet record keeping requirements	Level 2

(2) Base Penalty Table II is to be used for retailers.

(A) Identify what violations have occurred.

(B) Identify the severity of the violations.

(C) Establish the possible range of the base penalty per violation based on the severity levels described in paragraph (b).

Base Penalty Table II: For Retailers		
<i>Violation</i>	<i>Description of Violation</i>	<i>Severity</i>
PRC 48702(b)(1)	Selling or offering for sale in this state, to any person in this state, architectural paint that is not covered under a department approved stewardship plan or listed as a compliant product on the department's website.	Level 3
14 CCR 18956	Failure to meet record keeping requirements.	Level 2

(b) For the purpose of implementing this Article, penalty severity levels are described as follows:

(1) For a violation classified as Level 1, the amount of the base penalty may be up to \$1,000 per day.

(2) For a violation classified as Level 2, the amount of the base penalty may be up to \$5,000 per day.

(3) For a violation classified as Level 3, the amount of the base penalty may be up to \$10,000 per day.

(c) A penalty amount may exceed \$1,000 per day only if a person intentionally, knowingly, or negligently violates this Article.

(d) The department will set the final penalty amount after considering the criteria set forth in § 18955.2. The department may increase the final penalty beyond the penalty range established pursuant to paragraphs (a) and (b), if it determines, after considering the criteria set forth in § 18955.2, that such an increase is warranted and appropriate.

(e) If the department sets an aggregated penalty amount for multiple violations, the aggregated penalty amount shall not exceed \$1,000 per day per manufacturer, stewardship organization, or retailer. If a person intentionally, knowingly, or negligently violates this Article, the aggregated penalty amount shall not exceed \$10,000 per day per manufacturer, stewardship organization, or retailer.

Authority cited: Sections 40401, and 40502, Public Resources Code. Reference: Sections 48700, 48702, 48703, 48704 and 48705, Public Resources Code; and Section 11506, Government Code.

Section 18955.2. Criteria to Impose a Civil Penalty.

In assessing or reviewing the amount of civil penalty imposed for a violation of this chapter, the department or the court shall consider all the following:

- (a) The nature, circumstances, extent, and gravity of the violation(s).
- (b) The number and severity of the violation(s).
- (c) Evidence that the violation was intentional, knowing, or negligent.
- (d) The size of the violator.
- (e) History of violation(s) of the same or similar nature.
- (f) The willfulness of the violator's misconduct.
- (g) Whether the violator took good faith measures to comply with this chapter and the period of time over which these measures were taken.
- (h) Evidence of any financial gain resulting from the violation(s).
- (i) The economic effect of the penalty on the violator.
- (j) The deterrent effect that the imposition of the penalty would have on both the violator and the regulated community.
- (k) Any other factor that justice may require.

Authority cited: Sections 40401, and 40502, Public Resources Code. Reference: Section 48704, Public Resources Code.

Section 18955.3. Procedure for Imposing Civil Penalties.

(a) Civil penalties ~~may~~ shall be administratively imposed in accordance with the procedures outlined in the Administrative Procedure Act starting at Chapter 4.5, ~~(commencing with § 11500)~~ section 11445.10 of Part 1 of Division 3 of Title 2 of the Government Code ~~with the exception of Government Code § 11505(e).~~ Administrative Procedure for Informal Administrative Hearings may be found at 14 California Code of Regulations sections 17063.1 et seq.

(b) ~~The accusation or complaint and all accompanying documents may be served on the respondent by the following means:~~

~~(1) Personal service.~~

~~(2) Substitute service by using the same service procedures as described in § 415.20 of the Code of Civil Procedure.~~

~~(3) Certified Mail: For respondents who have submitted a stewardship plan, certified mail or registered mail if the letter containing the accusation or complaint and accompanying material is mailed, addressed to the respondent at the latest facility or mailing address(es) provided in the stewardship plan on file with the department. Any address provided in the stewardship plan may be used for service of process. Proof of service of the accusation or complaint shall be the certified mail receipts or registered mail receipts proving the accusation or complaint and accompanying materials were sent to respondent by certified mail or registered mail. For respondents who have not submitted or are not required to submit a stewardship plan to the department, certified mail or registered mail pursuant to the procedures indicated in the Administrative Procedure Act at § 11505(c) of the Government Code applies.~~

~~(c) Civil penalties may be imposed pursuant to the Public Resources Code § 48704(f) in the discretion of the trier of fact in the civil proceeding.~~

Authority cited: Sections 40401 and, 40502, 48701.1, and 48707, Public Resources Code.

Reference: Sections 48704, and 48706.1, Public Resources Code; and Section 1150011445.10, Government Code.

Section 18955.4. Procedure for Stewardship Plan Revocation, Resubmittal, or Additional Compliance Reporting.

(a) If the department finds that a stewardship organization, manufacturer, distributor, importer, wholesaler, or retailer has failed to meet a requirement of this Article or Chapter 5 of Part 7 of Division 30 of the Public Resources Code, that constitutes grounds for the department to, in addition to imposing any civil penalties authorized under this Article and Chapter 5 of Part 7 of Division 30 of the Public Resources Code, take one or all of the following actions:

(1) Revoke a previously approved stewardship plan,

(2) Require resubmittal of the stewardship plan,

(3) Require additional reporting to demonstrate compliance with the requirement(s), of this Article or Chapter 5 of Part 7 of Division 30 of the Public Resources Code, which were required pursuant to Section 18955, and/or.

(4) Require additional records demonstrating corrective action to address specific noncompliance finding(s).

(b) Before revoking a previously approved stewardship plan, requiring resubmittal of an approved stewardship plan, or requiring additional compliance reporting, the department shall issue a written notice to the respondent of the department's intent to revoke an approved stewardship plan, require resubmittal of an approved stewardship plan, require additional compliance reporting, or all three. The notice shall state the legal and factual basis for the proposed action.

(c) The notice described in subdivision (b) shall be served on the respondent by one of the following means:

(1) Personal service;

(2) Substitute service by using the same service procedures as described in section 415.20 of the Code of Civil Procedure;

(3) Certified Mail or registered mail; or

(4) Electronically, with the consent of the respondent.

(d) A respondent may submit to the department a request for hearing to contest the proposed action within thirty (30) days of service of the notice issued pursuant to subdivision (b). The hearing request shall be in writing and shall state the basis for objecting to the department's action. Upon a failure to submit a timely hearing request under this subdivision, the respondent shall be deemed to have waived its right to hearing, which constitutes grounds for the department to revoke an approved stewardship plan, require resubmittal of an approved stewardship plan, require additional compliance reporting, or all three. Respondents in-state and out-of-state shall be held to the same deadline for requesting a hearing, regardless of method of service.

(e) Upon receipt of a conforming request for hearing, the department shall schedule and conduct a hearing in accordance with the procedures outlined in the Administrative Procedures Act at Chapter 4.5 (commencing with section 11445.10) of Part 1 of Division 3 of Title 2 of the Government Code.

(f) The department's director or designee shall issue a written decision within sixty (60) days from the date the hearing is concluded.

Authority cited: Sections 40401, 40502, 48701.1, and 48707, Public Resources Code. Reference: Sections 48703, 48703.1, 48703.2, 48703.3, 48703.4, and 48703.5, Public Resources Code; Section 415.20, Code of Civil Procedure; and Section 11445.10, Government Code.

Section 18956. Record Keeping Requirements.

(a) Each stewardship organization, manufacturer, distributor, importer, wholesaler, or retailer required to comply with Chapter 5, ~~(commencing with §section 48700, Part 7, Division 30 of the Public Resources Code)~~, shall:

~~(a)(1)~~ Maintain records to support the requirements in this Article. Stewardship organizations and manufacturers must maintain records to support §section 18954. Retailers and distributors must provide access to existing records on all architectural paint products sold or offered for sale in the state including:

~~(1)(A)~~ The manufacturer of the paint product.

~~(2)(B)~~ The date(s) the retailer obtained or purchased the paint product from the manufacturer, distributor, importer, or wholesaler.

~~(3)(C)~~ The date(s) the retailer sold the paint products.

~~(4)(D)~~ Certification letter(s) from the department, if provided by a manufacturer, to demonstrate that the paint product from the manufacturer is or was subject to a department-approved stewardship plan at the time the paint products were obtained or purchased. A retailer must provide access to a certification letter only if it is being used as proof of compliance, pursuant to ~~PRC § 48702(c)(2)~~section 48706(a) of the Public Resources Code, that a manufacturer not listed on the department's internet website is in compliance and ~~may has met the program requirements to~~ sell or offer for sale paint products in or into California.

~~(b)(2)~~ Provide the department with reasonable and timely access, which includes consent to enter the facility and operations during normal business hours and to obtain as determined by the department, to its facilities, operations, and any relevant records necessary to determine compliance with this Article and with Chapter 5, commencing with section 48700, Part 7, Division 30 of the Public Resources Code, upon request. Retailers, distributors, importers, and wholesalers will maintain and provide access to records required by this Article for ~~3~~three years. Manufacturers and stewardship organizations will maintain and provide access to records required by this Article for three years after submission of the annual report which relies upon those records.

~~(3)~~ Provide the department with access within 14 days to any data, studies, reports, or other records that were funded through the stewardship assessment, upon written request.

~~(c) The department may take disciplinary action against any stewardship organization or manufacturer who fails to provide the department with access pursuant to this subdivision. If any stewardship organization or manufacturer fails to comply after the imposition of a civil penalty, the department may immediately remove the manufacturer(s) from the department's list of manufacturers that are in compliance with Chapter 5 (commencing with § 48700), Part 7, Division 30 of the Public Resource Code.~~

Authority cited: Sections 40401 and 40502, 48701.1, and 48707, Public Resources Code.

Reference: Sections 48700, 48702, 48703, 48704 and 48705, and 48706, Public Resources Code.

Section 18957. Proprietary, Confidential, or Trade Secret Information.

Records supplied to the department pursuant to this Article that are, at the time of submission, claimed to be proprietary, confidential, or trade secret ~~shall be~~ are subject to the provisions in Title 14, California Code of Regulations, Division 7, Chapter 1, Article 4, (commencing with ~~§section~~ 17041), and in ~~PRC § 48704(b)~~ section 48703(c) of the Public Resources Code. In addition to these requirements, a manufacturer or stewardship organization shall comply with the submittal requirements concerning Proprietary, Confidential, or Trade Secret information under section 18952(a)(4).

Authority cited: Sections 40401 and 40502, 48701.1, and 48707, Public Resources Code; and Section ~~62537927.705~~, Government Code.

Reference: Sections 48700, 48702, 48703, 48704, 48705, and 48706, Public Resources Code; and Sections ~~62507920.000~~ et seq., Government Code.

Section 18958. Service Payments to Department of Resources Recycling and Recovery.

~~(a) The department director, or his/her delegated authority, shall approve the annual administrative fee described in Public Resources Code Section 48704, subdivision (e) for the full administration and enforcement costs at a public meeting that will occur no later than September 30, commencing in 2012. The fee shall reflect the department's actual costs to administer and enforce this chapter for the period from July 1 of the prior~~

~~year through June 30 of the current year. The department's costs shall include the cost of staff, overhead expenses applicable to staff, contract services, and any other expenses incurred in administering or enforcing the program and in developing this regulation and the program. For payments due in 2012, the fee shall also reflect the department's actual costs incurred in developing this regulation and the program for the period from October 1, 2010 through June 30, 2011. The department will provide unofficial staff estimates upon request prior to the public meeting notification to assist a manufacturer or stewardship organization with program budgetary planning, however, actual costs will not be known until that public meeting.~~

(a) The department's costs shall include the actual and reasonable regulatory costs, including the full personnel costs related to the administration, implementation, and enforcement of this Article and Chapter 5, commencing with section 48700, Part 7, Division 30 of the Public Resources Code. Costs shall include labor, fringe benefits, travel, equipment, supplies, and contracts, as well as costs calculated using section 9213.1 of the State Administrative Manual, including for general administration, budgeting, accounting, business services, training, and legal. The fee shall also reflect the department's actual regulatory development costs and other startup costs incurred before the submittal of a stewardship plan and approval of a stewardship plan.

(b) The department fee shall be prorated, if there is more than one stewardship plan, by the number of approved or conditionally-approved plans.

(c) The department shall issue invoices to each manufacturer or stewardship organization to which this section applies ~~by September 30 each year. Payment is due annually on October 31,~~ and the invoices shall be paid according to section 48704(b) of the Public Resources Code.

Authority cited: Sections 40401, 40502, and 48704, Public Resources Code.

Reference: Sections 48700, 48703, 48703.1, and 48704, Public Resources Code.



April 17, 2026

Steven Cliff
Executive Officer
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Re: Comments on the 15-Day Notice and Proposed Amendments to the Advanced Clean Fleets Regulation State and Local Government Fleets (April 2, 2026)

Dear Dr. Cliff:

The undersigned local governments, private fleet owners, and organizations appreciate the opportunity to submit comments on the Advanced Clean Fleets (“ACF”) regulation during this 15-day comment period.

The proposed amendments and staff’s corresponding explanation of changes in the 15-day notice imply CARB intends to significantly increase the scope of the regulation and, in turn, the scope of local government responsibility. These modifications, if interpreted to include contracted fleets, introduce substantial new requirements affecting both contracted service providers and state and local government entities acting as hiring agencies. The scope, substance, and timing of these changes raise serious procedural and practical concerns.

The proposed revisions and the purported staff interpretation have created material ambiguity regarding how these provisions are intended to operate in practice. If the 15-Day Package intends to fold municipally contracted fleets into state and local government compliance obligations, such a shift effectively converts municipal procurement and service delivery into a vehicle for state enforcement, exposing local governments to increased costs, reduced contractor availability, and diminished flexibility in negotiating long-term service agreements, particularly for essential services like waste hauling, street sweeping, construction, and public works.

These provisions would appear to extend ACF compliance beyond fleet ownership and into third-party contractual relationships—an enforcement structure that was not proposed, evaluated, or described in the original rulemaking materials.

This concern is compounded by CARB's prior repeal of the High Priority Fleet requirements, which had previously applied to many of the same private operators now implicated by the 15-day modifications. The current proposal effectively reintroduces similar compliance obligations through a different regulatory mechanism, without notice or analysis in the originally noticed rulemaking.

Neither governments nor private contractors were provided notice of these fundamental changes prior to this brief comment period. As a result, affected parties were denied a meaningful opportunity to evaluate and comment on these provisions. These 15-Day changes are not technical refinements, and they do not represent the direction provided by the Board at the September 2025 Board meeting. They represent a fundamental restructuring of the ACF regulatory framework, introduced at the final stage of rulemaking.

Given the scope and significance of these changes, the undersigned organizations respectfully request that CARB expressly clarify that contracted fleets are not subject to the current rulemaking.

Thank you for considering our comments.

Sincerely,

Alex Braicovich, Senior Vice President,
Environmental Services, CR&R
Environmental

David Button, South San Francisco
Scavenger

Michael Caprio, Republic Services

Damon Conklin, League of California
Cities

Gene Della Zoppa, Mill Valley Refuse

David Fahrion, California Waste and
Recycling Association

Mark Figone, East Bay Sanitary Co.

Staci Heaton, Rural County
Representatives of California

Joe LaMariana, Executive Director,
RethinkWaste

Mike Lewis, Construction Industry Air
Quality Coalition

Julia Mangin, Recology

Mark Neuburger, California State
Association of Counties

Veronica Pardo, Resource Recovery
Coalition of California

Christy Pestoni, Waste Connections

Kish Rajan, Mt. Diablo Resource Recovery

Alessandra Magnasco, California Fuels
and Convenience Alliance

Chris Valbusa, Alameda County
Industries

Justin Wilcock, Marin Sanitary Service

Christine Wolfe, WM of California

Second Notice of Public Availability of Modified Text

Proposed Amendments to the Advanced Clean Fleets and Low Carbon Fuel Standard Regulations

Public Availability Date: June 1, 2026
Deadline for Public Comment: June 16, 2026

At its September 25, 2025, public hearing, the California Air Resources Board (CARB or Board) approved the amendments to sections 2013, 2013.1, 2013.2, 2013.3, 2013.4, 95486.3, and the adoption of new sections 2013.5, 2013.6, 2013.7, Title 13 and 17, California Code of Regulations. Additionally, the Board approved the repeal of sections 2014 and 2015, Chapter 1, Article 3.2, Title 13, California Code of Regulations. The actions taken repealed the Drayage, High Priority, and Federal Fleet requirements from the Advanced Clean Fleets (ACF) Regulation, providing greater certainty to those entities that they do not need to demonstrate compliance. The Title 13 amendments fully satisfy the statutory requirements of Assembly Bill (AB) 1594, and the Low Carbon Fuel Standard (LCFS) amendments to Title 17 provide stronger crediting support for hydrogen stations and more adequately support development of stations that can accommodate the refueling demand of larger medium-duty hydrogen fuel cell electric vehicles.

The Board directed the Executive Officer to determine if additional conforming modifications to the regulation were appropriate and to make any proposed modified regulatory language available for public comment, with any additional supporting documents and information, for a period of at least 15 days as required by Government Code section 11346.8. The Board further directed the Executive Officer to consider written comments submitted during the public review period and make any further modifications that are appropriate available for public comment for at least 15 days and present the regulation to the Board for further consideration if warranted, or take final action to adopt the regulation after addressing all appropriate modifications.

On April 2, 2026, CARB posted proposed modifications (First 15-Day Changes) to its public website and made modified regulatory language available for public comment. The First 15-Day Changes proposed to amend sections 2013, 2013.1, 2013.2, 2013.3, 2013.4, 2013.5, and 2013.6, and to renumber section 2013.7 as section 2049.

The resolution and all other regulatory documents for this rulemaking are available online at the following CARB website: <https://ww2.arb.ca.gov/rulemaking/2025/acfab1594>.

CARB has determined that additional modifications are appropriate for the proposed amendments and has developed the proposed modifications (Second 15-Day Changes) as stated below in the “Summary of Proposed Modifications” section of this notice. These changes make explicit the existing requirement that vehicles being operated by State and local

governments, including those through a contractual arrangement, are part of the government entity's fleet for purposes of the regulation. These proposed amendments remove any apparent ambiguity, as raised in comments on the proposal. The Attachments showing the specific proposed modifications to the text of the proposed regulation being made with these Second 15-Day Changes are shown in multiple ways in order to meet the requirements of the Administrative Procedure Act (APA) while also posting alternate/complementary versions that provide increased accessibility to view the modifications in multiple ways.

The Attachments are as follows:

Attachment A - Amendments to Sections 2013, 2013.4 and 2049 of Title 13, California Code of Regulations:

- Attachment A-1, Proposed Second 15-Day Modifications to Proposed Regulation Order (compared to version released April 2, 2026, for the First 15-day comments)
- Attachment A-2: ~Alternative format to Attachment A-1~
- Attachment A-3: Cumulative Proposed Modifications to the existing Regulation (First and Second 15-Day Modifications and 45-Day Modifications combined and compared to original regulatory text) in Alternative format

The Attachments showing the specific proposed modifications to the text of the proposed regulation orders available for comment with this Notice are provided in the two formats denoted with the suffixes "-1" and "-2."

In the version denoted Attachment A-1, the 45-Day Changes (proposed regulatory language as posted on July 29, 2025) and the First 15-Day Changes (proposed regulatory language as posted on April 2, 2026) are shown in "normal type." The deletions and additions to the first 45-Day Changes and the First 15-Day Changes that comprise the Second 15-Day Changes that are being made public and available for comment with this Notice are shown in ~~strikeout~~ to indicate deletions and underline to indication additions.

In the version denoted Attachment A-2, the Second 15-Day Changes are provided in a tracked-changes format to meet the requirement for accessible electronic documents. The 45-Day Changes and the First 15-Day Changes are incorporated into this version as plain, clean text because they are not being made available for public comment by this Notice. The Proposed Second 15-Day Changes are shown in tracked changes and are made public with this Notice and available for comment. To review this document in a clean format, without underline or strikeout to show changes, that shows all the proposed regulations being considered for adoption, please select "Simple Markup" or "No Markup," or accept all changes in Microsoft Word's Review menu. You can also change the view to the initially proposed 45-Day Changes (originally proposed regulatory text prior to these proposed modifications) with the First 15-Day Changes incorporated by selecting "Original" or rejecting all tracked changes. Additionally, "Advanced Track Changes Options" will allow for further options regarding color and other markings.

In the version denoted Attachment A-3, the existing, original regulatory language currently adopted into the California Code of Regulations (pre-45-Day Changes) is shown as plain, clean text, while the 45-Day Changes and the proposed First and Second 15-Day Changes are combined and shown in tracked changes. To review the net proposal in this document in a clean format (no underline or strikeout to show changes), please select "Simple Markup" or "No Markup" in Microsoft Word's Review menu or accept all changes. You can also change the

view to the original (originally proposed regulatory text *prior* to any proposed modifications, or 45-Day Changes) by selecting “Original” or rejecting all tracked changes. By progressing through the changes and comparing them with the 15-Day Changes, the public can see the net and stepwise changes being proposed in relation to existing law. Please refer to the version denoted A-1 to review the Second 15-Day Changes available for comment and its companion/alternate version A-2 to view an accessible version showing the Second 15-Day Changes.

In the Final Statement of Reasons, staff will respond to all comments received on the record during the comment periods. The APA requires that staff respond to comments received regarding all noticed changes. Therefore, staff will only address comments received during this second 15-day comment period that are responsive to this notice or the changes detailed in Attachment A-1.

Summary of Proposed Modifications

The following summary does not include all modifications to correct typographical or grammatical errors, changes in numbering or formatting, nor does it include all of the non-substantive revisions made to improve clarity.

1. In section 2013(a)(1), Fleet Applicability, the language “Except for excluded vehicles as specified in section 2013(c)” was deleted, and the language “rents, contracts for the operation of” was added. This change is necessary to remove unnecessary redundancy because the vehicle exclusions of section 2013(c) language is already included in the existing “Vehicle Scope” language of section 2013(a)(1)(2). The addition of “rents, contracts for the operation of” was added to explicitly state the applicability of the regulation to such vehicles being operated by or for government entities subject to the regulations. This interpretation follows the intent and necessarily implicit meaning of the original regulation. These changes are being proposed in response to stakeholder requests for clarification during the first 15-day public comment period. These Second 15-Day Changes provide the necessary language to ensure consistent interpretation between State or local government agencies that operate their own fleet, rent or lease vehicles in their fleet, and contract for the operation of their fleet.
2. In section 2013(b) in the definition for “Fleet” or “total fleet,” the language “or operated” was added. And the language “rental or leased” was replaced with “contracted.” These changes are necessary to make explicit that the fleet includes all vehicles being operated by or for the governmental entity, including those under contract, and are necessary to conform with the changes made to section 2013(a)(1), Fleet Applicability.
3. In section 2013(b) in the definition for “Fleet owner,” the language “rents, leases, operates, or contracts for the operation of” was added. This change is necessary to conform with the changes made to section 2013(a)(1), Fleet Applicability, for the same reasons.
4. In section 2013(b) in the definition for “Removed from the California fleet,” the language “its,” “fleet,” and “removed from a contract” were added. This change is necessary to ensure a consistent interpretation that when a State or local government agency removes a vehicle from its California fleet, this also includes an act to remove any vehicles no longer under a contract. These changes are necessary to ensure a

consistent interpretation that a State or local government agency's compliance requirements do not include vehicles that have been removed from their California fleet.

5. In section 2013(b) in the definition for "Vehicle purchase" or "purchase," the language "has placed an order to acquire the legal or equitable title to a vehicle or to convert a vehicle to a ZEV; or entered into a lease agreement with a contract term of one year or more" was deleted. This is necessary because those actions are already listed in more detail in subsections (A) to (D). The language "adds a vehicle to its California fleet" was added. These changes are necessary to ensure a consistent interpretation that a State or local government agency's ZEV Purchase Schedule compliance requirements are based on when they add a vehicle to their California fleet.

The language "or service contract" was added. These changes are necessary for consistency that an act of adding a vehicle to the "California Fleet" does not include renewing a service contract for a vehicle that is already in its California Fleet. These changes are also necessary to provide consistency in applying the regulation to vehicles operated by a State or local government entity in a leasing contract and those operated by another entity on behalf of a State or local government entity in a contract for vehicle services.

The language in subsection (D), "between a fleet owner and the manufacturer or authorized dealer" was deleted. This change is necessary to explicitly state that the fleet owner's action of adding a vehicle to their California fleet means all executed agreements which conforms with the previous changes.

6. In section 2013.4(b), Operator Documentation, the language "Contract" and the language "copies of any agreement contracting for vehicles or services using vehicles" was added. This change is necessary to conform with the changes made to section 2013(a)(1), Fleet Applicability.

The language "documentation identifying the entity responsible for paying the driver who is not a state or local government agency employee and any applicable shipping documentation or other documentation that identifies the origin and destination of the cargo and the pick-up and termination destination of the cargo vehicles under contract" was deleted. This change is necessary to remove confusion after the repeal of the Drayage Truck requirements. Verification of a responsible party under a common ownership and control business model is unnecessary for a State or local government agency and would be unclear.

7. In section 2049(a)(1), the language "hires and dispatches vehicles" was changed to "hires a State or local government agency or dispatches State or local government agency vehicles." These changes are necessary to explicitly state this section is applicable to agreements between a hiring entity and a State and local government agency and does not apply to an agreement with other nongovernmental entities. These changes are being proposed in response to stakeholder requests for clarification during the first 15-day public comment period.
8. In section 2049(c)(1), the language "as defined in Section 2013(b), that" and "as defined in Section 2013(b)," were added. This change is necessary as the First 15-Day

Changes renumbered this section into a new article and inadvertently removed references to these definitions. These changes are necessary to be explicit that these requirements apply to the State and Local Government Fleet definitions of “fleet owner” and “fleet.”

In addition to the modifications described above, additional modifications correcting grammar, punctuation and spelling have been made throughout the proposed changes. These changes are nonsubstantive.

The proposed modifications do not change implementation of the regulation in any way that affects the conclusions of the environmental analysis included in the Staff Report because the proposed modifications primarily consist of standardization of terms to maintain the provisions of the regulation as applied to State and local governments. Therefore, no additional environmental analysis is required.

Agency Contacts

Inquiries concerning the substance of the proposed regulation may be directed to Paul Arneja, Air Resource Supervisor, Mobile Source Control Division, at (279) 208-7342 or (designated back-up contact) Molly Munz, Air Pollution Specialist, Mobile Source Control Division, at (279) 208-7179.

Public Comments

Written comments will only be accepted on the modifications identified in this Notice. Comments may be submitted by postal mail or by electronic submittal no later than the due date to the following:

Postal mail: Clerks' Office, California Air Resources Board
1001 I Street, Sacramento, California 95814

Electronic submittal: <https://ww2.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Gov. Code § 7921.00 et seq.), your written and verbal comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

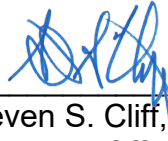
In order to be considered by the Executive Officer, comments must be directed to CARB in one of the two forms described above and received by CARB no later than the deadline date for public comment listed at the beginning of this notice. Only comments relating to the above-described modifications to the text of the regulations shall be considered by the Executive Officer.

If you need this document in an alternate format or another language, please contact the Clerks' Office at (916) 322-5594 or by facsimile at (916) 322-3928 no later than five (5) business days from the release date of this notice. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Si necesita este documento en un formato alternativo u otro idioma, por favor llame a la oficina del Secretario del Consejo de Recursos Atmosféricos al (916) 322-5594 o envíe un fax al (916) 322-3928 no menos de cinco (5) días laborales a partir de la fecha del lanzamiento de este

aviso. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Retransmisión de Mensajes de California.

California Air Resources Board



Steven S. Cliff, Ph.D.,
Executive Officer

Date: May 29, 2026

Attachment(s)

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see [CARB's website](http://ww2.arb.ca.gov) (ww2.arb.ca.gov).

Appendix A-1
Proposed Regulation Order

**The Proposed Amendments to the Advanced Clean Fleets
and Low Carbon Fuel Standards Regulations**

[Note: This version of the Proposed Regulation Order complies with Government Code section 11346.2 subdivision (a)(3). In this Attachment A-1, the 45-Day Changes (proposed regulatory language as posted on July 29, 2025) and the First 15-Day Changes (proposed regulatory language as posted on April 2, 2026) are shown in "normal type." The deletions and additions to the first 45-Day Changes and the First 15-Day Changes that comprise the Second 15-Day Changes are shown in strikeout to indicate deletions and underline to indicate additions. For ease of readability, CARB has also provided a version of the proposed amendments that can toggle between amendments in strikeout/underline and a "clean" version with amendments incorporated into the regulatory text, which can be found in Appendix A-2.]

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Chapter 1, Motor Vehicle Pollution Control Devices

Article 3.2 State and Local Government Agency Fleet Requirements

Section 2013 State and Local Government Fleet Applicability, Definitions, and General Requirements.

Section 2013.4 State and Local Government Fleet Recordkeeping.

Article 8 Hiring of Compliant Truck Fleets

Section 2049 Hiring Compliant Fleets.

Proposed Regulation Order

Title 13, California Code of Regulations

Amend Chapter 1, Article 3.2, Sections 2013, ~~2013.1, 2013.2, 2013.3,~~ and 2013.4, ~~and adopt sections 2013.5 and 2013.6~~ of title 13, California Code of Regulations, to read as follows:

Article 3.2. State and Local Government Agency Fleet Requirements

§ 2013. State and Local Government Fleet Applicability, Definitions, and General Requirements.

(a) Scope and Applicability

(1) Fleet Applicability. ~~Except for excluded vehicles as specified in section 2013(c) this~~ This article applies to any state or local government agency with jurisdiction in California that owns, leases, rents, contracts for the operation of, or operates one or more vehicles specified in section 2013(a)(2) in California on or after January 1, 2024. This article does not apply to federal fleets.

(2) Vehicle Scope. Except for excluded vehicles as specified in section 2013(c), vehicles subject to this article are vehicles that have a gross vehicle weight rating (GVWR) greater than 8,500 lbs. that are operated in California.

(b) Definitions. For the purposes of this article, the following definitions apply:

“Authorized dealer” means an independent sales, service, or repair facility that is recognized by a motor vehicle manufacturer as a sales representative or is both authorized by a motor vehicle manufacturer to perform repairs on vehicles and is in fact capable of performing repairs needed to maintain vehicles to factory specifications, including performing warranty repair work.

“Backup vehicle” means a vehicle, excluding yard tractors, that is operated infrequently as specified in section 2013.2(a).

“Battery-electric vehicle” or “BEV” has the same definition as “Electric Vehicle” in Title 40, Code of Federal Regulations (CFR), section 1037.801, last amended by the United States Environmental Protection Agency (U.S. EPA) on June 17, 2013, incorporated by reference herein.

“Box truck” means a single-unit vehicle with a fully or partially enclosed space with a roof and at least three sides designed for transporting cargo

or payload, excluding the driver and passengers. Examples include vehicles commonly referred to as step vans, refrigerated vans, dry vans, chipper trucks, and box reefer trucks.

“Broker” means any person who, as a principal or agent, sells, offers for sale, negotiates for, or holds itself out by solicitation, advertisement, or otherwise as selling, providing, or arranging for, transportation by motor carrier for compensation. A motor carrier, or person who is an employee or bona fide agent of a carrier, is not a broker when it arranges or offers to arrange the transportation of shipments which it is authorized to transport and which it has accepted and legally bound itself to transport.

“Bus” means any vehicle designed, used, or maintained for carrying more than ten persons, including the driver, and configured with seats for the primary purpose of transporting persons including the driver.

“California fleet” means the subset of vehicles in the total fleet operated in California by a fleet owner during a calendar year.

“CARB” means the California Air Resources Board.

“Configuration” means the primary intended function for which a complete vehicle is designed, or as determined by the body permanently attached to the chassis of an incomplete vehicle. Examples of configurations include bucket trucks, box trucks, concrete pump trucks, dump trucks, digger derricks, drill rigs, stake bed trucks, flatbed trucks, and tow trucks. The configuration does not include any auxiliary equipment or secondary uses of equipment added to or carried on the vehicle body. Examples of truck-mounted equipment include welding equipment, lift gates, portable tanks, generators, storage cabinets, and winches.

“Day cab tractor” means an on-road tractor without a berth at the back of the cab designed for resting or sleeping and is not a yard tractor.

“Declared emergency event” means the time period of an emergency event declared or duly proclaimed by a local governing body, state Governor, or the President of the United States during any of the conditions or degrees of emergency described in California Government Code, section 8558.

“Dedicated snow removal vehicle” means a vehicle that has permanently affixed snow removal equipment such as a snow blower or auger and is

operated exclusively to remove snow from public roads, private roads, or other paths to allow on-road vehicle access.

“Designated low population counties” means the counties of Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, Glenn, Humboldt, Inyo, Lake, Lassen, Mariposa, Mendocino, Modoc, Mono, Nevada, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity, Tuolumne, and Yuba.

“Dispatch” means to provide direction or instruction for routing a specific vehicle, whether owned or under contract, to specified destinations for specific purposes, including delivering cargo, passengers, property or goods, or providing a service.

“Emergency operation” means operation of an emergency support vehicle to help alleviate an immediate threat to public health or safety in response to a declared emergency event. Emergency operation includes emergency support vehicle travel to and from a declared emergency event when dispatched by a local, state, federal, or other responsible emergency management agency. Routine operation to prevent public health risks does not constitute emergency operation.

“Emergency support vehicle” means a vehicle other than an authorized emergency vehicle as defined in California Vehicle Code (CVC) section 165 that has been dispatched by a local, state, federal, or other responsible emergency management agency that is used to provide transport services or supplies in connection with an emergency operation.

“Energy storage system” means a system that is designed to store energy on a ZEV or NZEV, such as the battery pack or hydrogen storage tank.

“Executive Officer” means the Executive Officer of the California Air Resources Board or their delegated representative.

“Federal fleet” means vehicles owned by a department, agency, or instrumentality of the federal government of the United States of America and its departments, divisions, public corporations, or public agencies that operate in California. With respect to the Department of Defense and its service branches, federal fleets may be managed regionally, locally, or a combination of regional and local management. There may be multiple federal fleets within a branch of military service or an installation.

"Fleet" or "total fleet" means one or more vehicles owned or operated by a fleet owner. It also includes ~~rental or leased~~contracted vehicles that are considered owned by the "fleet owner" as defined in section 2013(b).

"Fleet owner" means the person or entity who owns, rents, leases, operates, or contracts for the operation of the vehicles comprising the fleet. The owner shall be presumed to be either the person or entity registered with the California Department of Motor Vehicles (DMV) as the owner or lessee of a vehicle, or its equivalent in another state, province, or country; vehicle ownership is based on the vehicle registration document or the vehicle title, except as specified below:

- (A) For vehicles that are rented or leased from a business that is regularly engaged in the trade or business of renting or leasing motor vehicles without drivers, including truck leases that are part of a bundled service agreement, the owner shall be presumed to be the rental or leasing entity for purposes of compliance, unless the rental or lease agreement for the vehicle is for a period of one year or longer.
 - 1. For vehicle leases or rental agreements for a period of one year or longer with a signed date before January 1, 2027, if the terms of the rental or lease agreement identify the renting operator or lessee of the vehicle as the party responsible for compliance with state laws, then the fleet owner shall be considered the rental or lease business.
- (B) A financing company or a person who only provides financing to a third party in the form of "finance leases," as defined in California Uniform Commercial Code section 10103(a)(7), is not considered to own the vehicles that are financed. Similarly, a financing company or a person who only provides financing to a third party for converting a vehicle to a ZEV is not considered to be the owner of the vehicle.

"Good engineering judgement" is using commonly believed scientific and mathematical principles when making a decision that seeks to maximize public benefit and minimize public harm.

"Gross vehicle weight rating" or "GVWR" means the same as CVC section 350, as indicated by the characters in the four through eight positions in a standard 17-character Vehicle Identification Number (VIN).

“Heavy front axle” means any front steering axle whose gross weight imposed upon the highway by the wheels is rated to exceed 12,500 lbs. The axle weight rating is typically found on the manufacturer’s affixed certification label which contains the gross axle weight ratings and the gross vehicle weight rating.

“Historical vehicle” means a vehicle that meets the qualifications for a historical vehicle and has been issued a historical vehicle license plate pursuant to CVC section 5004 and is operated or moved over the highway primarily for the purpose of historical exhibition or other historic vehicle club activities.

“Hubodometer” means a non-resettable device mounted on the axle of a vehicle that measures distance traveled that has a serial number and a lock-out feature that permanently prevents tampering.

“Hydrogen fuel-cell electric vehicle” or “FCEV” means a vehicle with an electric motor where energy for the motor is supplied by an electrochemical cell that produces electricity via the non-combustion reaction of hydrogen.

“Intermittent snow removal vehicle” means a vehicle that is equipped with a snow plow or snow blower mounting attachment and a control system for the plow or blower.

“Internal combustion engine vehicle” or “ICE vehicle” means a vehicle with a powertrain that includes an internal combustion engine that is powered by gasoline, diesel, natural gas, propane, or other fuel where the sole source of power is from the combustion of the on board fuel to provide motive power.

“Lessee” has the same meaning as defined in CVC section 371.

“Low-NOx ICE Vehicle” is a vehicle legally sold into California equipped with an engine certified to a NOx emission standard below the lowest applicable NOx engine standard for the 2026 or subsequent model years.

“Manufacturer” means any entity or person who manufactures or assembles new yard tractors or on-road motor vehicles, or imports such yard tractors or on-road motor vehicles for resale, or who acts for and is under the control of any such person in connection with the distribution of yard tractors or new motor vehicles, but shall not include any dealer with respect to yard tractors or new motor vehicles received in

commerce. In general, the term “manufacturer” includes any entity or person who manufactures or assembles an on-road vehicle, a yard tractor, a cab and chassis, or other incomplete on-road vehicle for sale in California, or otherwise introduces a yard tractor or new on-road motor vehicle into commerce in California. “Manufacturer” also includes any intermediate- or final-stage manufacturer who completes vehicle assembly prior to first purchase of the vehicle other than for resale. “Manufacturer” does not include entities or persons who supply parts to the importer or vehicle manufacturer of record.

“Milestone Group 1” means box trucks, vans, buses with two axles and yard tractors in the California fleet.

“Milestone Group 2” means the work trucks, day cab tractors, pickup trucks, and buses with three axles in the California fleet.

“Milestone Group 3” means the sleeper cab tractors and specialty vehicles within the California fleet.

“Minimum useful life” means the minimum time period a vehicle may remain in the California fleet. It is the later of the dates specified in subsection (A) or (B) below, as modified by subsection (C):

- (A) Thirteen years commencing from the model year that the engine and emissions control system in a vehicle was first certified for use by CARB or United States Environmental Protection Agency (U.S. EPA); or
- (B) The date that the vehicle exceeded 800,000 vehicle miles traveled or 18 years from the model year that the engine and emissions control system of that vehicle was first certified for use by CARB or U.S. EPA (whichever is earlier).
- (C) If the vehicle no longer has its originally equipped engine, or the model year of the originally equipped engine is not able to be determined, the model year of the vehicle less one year shall be used to determine when the thresholds described in subsections (A) and (B) above are met.

“Mobile ZEV fueling provider” means an entity that provides the service of, or is engaged in the sale, rental, or lease of equipment for the purpose of, delivering hydrogen fuel or electricity directly from a mobile vehicle or portable equipment into another vehicle’s fuel tank or battery for other than the dispenser’s own consumption.

“Model year” means the production period as assigned by the manufacturer when certifying an engine or vehicle for sale, pursuant to title 17, CCR, section 95662(a)(16).

“Motor carrier” means the same as defined in CVC section 408.

“Motor vehicle” means the same as defined in CVC section 415.

“Near-zero-emissions vehicle” or “NZEV” means a vehicle as defined in title 13, CCR, section 1963(c) and achieves a minimum number of miles, or “all-electric range”, as specified in title 13, CCR, section 1963.2(b)(2).

“New vehicle” means a motor vehicle, the equitable or legal title to which has never been transferred to an ultimate purchaser.

“Notice to proceed” means a written direction to a vehicle manufacturer or entity that converts vehicles to ZEVs to commence production or conversion of a vehicle as provided in a contract.

“Pickup truck” means a vehicle originally manufactured as a complete vehicle with an open box-type bed that meets the definition set forth in CVC section 471. A “pickup truck” with a removable bed cover or camper shell installed is considered a “pickup truck” for the purpose of this article.

“Rated energy capacity” means the amount of electrical energy, in watt-hours (Wh), that can be extracted from a fully charged energy storage system, based on or derived from the results of testing or analysis procedures specified in section D., “California Standards and Test Procedures for New 2021 and Subsequent Model Heavy-Duty Zero-Emission Powertrains,” adopted June 27, 2019, which is incorporated by reference herein. The rated energy capacity includes the electrical energy of the battery pack that is not accessible due to a manufacturer-programmed decrease in energy capacity for battery pack protection.

“Removed from the California fleet” means a fleet owner no longer operates a vehicle in its California fleet on or after the date the vehicle: is destroyed, scrapped, sold out of the fleet, removed from a contract, or transferred out-of-state.

“Responsible official” means either a principal executive officer, ranking elected official, or delegated representative of the State or local government agency.

“Smoke opacity test” means a test of a vehicle's emissions for smoke opacity level conducted using the procedures specified in “Society of Automotive Engineers (SAE) J1667 Recommended Practice Snap Acceleration Smoke Test Procedure for Heavy-Duty Powered Vehicles as issued in February 1996.

“Sleeper cab tractor” means a tractor with a berth at the back of the cab designed for resting or sleeping.

“Specialty vehicle” means one of the following:

- (A) A vehicle with a GVWR greater than 33,000 lbs. and with a heavy front axle; or
- (B) A vehicle with a GVWR greater than 33,000 lbs. that is not designed to carry cargo and is configured to perform work that can only be done while the vehicle is stationary and the auxiliary mechanism to perform that work is an integral part of the vehicle design. Examples include vehicles commonly known as vacuum trucks, digger derricks, drilling rigs, and concrete pump trucks.

“Standard rounding convention” means if the calculated value is not equal to a whole number, the value shall round up to the nearest whole number when the fractional part is equal to or greater than 0.5, and round down to the nearest whole number if the fractional part is less than 0.5.

“State or local government agency” means a city, county, public utility, special district, local agency or district, and any department, division, public corporation, or public agency of the State of California.

“Tractor” means an on-road vehicle meeting one of the following:

- (A) The definition of “tractor” in title 17, CCR, section 95662(a)(23); or
- (B) The definition of “vocational tractor” in title 17, CCR, section 95662(a)(27).

“TRUCRS” means Truck Regulations Upload, Compliance, and Reporting System.

“Two-engine vehicle” means a specially constructed on-road mobile vehicle that was designed by the original equipment manufacturer to be equipped with two engines: one engine provides the primary source of

motive power of the vehicle while the other engine is an auxiliary engine with 50 brake horsepower or greater that is permanently attached and integrated into the original design of the vehicle to perform a specific function, which may include providing auxiliary power to attachments, performing special job functions, or providing additional motive power. If a vehicle was originally designed with the capability to have an auxiliary engine installed, but the auxiliary engine was installed by a person or entity other than the original equipment manufacturer, the vehicle still qualifies as a two-engine vehicle. Two-engine street sweepers are not included in this definition.

“Van” means a single unit vehicle configured with seats to transport passengers or with an enclosed space for the primary purpose of transporting cargo and equipment.

“Vehicle” means either a device as defined in CVC section 670, or is a yard tractor that is not intended for use on highways.

“Vehicle awaiting sale” means a vehicle in the possession of a dealer, financing company, a private party, or other entity that does not intend to operate the vehicle in California or offer the vehicle for hire for operation in California, and it is operated only to demonstrate functionality to potential buyers, to move short distances to make repairs, or for maintenance or storage. It also includes new vehicles when driven to be delivered to the fleet owner.

“Vehicle Identification Number” or “VIN” means an alphanumeric code that has been permanently assigned by the manufacturer to a vehicle.

“Vehicle purchase” or “purchase” means an action wherein a fleet owner ~~has placed an order to acquire the legal or equitable title to a vehicle or to convert a vehicle to a ZEV; or entered into a lease agreement with a contract term of one year or more.~~ adds a vehicle to its California fleet. The action taken shall be for immediate delivery or installation and the purchaser shall have already paid for or entered into a binding agreement with an authorized dealer, entity who converts vehicles to ZEVs, third party, or manufacturer to pay for the vehicle or conversion. A vehicle purchase does not include renewing a lease or service contract agreement for a vehicle already in the California fleet. A vehicle purchase includes when the fleet owner has executed any one of the following:

- (A) Identified, committed, and encumbered funds and executed a written notice to proceed to a manufacturer, authorized dealer, or

entity who converts vehicles to ZEVs to begin production of the vehicle either:

1. Under a previously entered purchase contract; or
 2. To execute a contract option.
- (B) A written purchase agreement between a fleet owner and the manufacturer, authorized dealer, or entity who converts vehicles to ZEVs that specifies the date when the work to manufacture or convert the vehicle is to proceed;
- (C) A written purchase agreement between a fleet owner and another party for the purchase and immediate delivery of a used vehicle; or
- (D) A signed, written rental or lease agreement ~~between a fleet owner and the manufacturer or authorized dealer~~ for a new vehicle to be placed in service in the California fleet for a contract term of one year or more.

“Waste fleet” means a vehicle that supports the hauling, transferring, or processing of waste owned or operated by either:

- (A) A municipality; or
- (B) A fleet owner that is contracted with a municipality via franchise agreement or long-term contract, with either a minimum length of ten years or more, or with a minimum length of three years but includes a renewal provision when satisfying the contract terms.

“Wastewater fleet” means the vehicles owned and operated by a government agency or subdivision that owns and operates a wastewater treatment facility, and whose primary purpose is the collection, treatment, and recycling of wastewater and biosolids.

“Weight class” means the category of a vehicle’s GVWR as specified below:

- (A) “Light-duty” means a vehicle with a GVWR less than or equal to 8,500 lbs.
- (B) “Class 2b” means a vehicle with a GVWR greater than 8,500 lbs. and less than or equal to 10,000 lbs.

- (C) "Class 3" means a vehicle with a GVWR greater than 10,000 lbs. and less than or equal to 14,000 lbs.
- (D) "Class 4" means a vehicle with a GVWR greater than 14,000 lbs. and less than or equal to 16,000 lbs.
- (E) "Class 5" means a vehicle with a GVWR greater than 16,000 lbs. and less than or equal to 19,500 lbs.
- (F) "Class 6" means a vehicle with a GVWR greater than 19,500 lbs. and less than or equal to 26,000 lbs.
- (G) "Class 7" means a vehicle with a GVWR greater than 26,000 lbs. and less than or equal to 33,000 lbs.
- (H) "Class 8" means a vehicle with a GVWR greater than 33,000 lbs.

"Workday" means a calendar day a vehicle is operated in the California fleet and excludes days the vehicle is operated solely for vehicle maintenance purposes, such as being driven to a vehicle repair facility for repairs upon that vehicle.

"Work truck" means a vehicle that does not meet any of the definitions of box truck, van, bus, pickup truck, day cab tractor, sleeper cab tractor, or specialty vehicle.

"Yard tractor" means a vehicle that has a movable fifth wheel that can be elevated and is used in moving and spotting trailers and containers at a location or facility. Yard tractors are also commonly known as yard goats, hostlers, yard dogs, trailer spotters, or jockeys.

"Zero-emissions powertrain" has the same definition as title 13, CCR, section 1956.8(j)(27).

"Zero-emissions vehicle" or "ZEV" means a vehicle with a zero-emissions powertrain that produces zero exhaust emission of any criteria pollutant (or precursor pollutant) or greenhouse gas under any possible operational modes or conditions.

"ZEV fueling infrastructure" means a fueling system that provides the appropriate fuel type to power a ZEV (e.g., electric charging infrastructure or cryogenic fueling tank and dispenser).

- (c) Excluded Vehicles. The following vehicles are excluded from the requirements specified in sections 2013 through 2013.6:

- (1) School buses as defined in CVC section 545(a);
 - (2) Military tactical vehicles as described in title 13, CCR, section 1905;
 - (3) Vehicles awaiting sale;
 - (4) Emergency vehicles as defined in CVC section 165;
 - (5) Historical vehicles;
 - (6) Dedicated snow removal vehicles;
 - (7) Two-engine vehicles;
 - (8) Heavy cranes as defined in title 13, CCR, section 2021(b)(16);
 - (9) Transit vehicles subject to the Innovative Clean Transit regulations commencing with title 13, CCR, section 2023;
 - (10) Except as specified in ZEV Milestones Option of section 2013.6(a)(1), vehicles that are subject to the Zero-Emission Airport Shuttle regulations of title 17, CCR, sections 95690.1, 95690.2, 95690.3, 95690.4, 95690.5, 95690.6, 95690.7, and 95690.8; and
 - (11) Vehicles subject to the regulation for Mobile Cargo Handling Equipment at Ports and Intermodal Rail Yards commencing with title 13, CCR, section 2479.
- (d) General Requirements. Beginning January 1, 2024, fleet owners shall comply with section 2013.1 or may alternately elect to comply with the ZEV Milestones Option specified in section 2013.6 as described in section 2013(e). Renewing a vehicle lease for a vehicle that is already in the California fleet shall not be considered as a vehicle purchase for the California fleet.
- (e) ZEV Milestones Option Flexibility. Until January 1, 2030, in lieu of complying with the requirements of section 2013.1, fleet owners may instead elect to comply with the ZEV Milestones Option of section 2013.6. The fleet owner shall also report their intention to use this option as specified in section 2013.3(c)(1)(I). After electing to use this option, fleet owners are no longer subject to the requirements specified in section 2013.1. Fleet owners may switch between the ZEV Milestones Option of section 2013.6 and the ZEV Purchase Schedule of section 2013.1 until January 1, 2030, provided their California fleet was compliant with the current option in the prior calendar year, and their California fleet complies with the new option in the current year. Changing compliance options

shall be reported during the annual reporting period specified in section 2013.3(b).

- (f) NZEV Flexibility. 2035 and earlier model year NZEVs are counted the same as ZEVs for purposes of determining compliance with this article, except as specified in sections 2013.2(b) and 2013.2(d).
- (g) Joint Compliance Option. Individual departments, divisions, districts, subsidiaries, or agencies under the same state or local government agency's jurisdiction have the option to comply jointly instead of complying independently if the combined California fleet meets the requirements of this article. The California Department of General Services may comply jointly for all State agency fleets under its jurisdiction and shall exclude vehicles in subdivisions that opt to comply separately. If such departments, divisions, districts, subsidiaries, or agencies elect to utilize this compliance option and then subsequently do not fully comply with the applicable requirements of section 2013.1 or 2013.6 each of the participating entities shall then demonstrate compliance with the requirements of section 2013.1 or 2013.6 on an individual basis, dependent on whether the fleet owner elects to comply with section 2013.6. Fleet owners choosing to use this option shall meet the reporting requirement specified in section 2013.3(d). Fleet owners may comply jointly even if one or more individual subdivisions opt into the ZEV Milestones Option as specified in section 2013.6.
- (h) Reporting and Recordkeeping Requirement. Beginning January 1, 2024, fleet owners shall meet reporting requirements as specified in section 2013.3 and keep and provide records as specified in section 2013.4.
- (i) Vehicles Acquired with Incentive Funds. Beginning January 1, 2024, if a fleet owner receives California State-provided incentive funding for ZEVs or NZEVs and the funding program guidelines specify that any vehicles acquired with such funds cannot be used to determine compliance with the ZEV Purchase Schedule of section 2013.1 or ZEV Milestones Option of section 2013.6, any vehicle acquired with such funds shall not be counted as a compliant vehicle during the funding contract period. The fleet owner shall meet the reporting requirements specified in section 2013.3(c)(2)(M).
- (j) Certificate of Reported Compliance and Compliant Fleet List. If the requirements specified in sections 2013 through 2013.6 are met and the required reporting is received to demonstrate compliance, the fleet owner shall be provided with a Certificate of Reported Compliance. The CARB Advanced Clean Fleets webpage shall list the TRUCRS identification number, motor carrier number if applicable, fleet name, and whether the fleet is recognized as a "ZEV Fleet" per section

2013(n) for compliant fleets that have received a Certificate of Reported Compliance. Fleets that do not comply shall not be listed.

- (k) Sales Disclosure of Regulation Applicability. Any person subject to this article selling a vehicle subject to this article shall provide the following disclosure in writing to the purchaser on or with the bill of sale, sales contract addendum, or invoice: "A vehicle operated in California may be subject to the California Air Resources Board Advanced Clean Fleets regulations. It therefore could be subject to requirements to reduce emissions of air pollutants. For more information, please visit the CARB Advanced Clean Fleets webpage at <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets>."
- (l) ICE Vehicle Purchases. Any used ICE vehicle purchased shall have a 2010 or newer model year engine.
- (m) Transit Agency Exemption. Any vehicle that meets the criteria specified in section 2013(m)(1) or (2) below that is owned or operated by transit agencies subject to the Innovative Clean Transit regulations commencing with title 13, CCR, section 2023 is not subject to sections 2013 through 2013.6 until January 1, 2030:
 - (1) Vehicles that directly support and maintain transit service operations a majority of the time; or
 - (2) Vehicles that provide transit passenger transportation services a majority of the time.
- (n) "ZEV Fleet" Recognition. Fleet owners may optionally elect to be recognized as a "ZEV fleet" beginning January 1, 2024. A fleet shall be recognized as a "ZEV fleet" on the CARB Advanced Clean Fleets webpage if it meets or exceeds all the following criteria regardless of the compliance path being used:
 - (1) The number of ZEVs in the California fleet meets or exceeds the number of ZEVs as specified in section 2013.6(b)(1) Table A: ZEV Milestones by Milestone Group and Year;
 - (2) The California fleet shall have at least one ZEV;
 - (3) The California fleet consists of at least five percent ZEVs; and
 - (4) The fleet owner meets the reporting requirements of section 2013.3 and record keeping requirements of section 2013.4.

Note: Authority cited: Sections 38505, 38510, 38560, 38566, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101,

43102, and 43104, Health and Safety Code; and section 28500, Vehicle Code.
Reference: Sections 38501, 38505, 38510, 38560, 38566, 38580, 39000, 39003, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 39674, 39675, 42400, 42400.1, 42400.2, 42402.2, 42410, 43000, 43000.5, 43013, 43016, 43018, 43023, 43100, 43101, 43102, 43104, 43105, 43106, 43153, 43154, 43211, 43212, and 43214, Health and Safety Code; and section 28500, Vehicle Code.

Amend Section 2013.4 of title 13, California Code of Regulations, to read as follows:

§ 2013.4. State and Local Government Fleet Recordkeeping.

Fleet owners shall keep records of reported information required in reporting section 2013.3 and documentation specified in this section for a period of at least five years. Fleet owners shall make such records available in an electronic or paper format to CARB staff within 72 hours of a written or verbal request for audit. The following records are required to be kept and provided upon request for vehicles in the California fleet:

- (a) Entity and Vehicle Documentation.
 - (1) Records of all vehicle information required to be reported as specified in section 2013.3;
 - (2) Vehicle purchase, rental, and leasing documents, such as purchase agreements, orders, notices to proceed, leasing agreements, or rental agreements for the vehicles;
 - (3) The following information about all vehicles that have been removed from the California fleet:
 - (A) If the vehicle is sold, a transfer of liability form filed with DMV, including the date of sale and odometer reading at the time of sale;
 - (B) If the vehicle is transferred out-of-state, but not sold, a copy of the out-of-state registration;
 - (C) If the vehicle is registered with DMV as non-revivable junked or dismantled, a copy of the registration demonstrating it was filed as such with DMV; and
 - (D) If the vehicle is sold or consigned to an auction house, a copy of the contract and the transfer of liability form filed with DMV, if applicable.

(4) Backup Vehicle Documentation. Fleet owners with backup vehicles that perform emergency operations shall keep records to document dispatch by a local, state, federal or other emergency management agency.

- (b) Operator Contract Documentation. Fleet owners shall keep ~~documentation identifying the entity responsible~~ copies of any agreement contracting for paying the driver who is not a state ~~vehicles or local government agency employee and any applicable shipping documentation or other documentation that identifies the origin and destination of the cargo and the pick-up and termination destination of the cargo~~ services using vehicles.
- (c) Odometer Reading Documentation. Fleet owners required to report odometer readings shall keep records of the vehicle miles traveled. Acceptable records are those that have an odometer reading from the vehicle and are provided in smoke opacity test results, Basic (previously Biennial) Inspection of Terminals inspection forms, California Highway Patrol-Truck and/or Tractor Maintenance and Safety Inspections Forms (108-Form), maintenance or service work orders, invoices or receipts, unaltered photographs of the odometer or hubodometer, driver logs or inspection sheets, or onboard diagnostics system information downloads that include the vehicle miles travelled or odometer information. Fleet owners of backup vehicles used in emergency operations in support of a declared emergency event shall keep records to document vehicle mileage accrued under contract in support of an emergency event.
- (d) ZEV Infrastructure Delay Documentation. Fleet owners utilizing the ZEV Infrastructure Delay Extension shall keep copies of documents submitted as specified in section 2013.2(c).
- (e) ZEV Purchase Exemption Documentation. Fleet owners utilizing the ZEV Purchase Exemption shall keep copies of documents submitted as specified in section 2013.3(g), and copies of documents submitted as specified in section 2013.2(d).
- (f) Documentation for Fleet Resiliency Exemption. Fleet owners utilizing the Fleet Resiliency Exemption shall keep copies of the mutual aid agreement in effect with other entities to assist with affected vehicles during declared emergency events and the documents submitted to CARB as specified in section 2013.2(e) and 2013.3(g).
- (g) Daily Usage Exemption Documentation. Fleet owners utilizing the Daily Usage Exemption shall keep copies of documents submitted as specified in section 2013.2(b) and 2013.3(g).

- (h) Intermittent Snow Removal Vehicle Documentation. Fleet owners approved to designate vehicles as intermittent snow removal vehicles shall keep copies of the vehicle specification sheet from the manufacturer or photographs submitted as specified in section 2013.3(j).
- (i) Sales Disclosure Documentation. Any person required to submit a sales disclosure as specified in section 2013(k) shall keep a copy of the written sales disclosure.
- (j) Non-recoverable Vehicle Documentation. Fleet owners approved to utilize the Non-recoverable Vehicle exemption of section 2013.1(f)(7) shall keep records of the police report, insurance statement, or signed attestation, photographs, and information submitted to CARB as specified in section 2013.1(f)(7).
- (k) Vehicle Delivery Delay Documentation. Fleet owners that utilize the Vehicle Delivery Delay extension shall keep copies of the purchase agreement used to qualify for the extension and documentation of order cancellations by the manufacturer outside the control of the fleet owner submitted to CARB as specified in section 2013.6(g).
- (l) Waste and Wastewater Fleet Option Documentation. Fleet owners utilizing the Waste and Wastewater Fleet Option specified in section 2013.6(e) shall keep the following records demonstrating eligibility for the option, if applicable:
 - (1) A copy of the local ordinance, regulation, or code that requires the fleet owner to either collect, haul, or process diverted in-state organic waste.
 - (2) A copy of the waste fleet's internal database identifying which tractors are exclusively used as transfer trucks within the fleet.
 - (3) A copy of a permit or license to operate, or proof of ownership of, a wastewater treatment facility.
 - (4) A copy of all fuel contracts in effect for affected vehicles as of January 1, 2024, and all fuel contracts that are executed on and after January 1, 2024.
 - (5) A copy of the vehicle registration identifying the wastewater fleet as the owner, or documentation showing the vehicle was purchased with an account indicating expenses incurred by the wastewater entity and assigned to the wastewater fleet.

- (m) Captive Biofuel Use Exemption: A fleet owner utilizing an exemption pursuant to section 2013.6(h) shall keep copies of documents submitted as specified in section 2013.6(h). In addition, fleet owners utilizing an exemption pursuant to section 2013.6(h) shall keep the following waste or wastewater treatment facility records:
- (1) A copy of the local ordinance, regulation, code, or contract that requires the fleet owner to haul, transfer, or process diverted in-state organic waste;
 - (2) Dispensed renewable biofuel volume records;
 - (3) Total renewable biofuel capacity calculations along with any assumptions; and
 - (4) A copy of a permit or license to operate, or proof of ownership of, a waste or wastewater treatment facility.
- (n) Approval Documentation. If approved for the exemptions and extensions specified in sections 2013.2(b-e) and 2013.6(g-h), fleet owners shall keep a copy of the approval letter.

Note: Authority cited: Sections 38505, 38510, 38560, 38566, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101, 43102, and 43104 Health and Safety Code; and section 28500, Vehicle Code.

Reference: Sections 38501, 38505, 38510, 38560, 38566, 38580, 39000, 39003, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 39674, 39675, 42400, 42400.1, 42400.2, 42402.2, 42410, 43000, 43000.5, 43013, 43016, 43018, 43023, 43100, 43101, 43102, 43104, 43105, 43106, 43153, 43154, 43211, 43212, and 43214 Health and Safety Code; and section 28500, Vehicle Code.

~~Section 2013.7 was renumbered to Section~~ Amend Chapter 1, Article 8, Sections 2049 of title 13, California Code of Regulations, to read as follows:

Article 8 Hiring of Compliant Truck Fleets

§ 2049. Hiring Compliant Fleets.

- (a) Scope and Applicability.
- (1) Hiring Entities. The requirements specified in this section apply to any motor carrier, broker, governmental agency, person, or entity that hires ~~and a State or local government agency or~~ dispatches State or local government agency vehicles with a GVWR greater than 8,500 lbs. in California that are subject to:

(A) Title 13, California Code of Regulations (CCR) sections 2013 through 2013.6.

(b) Definitions. For the purposes of this section, the following definitions apply:

“Broker” means any person who, as a principal or agent, sells, offers for sale, negotiates for, or holds itself out by solicitation, advertisement, or otherwise as selling, providing, or arranging for, transportation by motor carrier for compensation. A motor carrier, or person who is an employee or bona fide agent of a carrier, is not a broker when it arranges or offers to arrange the transportation of shipments which it is authorized to transport and which it has accepted and legally bound itself to transport.

“Dispatch” means to provide direction or instruction for routing a specific vehicle, whether owned or under contract, to specified destinations for specific purposes, including delivering cargo, passengers, property or goods, or providing a service.

“Motor carrier” means the same as defined in CVC section 408.

“Vehicle” means either a device as defined in CVC section 670, or is a yard tractor that is not intended for use on highways.

(c) Requirement to Hire Compliant Fleets. Any hiring entity shall:

- (1) Verification of Compliance. For each calendar year, verify that each fleet, as defined in Section 2013(b), that it hires or dispatches to operate in California is listed on the California Air Resources Board Advanced Clean Fleets webpage as a compliant fleet. Alternatively, for each calendar year that an entity hires a fleet to operate in California that is not listed on the California Air Resources Board Advanced Clean Fleets webpage as a compliant fleet, it shall obtain a signed statement from the fleet owner, as defined in Section 2013(b), stating their fleet is not subject to the regulations listed in section 2049(a)(1).
- (2) Disclosure of Regulation Applicability. Provide the following disclosure in writing to the hired fleet either in the hiring contract or agreement or as an addendum to the hiring contract or agreement: “Vehicles with a GVWR greater than 8,500 lbs. operated in California may be subject to California Air Resources Board regulations. Such vehicles may therefore be subject to requirements to reduce emissions of air pollutants. For more information, please visit the California Air Resources Board Advanced Clean Fleets webpage at <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets>.”

(3) Comply with the recordkeeping requirements specified in section 2049(d).

(d) Hiring Entity Documentation. Hiring entities shall keep documentation as specified in sections 2049(d)(1), (2), or (3). Additionally, hiring entities shall keep copies of contracts or addendums to contracts with hired fleets that include the disclosure of regulation applicability as specified in section 2049(c)(2). Hiring entities shall keep records of documentation specified in this section for a period of at least five years. Hiring entities shall make such records available in an electronic or paper format to CARB staff within 72 hours of a written or verbal request for audit.

(1) A certificate of reported compliance;

(2) A photograph or digital image of the hired fleet listed on the CARB ACF webpage as a compliant fleet; or

(3) A signed statement received from the hired fleet used to verify that the hired fleet is compliant with the applicable regulations listed in section 2049(a)(1).

Note: Authority cited: Sections 38505, 38510, 38560, 38566, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101, 43102, and 43104, Health and Safety Code; and section 28500, Vehicle Code.

Reference: Sections 38501, 38505, 38510, 38560, 38566, 38580, 39000, 39003, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 39674, 39675, 42400, 42400.1, 42400.2, 42402.2, 42410, 43000, 43000.5, 43013, 43016, 43018, 43023, 43100, 43101, 43102, 43104, 43105, 43106, 43153, 43154, 43211, 43212, and 43214, Health and Safety Code; and section 28500, Vehicle Code.

CARB LMR Amendments

Pending Changes and Impacts for Landfill Operations

May 19, 2026

Important Dates

- Draft rule: September 23, 2025
- CARB hearing/adoption: November 20, 2025
- 15-day rulemaking: April 2-17, 2026
- Expected promulgation date: June 2026??
- Effective date: “Anticipated” January 1, 2027
- Some requirements will take effect/are due by specific dates:
 - March 15, 2027
 - July 1, 2027
 - January 1, 2028
- Workshops planned



§ 95462 Exemptions

LMR Updates

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Exemptions

- Does not apply to landfills that receive only hazardous waste or are currently regulated under Comprehensive Environmental response, Compensation and Liability Act (CERCLA)(no change from previous).
- Changed language for **received** to **contain** for C&D, inert, or non-decomposable waste.
- Does not apply to closed/inactive MSW landfills with less than 450,000 tons WIP (no change from previous).

§ 95463

Determination for Installing a GCCS

LMR Updates

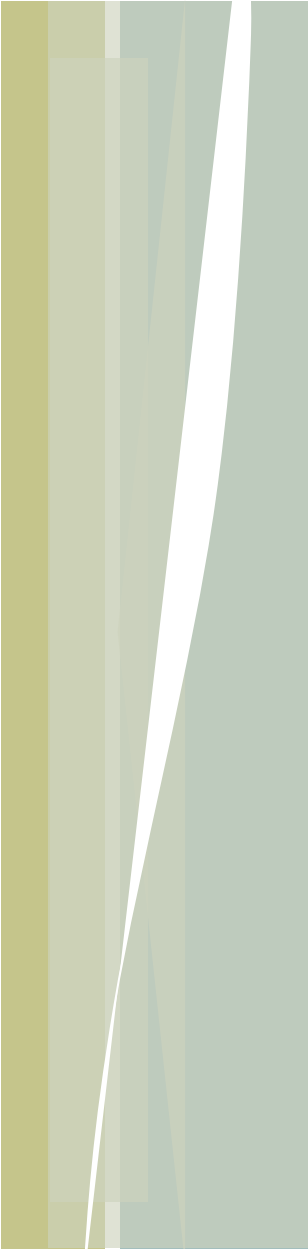
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Determination for Installing a GCCS – Controlled Landfills

- **Controlled Landfill:** MSW landfill that uses a gas collection system and routes collected LFG to a gas control system. By definition, gas control means with methane destruction
- All controlled MSW landfills shall comply with Sections 95464-95476
- Removed threshold for active MSW Landfills with less than 450,000 tons WIP (change).
- Codifies previous policy

Determination for Installing a GCCS – Uncontrolled Landfills

- **Uncontrolled MSW Landfill** means an MSW landfill that is not a Controlled MSW Landfill. MSW Landfills that use a passive venting or carbon adsorption are considered uncontrolled (new definition).
- Removed threshold for active MSW Landfills with less than 450,000 tons WIP for uncontrolled landfills.
- Uncontrolled MSW must submit annual *Uncontrolled Landfill Report (Heat Input Capacity)* by 3/15/2027.
- If HIC < 3.0 MMBtu/hr recovered, submit Report by 3/15 annually unless closed.
- If HIC > 3.0 MMBtu/hr recovered, you must comply with Sections 95464-95476 (i.e. install GCCS) unless under 200 ppm per SEM.
 - **If over 3.0 MMBtu/hr and 200 ppm, then GCCS required.**
- **Alert: Remotely detected plumes and/or emissions identified during compliance inspections may lead to GCCS installation.**



§ 95464 Gas Collection and Control System Requirements

LMR Updates

SCS ENGINEERS

Gas Collection and Control System Requirements – Design Plan and Installation

- GCCS Design Plan Executive Officer review/approval allowance changed from **120 calendar days to 180 calendar days.**
- New requirement for **Control System Design Plan** due at least 6 months before accepting gas (for **new control systems** accepting LFG after 7/1/27).
- Installation of GCCS for active landfill shortened to **12 months (previously 18 months)** and **18 months (previously 30)** for closed/inactive landfill after approval of GCCS Design Plan.
- **Alert: You will need to plan for this in procurement of equipment and construction projects.**

Gas Collection and Control System Requirements – Design Plan and Installation

- **Early Collection:** Landfills that accept at least 200,000 tons in any of the prior three calendar years shall install collection within 180 days of initial waste placement and operate within 30 days of the following:
 - At least 30 feet of refuse placed;
 - Positive pressure of 1.0-inch water column; **and**
 - Methane at or above 30%
- Rule no longer dictates limits design options
- **Alert:** Plan for this in cell develop and LFG design/construction projects
- **Issue:** Does the 180-day period start before rule is effective?

Gas Collection and Control System Requirements

- Alert: GCCS downtime limited to 120 hours/calendar year for landfills with greater than 12,000 MT of methane collection (~2,378 cfm @50% methane) or 240 hours for all other systems (no more than 120 consecutive hours in one instance).
- Alert: Assess your typical annual downtime and strategize how to minimize this
- Requires at least **one pressure measuring device** to record system pressure at least every 15 min. on vacuum side of blower system of collection system (addition to flow rate measuring devices) on each flare or collection of devices.

§ 95464(b) (2-3) Requirements for Flares and Other Systems

LMR Updates

SCS ENGINEERS

Requirements for Flares

- New requirements monitoring flares:
 - Temperature accuracy +/- 1%

Requirements for Devices Other Than Flares

- Must route collected gas to a control device that meets the following new requirements:
 - 99% DRE methane
 - **Engines/gas turbines must have temperature system in the exhaust upstream of any add-on by 7/1/27 and record temperature at least every 15 minutes**
- Gas routed to treatment system now includes injection to natural gas pipeline/transportation fuel.
 - Venting to ambient air not allowed
 - **Alert: Raw LFG, treated gas, and tail gas that cannot be routed for sale/use as is must meet 99% methane DRE and subject to downtime hours limitations.**
- Included additional requirements for gas measurement points and devices capable of recording flow every 15 minutes and methane content.
 - Each device or group of devices of same type



§ 95464(b)(5) Component Leak & Cover Integrity Monitoring Plans

LMR Updates

SCS ENGINEERS

New: Component Leak Monitoring Plans (CLMP)

- CLMPs must be submitted by 7/1/2027 or within 180 days of startup or 90 days if change
- Plans shall include the following information:
 - Procedures and timelines
 - Site map/diagram
 - List of all components to be monitored

New: Cover Integrity Monitoring Plan

- Needs to be implemented in areas of daily or intermediate cover.
- Plan needs to be developed by 7/1/2027.
- Plan shall include protocols/procedures to address exposed waste, leachate breakouts, and erosion gullies.



§ 95464(c) Wellhead Gauge Pressure Requirement

LMR Updates

SCS ENGINEERS

Wellhead Gauge Pressure

- Must continue to maintain wellheads under a vacuum except under 3 conditions:
 - Geomembrane/synthetic cover
 - Decommissioned well
 - Fire/elevated wellhead gas temp
- **New requirements for permanent decommissioning; allowed only under the following criteria:**
 - ¹⁷⁹• SEM is performed within 120 calendar days after disconnecting the well and there are no exceedances
 - Long-term declining methane trend (<20% by volume)
 - Radius of influence is covered by active gas extraction
 - Well is damaged or not functioning and replacement is installed within 120 days
- **Issue: Definition now includes “permanent.” Temporary decommissioning of wells now limited.**

§ 95464(d) Wellhead Gas Temperature Requirements

LMR Updates

SCS ENGINEERS

Wellhead Gas Temperature Requirement

- Shall be operated with temperature less than or equal to 145 °F (new compliance limit)
- A lot of new requirements for wells that I will cover in subsequent slides.

§ 95464(e) Repairs and Temporary Shutdown

LMR Updates

SCS ENGINEERS

Repairs and Temporary Shutdown of Collection System Components

- Includes new requirements for **minimizing emissions during shutdown** including using synthetic membrane or spray applied mortar; limiting size of constructions or fill area; completing and capping work within a day; and use a vacuum box during drilling.
- **This creates assumption that something must be done to minimize**
- Components need to be returned to operation no more than five calendar days following the initial shutdown.
- Components not returned to operation within 5 days shall submit a Temporary Component Shutdown Notification within 15 days, which includes SEM/component leak data showing no emissions.
- **Alert: No more than 10 wells are permitted to be offline simultaneously (offline is excess of 24 hours); excludes wells shutdown to prevent/extinguish fire**

Repairs and Temporary Shutdown of Collection System Components

- New Requirements for well raising:
- All valves need to be closed to isolate the well.
- Once installed, well extension needs to be sealed and capped until the raised well is reconnected to a vacuum source.
- Well must be returned to operation no more than 30 calendar days following initial shutdown.



§ 95466
Construction
Activities

LMR Updates

SCS ENGINEERS

Construction Activities

- Removed SEM/ISS exemptions for construction activities:
- Section 95465 (SEM limit) will now apply to areas where landfill cover material has been removed and refuse has been exposed for the purpose of installing, expanding, replacing, or repairing components of the landfill gas, leachate, or gas condensate collection and removal system.
 - Unless other exceptions met
- Additional SEM exception allowances will be covered later

§ 95467 Semi- Continuous Operation and Permanent Shutdown of the GCCS

LMR Updates

SCS ENGINEERS

Semi-Continuous Operation of the GCCs

- Closed MSW Landfills must meet the following rigorous requirements for semi-continuous operation:
 - Must perform a collection system assessment
 - Must perform a cover integrity assessment
 - Demonstrate surface emissions history with no exceedances for previous 3 years
- Demonstrate declining gas generation (methane measured every 3 hours for minimum 1 year and collection is **<275 metric tons (~54 scfm at 50% methane) or <30% methane for 5 consecutive years**
- Perform a control device assessment
- Compliance with federal, state, and local requirements during semi-continuous operation

Semi-Continuous Operation of the GCCS

- Semi-continuous operation requests shall also include:
 - Copy of closure notification.
 - Description of methods, results, and any issues corrected.
 - All monitoring records and documentation supporting the aforementioned requirements.
 - Descriptions of monitoring, recording keeping, and reporting
 - Proposed operational schedule and performance indicators that will dictate when to temporarily shutdown and restart the GCCS.
- **Alert: Executive Officer may review previous approvals and revoke**
- **Note: CARB knows about micro-flares that are in operation**

New: Collection System Assessment

- Analyze wellhead monitoring data from previous 12 months and physically investigate collection system:
 - Unusual changes (outside range of typical operation) in flow rate, gas composition, gauge pressure
 - Physical issues such as cracks, damage, broken, pinched, plugged, watered-in
- If determined to be compromised, well shall be repaired or replaced within 120 calendar days.

New: Cover Integrity Assessment

- Includes at least **measuring the thickness** (with possible exception for synthetic or final cover) at least one per 12 months **AND** testing for **one** the following:
 - Soil Classification: **3 samples per acre** and classified using ASTM D2487-17;
 - Gas profile: Measure methane, CO₂, and O₂ at depths 4-12 feet in from the surface at a minimum of three locations per acre; **OR**
 - Measure saturated hydraulic conductivity.
 - Record/correct deficiencies
- **Deficiencies are corrected in one or more of the following manners per cover integrity assessment:**
 - Various repair actions and minimize disturbance
 - For daily cover, replace alternative daily cover with soil daily cover, or replace with intermediate cover
 - For intermediate cover, increase to 24 inches, fines 30% (0.075 mm sieve), 3 inches or less particle size, and 10⁻⁵ permeability
 - For final cover, repairs to cover material shall follow 27 CCR, Construction QAP, and PCMP.

Permanent Shutdown Criteria

- Conditional Shutdown Requests must meet the following criteria:
 - GCCS was in operation for at least 15 years after the MSW landfill last accepted waste
 - No other federal, state, or local requirements necessitate operation of a GCCS
 - Measured methane content is less than **125 MT tons/year for at least 3 years (~25 scfm at 50% methane)**
 - No exceedances of surface methane for the previous three years, including compliance inspection
- Final process for approval includes the following requirements:
 - Demonstrate quarterly SEM requirements in 25 ft spacing intervals
 - Repair any SEM exceedances

§ 95468 Alternative Compliance Options

LMR Updates

SCS ENGINEERS

Alternative Compliance Options

- Removed alternative for semi-continuous operation due to insufficient landfill gas flow rates.
- Removed alternative walking patterns, exclusion of construction areas, exclusion of unsafe areas, and exclusion of paved roads.
- Issue: Sites will need to reassess how they plan SEM routes and categorize areas
- Including requests for additional time allowances.

• **Alert: CARB also included additional provisions for reviewing previously approved alternatives, which introduces the opportunity for invalidation of previously approved alternative compliance options. Requires landfills to submit by 7/1/27 any approval documentation or alternative is invalidated on 1/1/28.**

§ 95469 Monitoring Requirements

LMR Updates

SCS ENGINEERS

Surface Emission Monitoring Requirements

- New requirements for **unsafe to walk** areas utilizing **alternative monitoring procedures**
 - We can no longer simply exclude “dangerous” areas
 - Instantaneous and integrated SEM must record exceedances and take the following actions:
 - Initiate corrective action within **5 calendar days (new)** and re-monitored within 10 calendar days.
 - Secondary exceedances shall be re-monitored no later than 10 calendar days
 - Re-monitoring shall occur **1-month from the initial exceedance (new)**

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SEM Requirements

- Instantaneous/Integrated SEM must record exceedances and take the following actions (cont.):
 - **Notification required within 30 days** after detecting third exceedance and alternative request (if applicable) (new)
 - New/replacement well (or approved alternative) within 120 days after **initial** exceedance
- Alternatives:
 - Proposal in 30 days of 3rd exceedance
 - CARB/District has 30 days to approve
 - Can propose alternative timeline
 - **Issue: Timelines are really tight**

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SEM Requirements

- **Closed areas with final cover** can be monitored **every three quarters** (changed from annual) and at 100-foot spacing if no exceedances after 4 consecutive quarters; if exceedance detected or during inspection, return to quarterly.
- Rule codifies current policy that any exceedances found during compliance inspections will result in NOV.
- **Alert: Regulatory inspections are increasing in number. CARB, EPA, and many districts have their own monitoring equipment. Fines for exceedance-based NOVs are increasing, especially for repeat offenders. And they keep counting the days of violation until corrected/remonitoring is done.**

§ 95471 SEM Procedures

- Included additional provisions for the monitoring areas.
- **Working face** can be excluded from the monitoring area for the first **180 calendar days after initial waste placement**.
- Instantaneous SEM procedures now include the following:
 - Electronically recorded at a frequency of at least one hertz
 - Inspect exceedances within 5 feet radius with hydrocarbon detector
 - Record wind speed and barometric pressure
- Paves areas still excluded but must not have cracks or potholes
- If allowed to do 100-foot spacing, must offset path by 25 feet each event.
- After detecting exceedance, **must also monitor in 5-foot radius around the location**.

§ 95471 SEM Procedures

- New provisions for **unsafe to walk areas** including the following:
 - Utilize alternative method such as handheld instrument, drone, robot, etc.
 - Instrument must measure volumetric or path-integrated concentration.
 - Response time included to be equal or less than 30 seconds.
 - Reading accuracy no worse than plus/minus 2 meters with measurements no less than 5 feet apart
 - Volumetric measurements shall measure in the range 0-500 ppm or ppm-m.
 - Screening limits: 200 ppm or 50 ppm-m; if detected, follow-up with traditional SEM within 10 days; can request more time
 - **Issue: Each site must identify/define these areas and have a plan for the technology that you plan to use**

Recurring Surface Exceedances

- **Alert: Five initial exceedances of the instantaneous SEM limit or three initial exceedances of ISS over 12-month rolling period requires the following actions:**
 - **Perform collection system assessment and cover integrity assessment** in grid and all adjacent grids within 30 days and correct any issues within 60 calendar days after reaching the threshold
 - **Alert: This could be up to 9 grids or about 10 acres.**
 - **Increase monitoring to monthly** in impacted grid until 6 consecutive monthly events with no exceedances in grid

Remotely Detected Emission Plumes

- Upon detection, Executive Officer may send notification via email within 7 business days of CARB receiving remote monitoring data:
- **Within 10 days of notification, owner/operator shall perform surface emissions and component leak monitoring** and take appropriate corrective actions for controlled landfills
 - Area to be monitored: 600 by 600-foot (about 8.3 acres) grid centered on coordinates plus all components in area whether under positive or negative pressure
- **If uncontrolled landfill, owner/operator shall perform instantaneous SEM across entire landfill surface within 30 days.**
 - Recall, this can trigger requirements for GCCs if over 3 MM BTU/hr.

Gas Control System Equipment Monitoring

- Must records composition in percent methane, carbon dioxide, and oxygen by volume at least monthly.
- Record gas flow rate at least every 15 minutes
 - **1/1/28, must report dates when total gas flow >20% above or below average daily gas flow in prior 12-month rolling period.**
- Enclosed flares must record combustion temperature at least every 15 minutes
 - Exceedance: Below average combustion temperature in **excess of 120 hours/calendar year results in violation.**
 - Same rules apply to engines and gas turbines.
 - Same rules apply for gas treatment systems but also must record methane content every 3 hours
- **GCCS pressure monitoring required on vacuum side of the blower at least every 15 minutes with set point.**

Wellhead Monitoring

- All wells monitored monthly for methane, **carbon dioxide**, **oxygen**, pressure/vacuum, **temperature**, and **flow rate**
- Positive pressure readings (including zero) must take the following actions:
 - Monitor Re-monitor within 15 calendar days
 - If unable to correct within 15 calendar days, initiate additional action to mitigate any positive pressure reading and include a root cause analysis.
 - If corrective action is not fully implemented within 60 calendar days, owner/operator shall conduct a corrective action analysis and develop an implementation schedule within 120 calendar days of exceedance.
- **Alert: Rule now pulls in federal wellhead requirements**
- **Issue: Are your wellheads flow capable?**

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Wellhead Monitoring

- Additional requirements for **recurring pressure exceedances** within 12-month period including:
 - Required at any wells with **three exceedances in rolling 12-month period.**
 - Perform collection system assessment in 200-foot (about 0.72 acres) radius around well within 30 calendar days, correct in 60 days.
 - Monitor wellhead pressure on a weekly basis for at least 6 months
 - Can return to monthly if less than 15% of readings are negative.

Wellhead Monitoring

- **Interior well temperature exceedances (131F)** require the following:
 - Perform **collection system/cover integrity assessment within 200 foot radius** within 30 calendar days, correct in 60 days.
 - Reduce oxygen content, variables limits on oxygen
 - If over 131F for 60 days:
 - Begin **enhanced monitoring** within seven days in that **well/other wells within 200 feet**, continue weekly.
 - Visual observation of subsurface oxidation event within ROI of well
 - Monitor oxygen, carbon dioxide, methane, and flow
 - Monitor CO
 - Can decrease to monthly if four readings below 100 ppm CO
 - Downhole temperature monthly every 10 vertical feet
 - Can change to every 6 months if four readings below 100 ppm CO
 - Can stop if all readings less than 145F

Wellhead Monitoring

- **Interior well temperature exceedances (145F)** require the 131 F actions plus:
 - Corrective action in 5 days
 - If compliance not achieved, then **complete root cause analysis, collection system assessment, and cover integrity assessment for wells within 200-foot radius.**
- 207 • If beyond 60 days, then complete corrective action analysis and development implementation schedule, submit within 75 days.
- If corrective action not completed within 120 days, then it is a violation.
- If LFG temperature at wellhead or any point in the well >170 °F and CO >1,000 ppmv, corrective actions required within 15 days and 24-hour high temperature notification required.

Wellhead Monitoring

- If **interior well oxygen content $\geq 5\%$** and not corrected within 15 days, must conduct **collection system assessment and cover integrity assessment in 200-foot radius** within 30 days and correct within 60 days
 - Excludes wells with waste in place less than 2 years
- **Recurring high oxygen limited to six instances within a 12-month period. Exceedances require the following:**
 - **Enhanced monitoring** weekly starting within seven days.
 - CO
 - Can stop if four readings below 100 ppm CO
 - Downhole temperature monthly every 10 vertical feet if CO at or above 100 ppm

Wellhead Monitoring

- Additional requirements for **wellhead parameter trend analysis**.
- **Temperature increases by more than 20 °F compared to prior monthly measurement** require enhanced monitoring at that well and all wells within 200 foot within seven calendar days.
- **Oxygen content increases by more than 2% compared to prior monthly measurement and difference is sustained in subsequent monthly monitoring event**, requires collection system and cover integrity system assessments in 200-foot radius
- **Additional annual reporting** for monthly parameter value and average parameter value in prior 12-month rolling period starting 1/1/28.

Wellhead Monitoring

- **Liquid Level Monitoring** now required in each interior vertical gas collection well **annually between January and April**
- If liquid level exceeds 50% of screened interval, correct and remonitor within 120 days.
 - Increase monitoring to quarterly until four quarters less than 50%
- Repair/replace pinched or damaged wells within 120 days
- For low liquid wells (2 annual events less than 50%), can reduce to 25% of these wells each year
 - Any levels above 50% of screened interval, return to annual
- **Issues: Sites with chronic liquid levels in wells, may have to consider pumps.**



§ 95470 Recordkeeping and Reporting Requirements

LMR Updates

SCS ENGINEERS

Recordkeeping and Reporting

- New requirements introduced for component downtime, shutdown, SEM/ISS, windspeed/pressure, component leak monitoring.
- Reporting and recordkeeping requirements are critical for initiating corrective actions and providing appropriate notification to CARB.
- The Annual Report shall now include additional requirements for topographic maps, alternative compliance options, SEM/ISS pathways, unsafe to walk areas, etc.
 - **Must include their electronic format**
- Include additional quarterly monitoring data report.
 - Records of SEM data, component leak monitoring, wellhead and well monitoring data.
 - Required within 30 days of the end of each quarter in .csv format

Recordkeeping and Reporting

- Annual Uncontrolled Landfill Report:
 - New reporting requirements including information about the MSW landfill, amount of solid waste deposited, total area, SEM data, climate data, landfill gas heat input capacity
- Scheduled Surface Emissions Monitoring Notification
 - Scheduled date of each event at least 15 calendar days prior to event²¹³ (initial only)
- Remotely detected emission plumes notification requires the following reporting action:
 - Within 15 days at a controlled landfill, report instrument used, methane concentration of each exceedance, methane concentration of each component leak, the location and a brief description and mitigation plan.
 - Within 35 days at uncontrolled landfill, report date of follow-up monitoring, instrument used, and records of exceedances
- Report HOVs submitted to other regulatory agencies



§ 95471 Test Methods and Procedures

LMR Updates

SCS ENGINEERS

Various Changes

- New details on doing heat input capacity on sites with carbon systems.
- New SEM and unsafe to walk procedures (already discussed)
- New criteria to get alternative SEM procedures approved
- Updated component leak monitoring procedures
- Details on what is included in the collection system and cover integrity assessments (already discussed)²¹⁵
- Details on methods for temperature, oxygen, carbon dioxide, and CO monitoring, including alternative CO methods
- Details on enhanced wellhead monitoring (already discussed)
- Details on radius of influence evaluation for decommissioning wells



§ 95475 Definitions

LMR Updates

SCS ENGINEERS

New Definitions

- Compliance Inspection
- Controlled MSW Landfill
- Corrective Action Analysis
- Cover Material, including Daily, Intermediate, and Final
- Decommissioned Well
- Interior Well
- Location Coordinates
- Offline Well
- Remote Monitoring Data
- Root Cause Analysis
- Unsafe to Walk Surface Area



Recommendations

LMR Updates

SCS ENGINEERS

Recommendations

- Be proactive! Assess your status against the new requirements now and take actions to reduce impact ASAP.
- Review wellhead data, SEM data, downtime data, etc.
- Be mindful of shortened timeframes for GCCS installation, consider starting procurement for flares earlier in the process.
- ²/₁₉ Well Downtime:
 - Permanently decommission (i.e., abandon) non-producing, non-functioning wells that have been offline before the rule hits.
 - Have a plan to keep more wells online during construction and filling operations (e.g., jumper lines)
 - Repair or replace any wells with chronic issues.
- Re-evaluate current approved alternative compliance options including semi-continuous operation, and have back-up plan if you lose it

Recommendations

- Assess wellfield against new wellhead standards
- Abandon or replace problematic wells.
- Consider ways to seal around wells to reduce oxygen intrusion.
- Identify non-compliant wells and implement measures to correct.
 - Will you need HOVs for any wells?
 - Consider pumps in wells with high liquid levels.
- ^{NO}GCCS Downtime:
 - Evaluate current gas mover and control devices to limit downtime.
 - Consider redundancy and/or backup generator (if have repeat power issues).
 - Fix chronic issues.
- Upgrade infrastructure including landfill cover to maximize collection and minimize methane exceedances

Recommendations

- New equipment that may be needed:
 - Flow capable wellheads.
 - Pressure monitoring devices on vacuum side of blower(s).
 - Temperature monitoring on engines/turbines.
 - Additional flow meters, if needed.
 - Gas monitoring ports on treatment systems, including flow and methane.
- Sampling equipment for CO sampling.
- Is dedicated SEM and/or wellhead monitoring equipment needed onsite?
- Spare parts/materials on-site for corrective actions

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Recommendations

- Get plan and team in place for:
 - Cover integrity assessment
 - Monitoring for unsafe to walk areas. What technology?
 - Wellhead exceedance corrective action, remonitoring, and submittals
 - Surface emissions/leak exceedance corrective action, remonitoring, and associated submittals
 - Enhanced monitoring
 - Early collection design/installation
 - Liquid level monitoring
- Implement data management systems to handle increased monitoring data
- Communicate with third-party gas developers on new requirements for their equipment
- **BUDGET** for these changes
- Note updated CARB Implementation Guidance planned but unclear if will be ready by applicability date

Questions?



What's New at SCP

From SaferConsumerProducts@DTSC <SaferConsumerProducts@dtsc.ca.gov>

Date Thu 5/14/2026 10:00 AM



SCP Newsletter May 2026

Welcome to the Safer Consumer Products (SCP) Newsletter!

Our program works to protect Californians and the environment by identifying harmful chemicals in everyday products and advancing safer alternatives. As we welcome the spring season, we are reminded of the importance of preserving California's natural beauty and the health of our communities. In this issue, you'll find updates on our ongoing research, regulations, and outreach activities that are helping move the marketplace towards safer solutions. To learn more about all we're working on, check out the [SCP Timeline](#).



Priority Product Regulation on Nail Products with MMA Goes into Effect

Effective April 1, 2026, we [finalized a regulation](#) listing nail products containing methyl methacrylate (MMA) at concentrations greater than 1,000 parts per million (ppm) as a Priority Product under the Safer Consumer Products Regulations. We have determined that exposure to MMA from nail products may contribute to or cause significant or widespread adverse impacts to Californians, including sensitive subpopulations (e.g., nail salon workers, pregnant people and their fetuses). These concerns are described in the [Product-Chemical Profile for Nail Products Containing MMA](#). More information on this regulation can be found by visiting the [SCP website](#).

Takes about 15 minutes

Your Voice Matters! SCP is Seeking Participants for Personal Care Product Research Questionnaire



We want to hear from you! We're looking for people of all ages, genders, and backgrounds to fill out a research questionnaire about what products you use, where you shop for them, and what drives your buying decisions. The more people who participate, the bigger the impact we can make together! Here's what you need to know:

- ⌚ Takes about 15 minutes
- 🌐 Available in English and Spanish
- 🔒 Completely anonymous
- 📍 Open to California residents only
- 📅 Open through May 30, 2026

Don't keep it to yourself — share this with your friends, family, and colleagues!



Now Available — Summary of Research Findings on Intimate Care Products

We've got new research to share! DTSC recently released a new report — [Summary of Research Findings on Candidate Chemicals in Intimate Care Products](#) — and it's now live on our website. We evaluated the literature and data on the Candidate Chemicals found in intimate care products to figure out whether any specific product-chemical combinations need closer

regulation to better protect public health and the environment. Want to read the full report and learn more? Head over to our new Vaginal Care Products webpage for all the details.

SCP Proposes Two New Priority Products

In February 2026, we released draft product-chemical profiles for [floor maintenance products containing perfluoroalkyl or polyfluoroalkyl substances \(PFASs\)](#) and [preservatives in leave-on products](#). The draft Profiles outline the scientific basis for proposing to list these product-chemical combinations as Priority Products under the Safer Consumer Products Regulations. [Public workshops](#) were held in March 2026, and DTSC is now reviewing all comments received. For more information on future project milestones or to review the profiles, visit the SCP Timeline or the [SCP Priority Product website](#).



Rulemaking to Add Certain Acids and Bases to the Candidate Chemicals List Begins

In February 2026, we initiated [rulemaking](#) to add 12 acids and bases to the Candidate Chemicals List under the Safer Consumer Products Regulations. These chemicals were identified for their potential for widespread exposure and their ability to cause a range of adverse health impacts.

Adding these chemicals to the Candidate Chemicals List will enable us to evaluate consumer products containing these substances and determine whether further action is warranted. Adding chemicals to the Candidate Chemicals List does not create new regulatory obligations for businesses or manufacturers.

For more information on this action, including the full list of chemicals proposed for listing, please visit the [certain acids and bases](#) webpage.



A Decision on Styrene in Children's Products

SCP has published the [Styrene in Children's Products Decision Document](#), marking an important milestone in our ongoing evaluation of Candidate Chemicals in children's products. This decision follows a high level review of styrene, phthalates, and formaldehyde in a wide range of children's products—from toys and personal care items to car seats and play equipment. We did not identify clear evidence of exposures to styrene from children's products at levels that may have adverse impacts on children's health. Our research on ortho-phthalates and formaldehyde is still ongoing.

For additional information, visit SCP's [Early-stage Projects](#) webpage.



It's Done! SCP Finalizes Regulation Clarifying Compliance Options

Effective March 23, 2026, we finalized a regulation detailing the ways in which importers can comply with the Safer Consumer Products Regulations when required to do so if a Priority Product manufacturer fails to comply. These amendments to the SCP Regulations provide clarity and predictability. Importers do not need to take any action as a result of this regulation. For more information on this action, please visit the SCP's [Regulations webpage](#).

15-Day Comment Period on Modified Regulatory Proposal to List Manual Dish Detergents and Shampoo Containing 1,4-Dioxane

On April 24, 2026, we initiated modifications to the rulemaking listing manual dish detergents and shampoo containing 1,4-dioxane at concentrations greater than 1 part per million (ppm) as Priority Products. The modifications to the proposed regulations include:

- Adding subsections 69511.11(c)(9) and 69511.12(c)(9) to more accurately communicate DTSC's determination that 1,4-dioxane is a persistent, mobile, and toxic chemical.
- Adding the species of observation to the associated toxicological endpoints where applicable.

To view the proposed regulations and supporting documents, please visit the [SCP website](#).

Have questions? Reach out to us at SaferConsumerProducts@dtsc.ca.gov.



April/May 2026 Green Ribbon Science Panel Meeting Recap

The Green Ribbon Science Panel (GRSP) convened on April 30 and May 1, 2026, for a highly productive two-day meeting. Bringing together leading scientific experts, interested parties stakeholders, and DTSC staff, the GRSP provided critical guidance and advice to the Safer Consumer Products Program on a range of pressing issues at the forefront of consumer product safety, green chemistry, and environmental protection. The topics discussed included:

- 📄 *SCP Program Updates & 2027-2029 Work Plan* – Provided regulatory implementation updates and information on the upcoming Priority Product Work Plan
- 🛒 *Retailer Engagement & Green Chemistry* – Discussed alignment of retailer initiatives with SCP's safer chemicals goals
- 🧪 *Alternatives Analysis Compliance Pathways & Impact* – Explored pathways to help manufacturers avoid regrettable chemical substitutions
- ♻️ *Hazardous Waste Reduction & SCP Metrics* – Examined collaboration opportunities between SCP and Hazardous Waste Reduction Program
- 📊 *SCP Metrics* – Considered potential SCP performance metrics

For more information on the GRSP panel and meeting, visit the [SCP website](#).

Keep In Touch!

Thank you for reading SCP's quarterly newsletter! We look forward to sharing more updates with you as we work to make consumer products safer.

If this email was forwarded to you, [email us](#) to sign up to receive these updates. To unsubscribe, please [email us](#) your request.



Thank you for your interest and participation in Safer Consumer Products!

Monthly Public Meeting

10:00 A.M., April 21, 2026
Cal/EPA Building – Byron Sher Auditorium
Via [Webcast](#)

A. DIRECTOR'S REPORT

Presentations or discussions by the Director and/or Executive Offices regarding department matters, legislative updates, public affairs, or initiatives.

B. POLICY & PROGRAM UPDATE

Announcements

1. Plastic Pollution Prevention Act (SB 54) Implementation Update
Department Staff Contact: Packaging@CalRecycle.ca.gov
2. Save the Date: Responsible Battery Recycling Act Informal Rulemaking Workshop: June 16, 2026.
Department Staff Contact: Batteries@CalRecycle.ca.gov

Decisions

No items at this time.

C. GRANT AND LOAN PROGRAMS

Information Item

1. Awards for the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program (Farm and Ranch Cleanup Account, Fiscal Year 2025–26)
Department Staff Contact: Mai.Andrews@CalRecycle.ca.gov
[Public Notice](#)

Action Items

1. Eligibility Criteria and Evaluation Process for the Tire Incentive Program (Tire Recycling Management Fund, Fiscal Years 2026-27 and 2027-28)
Department Staff Contact: Phanessa.Fong@CalRecycle.ca.gov
[Public Notice](#)

Open Applications:

- **Local Government Waste Tire Cleanup Grant Program**
Application Due Date: April 14, 2026 (Cycle 21)

Monthly Public Meeting

- **Local Enforcement Agency Grant Program**
Application Due Date: May 7, 2026 (Cycle 37)
- **Farm and Ranch Solid Waste Cleanup and Abatement Grant Program**
Tentatively Scheduled to Open April 2026 (Cycle 91)
- **Tire Derived Aggregate Grant Program**
Tentatively Scheduled to Open April 2026 (Cycle 28)
- **Beverage Container Redemption Innovation Grant Program (Dealer Cooperatives)**
Application Due Date: Continuous Through June 30, 2026
- **Tire Equipment Loan Program**
Application Due Date: Continuous
- **Beverage Container Recycling Loan Program**
Application Due Date: Continuous
- **Greenhouse Gas Reduction Loan Program**
Application Due Date: Continuous
- **Recycling Market Development Zone Loan Program**
Application Due Date: Continuous

D. BEVERAGE CONTAINER RECYCLING PROGRAM

Action Items

No items at this time.

Information Items

1. General Beverage Container Recycling Program Announcements
Department Staff Contact: Gerald.Blancher@CalRecycle.ca.gov

E. PRODUCT STEWARDSHIP

Announcements

1. Receipt and Review of Circular CRV Association's 1st Quarter 2026 Quarterly Report. No Action Needed.
Department Staff contact: DealerCoops@CalRecycle.ca.gov

Monthly Public Meeting

[Public Notice](#)

2. Receipt and Review of Circular CRV Association's Revised 4th Quarter 2025 Quarterly Report. No Action Needed.
Department Staff Contact: DealerCoops@CalRecycle.ca.gov
[Public Notice](#)
3. Receipt of Circular CRV Association Stewardship Plan Change and Operational Notices. No action needed.
Department Staff contact: DealerCoops@CalRecycle.ca.gov
[Public Notice](#)
4. Receipt and Review of MED-Project's 2025 Annual Report and 2027 Annual Program Budget for Covered Drugs. Action Needed by June 29, 2026. Public comments accepted through April 17, 2026.
Department Staff Contact: PharmaSharps@CalRecycle.ca.gov
[Public Notice](#)
5. Receipt and Review of MED-Project's 2025 Annual Report and 2027 Annual Program Budget for Home-Generated Sharps Waste. Action Needed by June 29, 2026. Public comments accepted through April 17, 2026.
Department Staff Contact: PharmaSharps@CalRecycle.ca.gov
[Public Notice](#)
6. Receipt and Review of the Drug Takeback Solutions Foundation's 2025 Annual Report and 2027 Annual Program Budget for Covered Drugs. Action Needed by June 29, 2026. Public comments accepted through April 17, 2026.
Department Staff Contact: PharmaSharps@CalRecycle.ca.gov
[Public Notice](#)
7. Receipt and Review of the Drug Takeback Solutions Foundation's 2025 Annual Report and 2027 Annual Program Budget for Home-Generated Sharps Waste. Action Needed by June 29, 2026. Public comments accepted through April 17, 2026.
Department Staff Contact: PharmaSharps@CalRecycle.ca.gov
[Public Notice](#)
8. Receipt and Review of Carpet America Recovery Effort's Revised Differential Assessments Plan Amendment. Action Needed by May 26, 2026. Public

Monthly Public Meeting

comments accepted through April 13, 2026.

Department Staff Contact: Carpet@CalRecycle.ca.gov

[Public Notice](#)

Decisions Posted

1. Determination of Noncompliance for Carpet America Recovery Effort's (CARE) 2024 Annual Report. Decision Posted: March 24, 2026.

Department Staff Contact: Carpet@CalRecycle.ca.gov

[Public Notice](#)

F. MATERIALS MANAGEMENT AND LOCAL ASSISTANCE

Action Items

No items at this time.

Information Items

1. Reallocation of Tire Funds (Tire Recycling Management Fund, Fiscal Year 2025–26)

Department Staff Contact: Kevin.Gereghy@CalRecycle.ca.gov

[Public Notice](#)

2. Five-Year Review Report for the Countywide Integrated Waste Management Plan for the County of Orange

Department Staff Contact: Karla.Miller@CalRecycle.ca.gov

[Public Notice](#)

G. SOLID WASTE AND TIRE FACILITIES

Information Item

1. Approval for the Cleanup of the Former Specialized Fibers Material Recovery Facility (Assessor Parcel No's 087-100-071 and 087-100-073) Under the Solid Waste Disposal and Codisposal Site Cleanup Program (Solid Waste Disposal Trust Fund, FY 2024-25)

Department Staff Contact: Phil.Kovacs@CalRecycle.ca.gov

[Public Notice](#)

Action Items

Monthly Public Meeting

1. Rialto BioEnergy Facility, located at 503 East Santa Ana Avenue, Rialto, CA 92376, San Bernardino County, Revised Solid Waste Facilities Permit, Action needed by May 1, 2026
Department Staff Contact: Megan.Emslander@CalRecycle.ca.gov
[Public Notice](#)
2. ReGen Monterey Compost Facility, located at 14201 Del Monte Blvd, Salinas, CA 93908, Monterey County, Modified Solid Waste Facilities Permit, Action needed May 3, 2026
Department Staff Contact: Alexis.DeSchryver@CalRecycle.ca.gov
[Public Notice](#)
3. Lost Hills Environmental Waste Facility, located at 13850 Holloway Road, Lost Hills, CA 93249, Kern County, Revised Solid Waste Facilities Permit, Action needed June 5, 2026
Department Staff Contact: Isabelle.Maalouf@CalRecycle.ca.gov
[Public Notice](#)
4. Freepoint Eco-Systems Yermo Supply LLC Plastics Sorting and Processing Facility, located at 37265 Yermo Road, Yermo, CA 92398, San Bernardino County, New Solid Waste Facilities Permit, Action needed May 18, 2026
Department Staff Contact: Megan.Emslander@CalRecycle.ca.gov
[Public Notice](#)
5. Antelope Valley Public Landfill, located at 1200 W. City Ranch Road, Palmdale, CA 93551, Los Angeles County, Revised Solid Waste Facilities Permit, Action needed May 15, 2026
Department Staff Contact: Gina.Weber@CalRecycle.ca.gov
[Public Notice](#)
6. HZIU Kompogas SLO, Inc., located at 4300 Old Santa Fe Road, San Luis Obispo, CA, 93401, San Luis Obispo County, Revised Solid Waste Facilities Permit, Action needed June 20, 2026
Department Staff Contact: Cody.Oquendo@CalRecycle.ca.gov
[Public Notice](#)
7. Mount Vernon Avenue Recycling and Composting Facility, located at 2601 So. Mt Vernon Ave, Bakersfield, CA 93307, Kern County, Revised Solid Waste Facilities Permit, Action needed by June 12, 2026
Department Staff Contact: Isabelle.Maalouf@CalRecycle.ca.gov
[Public Notice](#)

Monthly Public Meeting

H. PUBLIC COMMENT

Get involved in CalRecycle's decision-making process. To more fully engage with Californians on monthly public meeting agenda items, CalRecycle accepts welcomes live public comments [in-person or over-the-phone](#).

CalRecycle has a public noticing site to provide interested parties with information about programs, activities, and departmental decisions.

- To review final CalRecycle decisions and other department activities, please go to: CalRecycle.ca.gov/PublicInfo/ or CalRecycle.ca.gov/BevContainer/Notices.
- For public meeting participation, listserv, and feedback information, please go to: CalRecycle.ca.gov/PublicMeeting/

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

Celebrating Earth Month

April 21, 2026



Public Meeting

Monthly Updates

Packaging Producer Responsibility (SB 54)

Progress Updates

Rulemaking

- Rulemaking package submitted February 19, 2026
- Office of Administrative Law has 30 business days to review

Needs Assessment

- Informational sessions held April 6th and April 14th

Advisory Board

- Next meeting: June 19, 2026
- Virtual

Paint Stewardship Program Update



Informal Workshop

- Focus: Draft permanent regulations
- New date to be announced via future public meeting and email

Farm and Ranch Grant Cleanup Program

Award Announcement

\$100,000 to San Joaquin County

- Funding will clean up two sites near Mokelumne River
- Future illegal dumping prevention

Program Cycle Updates

- Cycle 90: Applications under review, Awards in July 2026
- Cycle 91: Applications due July 8, 2026

Over 1,000 sites cleared through grant-funded cleanups

Tire Incentive Program

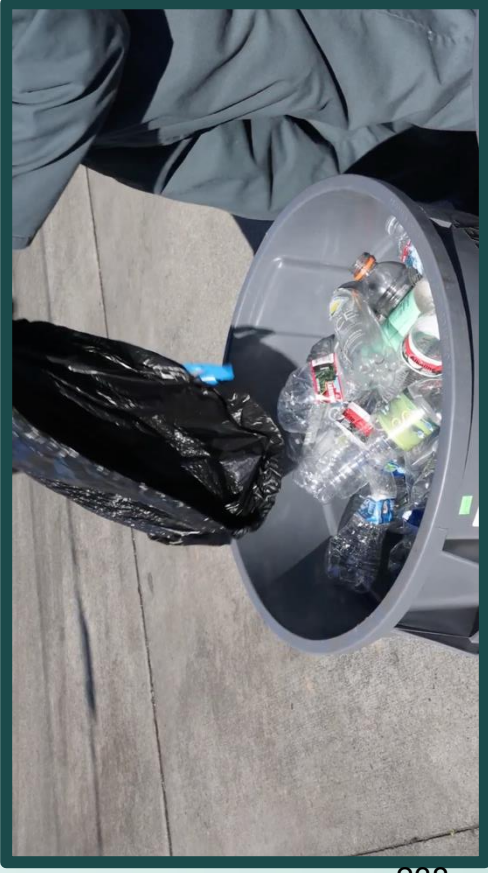
- \$3 million available for 2026–27 cycle
- Existing eligibility and evaluation criteria to continue for FY 2026–27 and 2027–28

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Program awarded over \$29 million and diverted more than 12 million tires since 2014



Beverage Container Recycling Program



UC Davis Contract

- Review rate calculation methods
- Engagement underway to seek input
- Work expected to finish by June 30, 2027



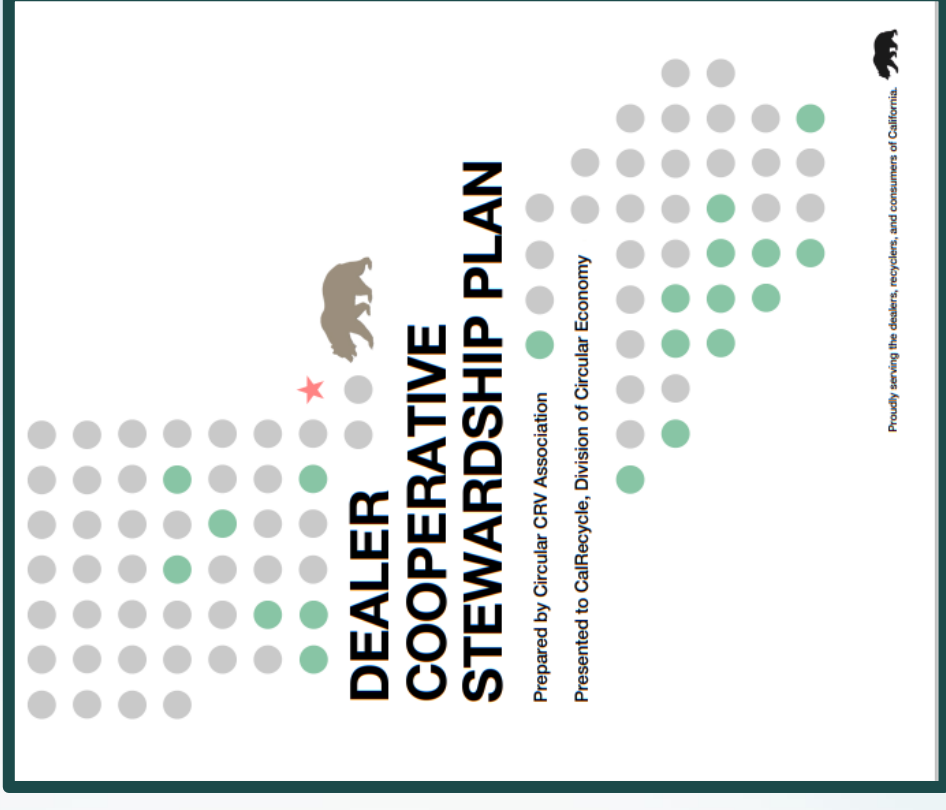
Bag Drop/Mobile Recycling Webinar

- Held April 15, 2026
- Recording and slides coming soon
- Send questions to:
DORCertFileRoom@calrecycle.ca.gov

Dealer Cooperative

Stewardship Program Updates

- Circular CRV Q1 2026 report submitted April 9th (under review)
- Q4 2025 revised report incomplete, resubmitted April 3rd
- Changes in site operations
 - One site closed in Santa Rosa
 - Two sites opened in Los Angeles and Van Nuys
- Several stewardship plan updates submitted
 - April 14th updates to redemption capacity and geographic spread require approval



Pharmaceutical and Sharps Waste Stewardship

Program Updates

- 2025 Annual Reports and 2027 Annual Program Budgets from MED-Project and the Drug Takeback Solutions Foundation

- Submitted March 31, 2026
- Status: Under review
- Action needed by June 29, 2026



Carpet Stewardship

Program Update

CARE's Revised Differential Assessments Plan Amendment

- Submitted: March 24, 2026
- Action needed by: May 26, 2026

Determination of Noncompliance for Carpet America Recovery Effort's (CARE) 2024 Annual Report

- Decision posted: March 24, 2026
- No action needed

Tire Funds

Reallocation Announcement

Annual reallocation

- \$3,005,040 reallocated
 - \$816,578 to Waste Tire Amnesty Grant Program (B List)
 - \$2,188,822 to Rubberized Pavement Grant Program (B List)
- Reallocations approved



More details linked in today's agenda

Countywide Integrated Waste Management Plans

Five-Year Review Report

- Report review to ensure plans meet needs and requirements
- Orange County reported no updates to its plan
- Report approved



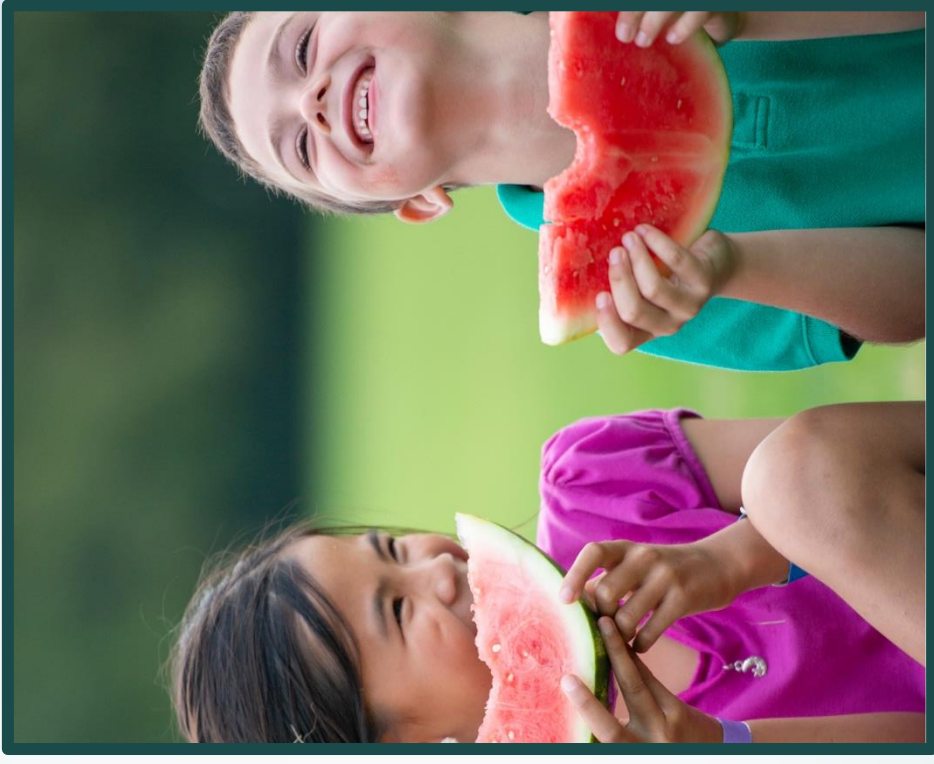
SB 1383 Chat with CalRecycle

Upcoming session

- April 30th from 1 p.m. to 3 p.m.
- Focus: Waste-characterization methods, Alameda County's procurement program, and San Mateo RCD's compost program
- Series supports SB 1383 implementation and peer sharing



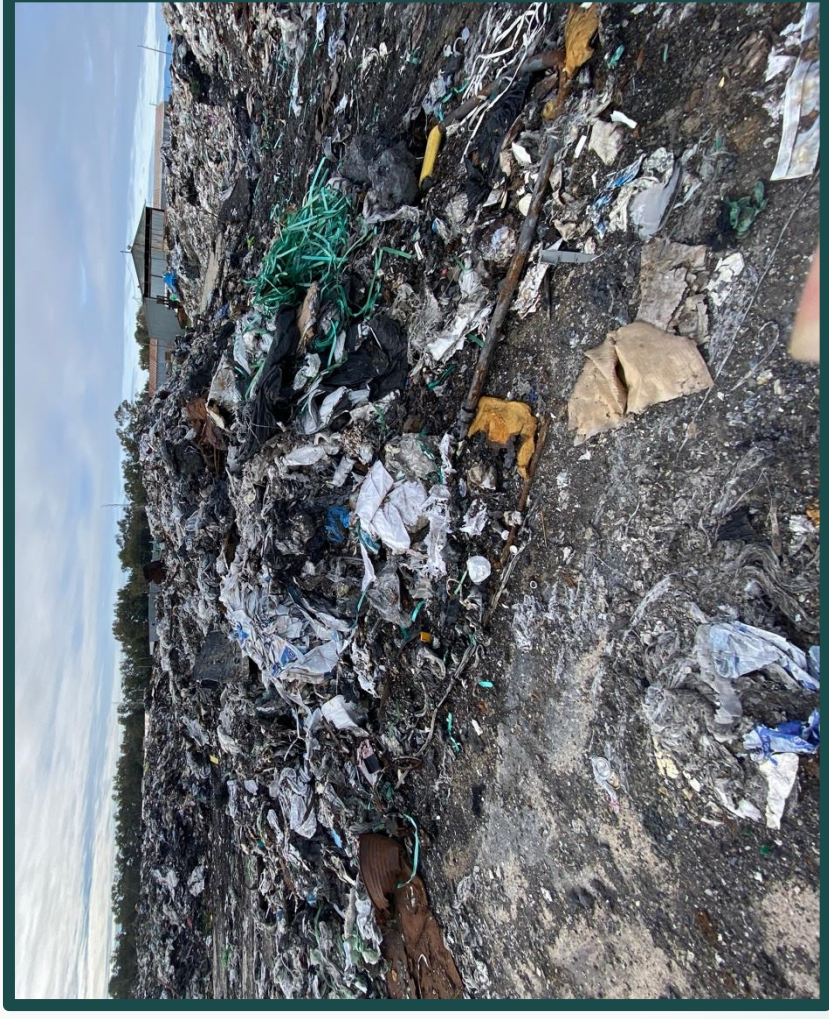
Scan QR Code
to Register



Solid Waste Disposal and Co-disposal Site Cleanup Program Update

Cleanup Approval

- Former Specialized Fibers MRF
- Remove an estimated 7,340 tons of debris
- Install barriers to prevent future dumping
- \$1.37M from the Solid Waste Disposal Trust Fund



Facility Permit Updates

1. Rialto BioEnergy Facility, located at 503 East Santa Ana Avenue, Rialto, CA 92376, San Bernardino County, Revised Solid Waste Facilities Permit, Action needed by May 1, 2026
2. ReGen Monterey Compost Facility, located at 14201 Del Monte Blvd, Salinas, CA 93908, Monterey County, Modified Solid Waste Facilities Permit, Action needed May 3, 2026
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6. HZIU Kompogas SLO, Inc., located at 4300 Old Santa Fe Road, San Luis Obispo, CA, 93401, San Luis Obispo County, Revised Solid Waste Facilities Permit, Action needed June 20, 2026
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Monthly Public Meeting

10:00 A.M., May 19, 2026
Cal/EPA Building – Byron Sher Auditorium
Via [Webcast](#)

A. DIRECTOR'S REPORT

Presentations or discussions by the Director and/or Executive Offices regarding department matters, legislative updates, public affairs, or initiatives.

B. POLICY & PROGRAM UPDATE

Announcements

1. Plastic Pollution Prevention Act (SB 54) Implementation Update
Department Staff Contact: Packaging@CalRecycle.ca.gov
2. Producer Registration Deadline for the Responsible Textile Recovery Act: July 1, 2026
Department Staff Contact: Textiles@CalRecycle.ca.gov
3. Responsible Battery Recycling Act Informal Rulemaking Workshop: June 16, 2026
Department Staff Contact: Batteries@CalRecycle.ca.gov
4. Climate Investments Update
Department Staff Contact: Stephanie.Frieders@CalRecycle.ca.gov

Decisions

No items at this time.

C. GRANT AND LOAN PROGRAMS

Action Items

1. Eligibility Criteria and Evaluation Process for the Beverage Container Recycling Grant Program (Beverage Container Recycling Fund, Fiscal Years 2026-2027 and 2027-28)
Department Staff Contact: TJ.Nguyen@CalRecycle.ca.gov
[Public Notice](#)

Information Item

No items at this time.

Open Applications:

- **Beverage Container Redemption Innovation Grant Program (Dealer Cooperatives) (Cycle 5)**
Application Due Date: Continuous through June 30, 2026
- **Beverage Container Redemption Innovation Grant Program (Bag Drop) (Cycle 6)**
Application Due Date: Tentatively releasing in May of 2026
- **Beverage Container Redemption Innovation Grant Program (Mobile) (Cycle 7)**
Application Due Date: Tentatively releasing in May of 2026
- **Beverage Container Redemption Innovation Grant Program (New Recycling Centers) (Cycle 8)**
Application Due Date: Tentatively releasing in May of 2026
- **Beverage Container Redemption Innovation Grant Program (Reverse Vending Machine) (Cycle 9)**
Application Due Date: Tentatively releasing in May of 2026
- **Farm and Ranch Solid Waste Cleanup and Abatement Grant (Cycle 91)**
Application Due Date: Tentatively releasing in May of 2026
- **Tire Equipment Loan Program**
Application Due Date: Continuous
- **Beverage Container Recycling Loan Program**
Application Due Date: Continuous
- **Greenhouse Gas Reduction Loan Program**
Application Due Date: Continuous
- **Recycling Market Development Zone Loan Program**
Application Due Date: Continuous

D. PRODUCT STEWARDSHIP

Announcements

Monthly Public Meeting

1. Receipt and Review of Circular CRV Association's 1st Quarter 2026 Quarterly Report
Department Staff Contact: DealerCoops@CalRecycle.ca.gov
[Public Notice](#)
2. Receipt of Circular CRV Association's Stewardship Plan Change Notice. Action Needed by June 4, 2026.
Department Staff Contact: DealerCoops@CalRecycle.ca.gov
[Public Notice](#)
3. Receipt of Circular CRV Association's Fully Operational Notices. No Action Needed.
Department Staff Contact: DealerCoops@CalRecycle.ca.gov
[Public Notice](#)

Decisions Posted

1. Approval of MED-Project's Proposed Changes to its Stewardship Plan for Home-Generated Sharps Waste: Mail-Back Program. Decision Posted: April 9, 2026.
Department Staff Contact: PharmaSharps@CalRecycle.ca.gov
[Public Notice](#)

E. MATERIALS MANAGEMENT AND LOCAL ASSISTANCE

Action Items

1. Covered Electronic Waste Recovery and Recycling Payment Rates for Video Display Devices
Department Staff Contact: Matt.Sheehan@CalRecycle.ca.gov
[Public Notice](#)

Information Items

No items at this time.

F. SOLID WASTE AND TIRE FACILITIES

Action Items

1. Lost Hills Environmental Waste Facility, located at 13850 Holloway Road, Lost Hills, CA 93249, Kern County, Revised Solid Waste Facilities Permit, Action needed June 30, 2026
Department Staff Contact: Isabelle.Maalouf@CalRecycle.ca.gov

Monthly Public Meeting

Public Notice

2. Antelope Valley Public Landfill, located at 1200 W. City Ranch Road, Palmdale, CA 93551, Los Angeles County, Revised Solid Waste Facilities Permit, Action needed May 15, 2026
Department Staff Contact: Gina.Weber@CalRecycle.ca.gov
Public Notice
3. HZIU Kompogas SLO, Inc., located at 4300 Old Santa Fe Road, San Luis Obispo, CA, 93401, San Luis Obispo County, Revised Solid Waste Facilities Permit, Action needed June 20, 2026
Department Staff Contact: Cody.Oquendo@CalRecycle.ca.gov
Public Notice
4. Mount Vernon Avenue Recycling and Composting Facility, located at 2601 So. Mt Vernon Ave, Bakersfield, CA 93307, Kern County, Revised Solid Waste Facilities Permit, Action needed June 12, 2026
Department Staff Contact: Isabelle.Maalouf@CalRecycle.ca.gov
Public Notice
5. City of Lompoc Sanitary Landfill, located at South End of Avalon Street, Lompoc, CA 93436, Santa Barbara County, Modified Solid Waste Facilities Permit, Action needed July 3, 2026
Department Staff Contact: Gina.Weber@CalRecycle.ca.gov
Public Notice

Information Item

No items at this time.

I. PUBLIC COMMENT

Get involved in CalRecycle's decision-making process. To more fully engage with Californians on monthly public meeting agenda items, CalRecycle accepts welcomes live public comments [in-person or over-the-phone](#).

CalRecycle has a public noticing site to provide interested parties with information about programs, activities, and departmental decisions.

Monthly Public Meeting

- To review final CalRecycle decisions and other department activities, please go to: CalRecycle.ca.gov/PublicInfo/ or CalRecycle.ca.gov/BevContainer/Notices.
- For public meeting participation, listserv, and feedback information, please go to: CalRecycle.ca.gov/PublicMeeting/

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



Public Meeting

Monthly Updates



May 19, 2026

Permanent regulations approved

✓ In effect as of: May 1, 2026

Producer Next Steps

By June 1, 2026:

- Register with Circular Action Alliance and submit supply data **or**
- Apply to CalRecycle as an Independent Producer **or**
- Apply for the Small Producer Exemption

Resources

CalRecycle.ca.gov

- New producer webpage available
- Downloadable guidance materials available

Advisory Board

- Next meeting: June 26, 2026
- CalEPA Headquarters



Packaging Producer Responsibility (SB 54) Progress Updates

California's Textile Stewardship Program

Covered product producers

- By July 1, 2026: Join approved Producer Responsibility Organization (PRO)
- Landbell USA is the approved PRO
- Register online:
Register.LandbellUSA.com



Responsible Battery Recycling Act

Progress Update

Informal public workshop

- Focus: Draft proposed regulations
- June 16, 2026
- Subscribe to program listserv for agenda and Zoom link

Californian's use 822 million batteries a year



Climate Investment Impact



Program Funding Outcomes

Circular Economy Package

Fiscal Year 2021-2022

Program Name	Award	Cycles	Grant Recipients
Edible Food Recovery Grant Program	\$5 million	EFR1 EFR2	21
Community Composting for Green Spaces	\$5 million	CCG2 CCG3 CCG4	19

Grant-funded project goals

- Advance organic waste infrastructure
- Expand edible food recovery
- Increase composting opportunities

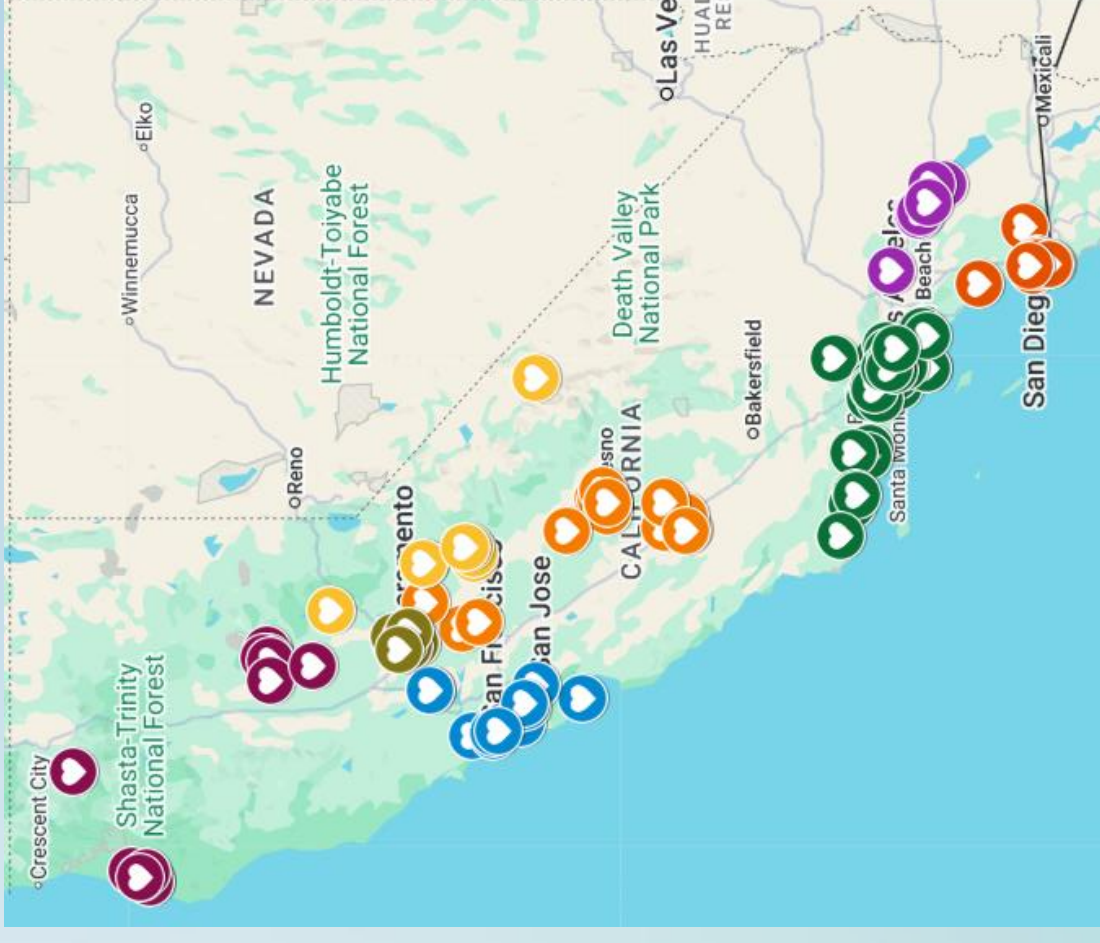
Outcomes of Edible Food Recovery (EFR1 & 2)

- 21 Projects Funded
 - 14 non-profit organizations (2 food banks)
 - 2 Cities/Counties
 - 1 Private Organization & Non-profit partnership
 - 1 University
 - 2 Tribes
- Grant funds use: refrigeration systems, storage and collection infrastructure, heavy equipment, transportation, education and outreach, and jobs
- 18 million pounds of edible food recovered and distributed
- 15,447 metric tons of carbon dioxide equivalent reduced through landfill diversion.

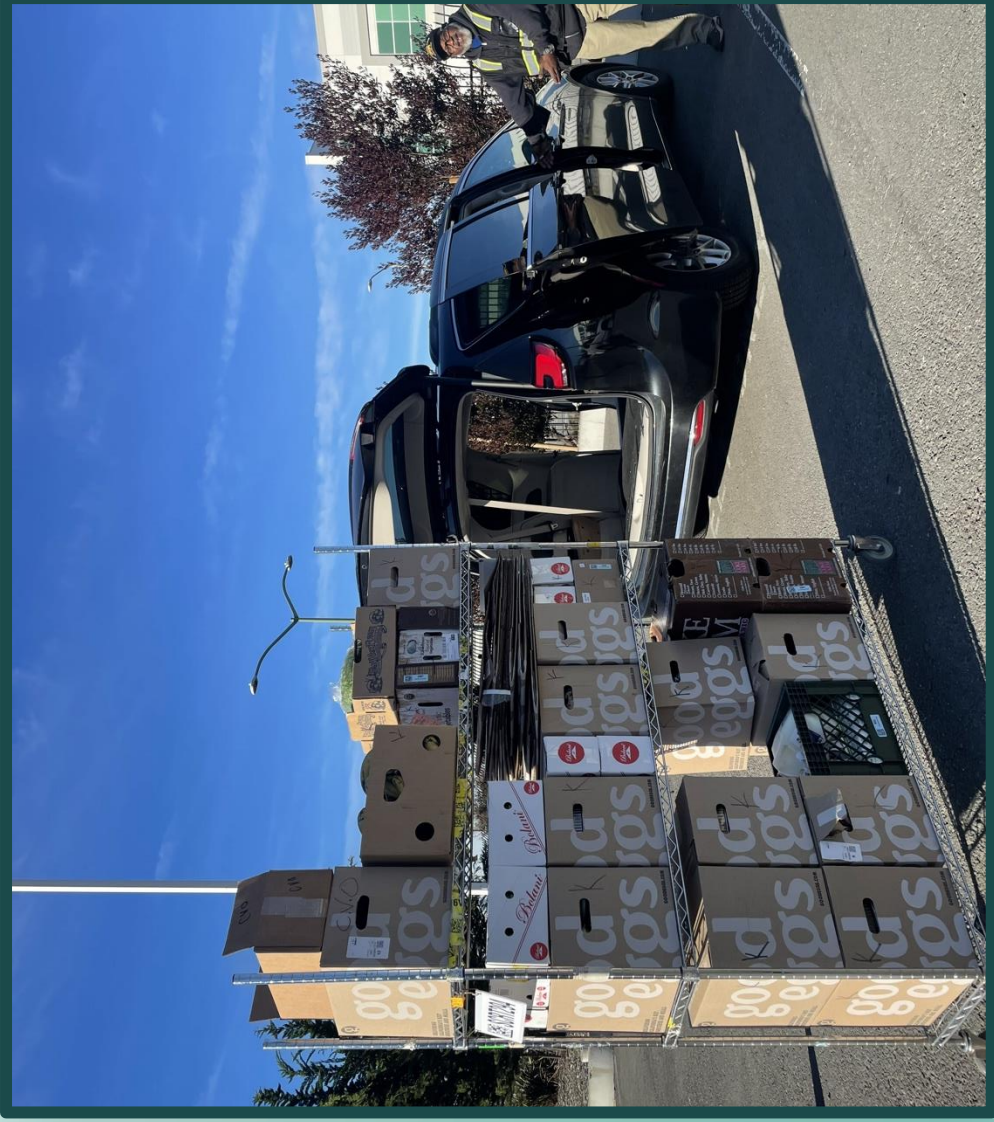


Outcomes of Community Composting for Green Spaces

- 19 Projects Funded
- Supporting 83 sites across all major regions of CA
 - Inland Empire
 - Greater Los Angeles Area
 - San Diego & Imperial
 - Sacramento Valley
 - San Joaquin Valley
 - San Francisco Bay Area
 - Northern Area
 - Central Sierra Region
- 11 Grants to Tribal Entities
- 643 Trees Planted
- 5,000 + cubic yards of compost produced
- Over 3,000 metric tons of carbon dioxide equivalent reduced through landfill diversion.



Edible Food Recovery Grant Project Highlights



Common Vision

- Alameda County
- \$224,457

Grant Funds Supported:

- Purchase of a food recovery van
- Coolers, ice packs, and storage bins
- Salaries for food rescue drivers and site coordinators
- Education and outreach

Edible Food Recovery Grant Project Highlights

**Chicken Ranch Rancheria of Me-Wuk
Indians Tribe**
Tuolumne County

\$249,867

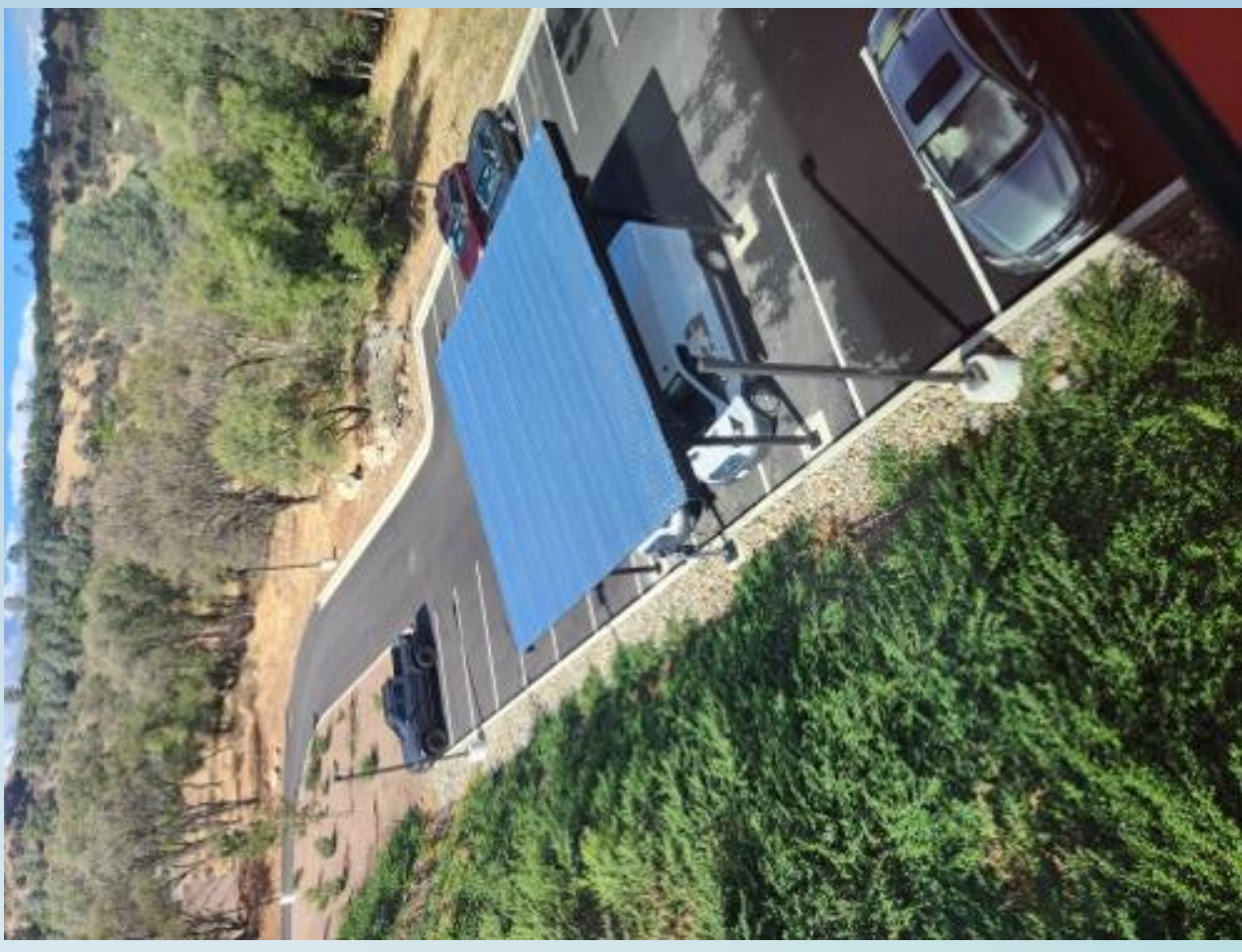
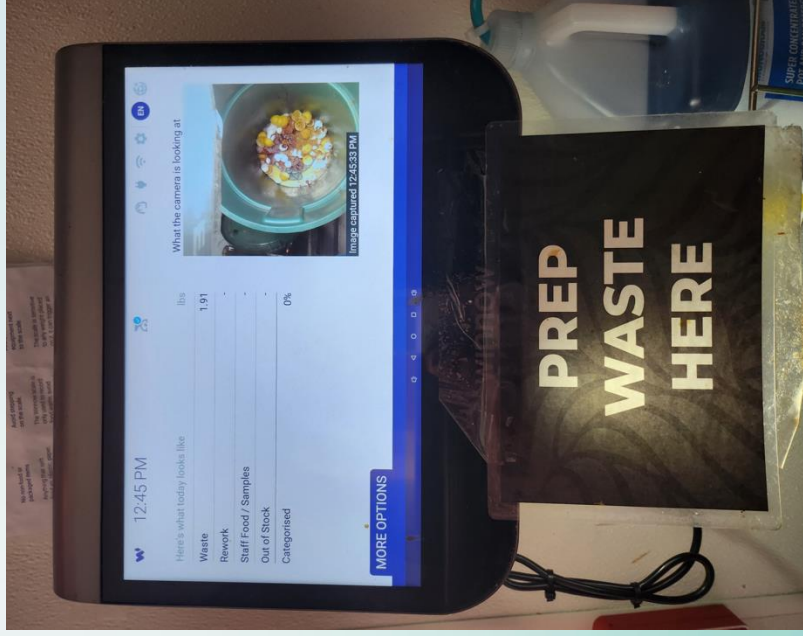
Grant Funds Supported:

- Purchase of two electric transit cargo vans for food recovery
- Construction of charging stations for vans
- Food preparation and compost containers
- Winnow Commercial Kitchen Food Waste Prevention System



Chicken Ranch Rancheria

- Strong food recovery network
- Food Waste Prevention



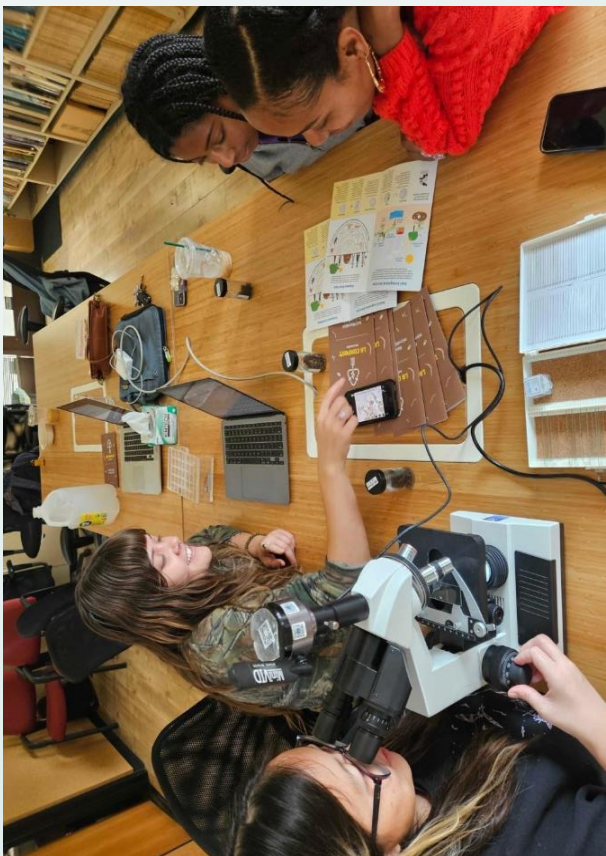
Chicken Ranch Rancheria Community Composting



- Awarded \$97,398
- Three-bin compost system on Tribal lands

Central Sierra Community Composting





LA Compost

Awarded \$1,232,000



Beverage Container Recycling Grant Program

Available Funding

- \$1.5 million annually (FY 2026–27 and 2027–28)
- Grant range: \$75,000 minimum, \$275,000 maximum
- Apply: CalRecycle's Grants Management System (GMS)
- Applications due: **August 6, 2026**

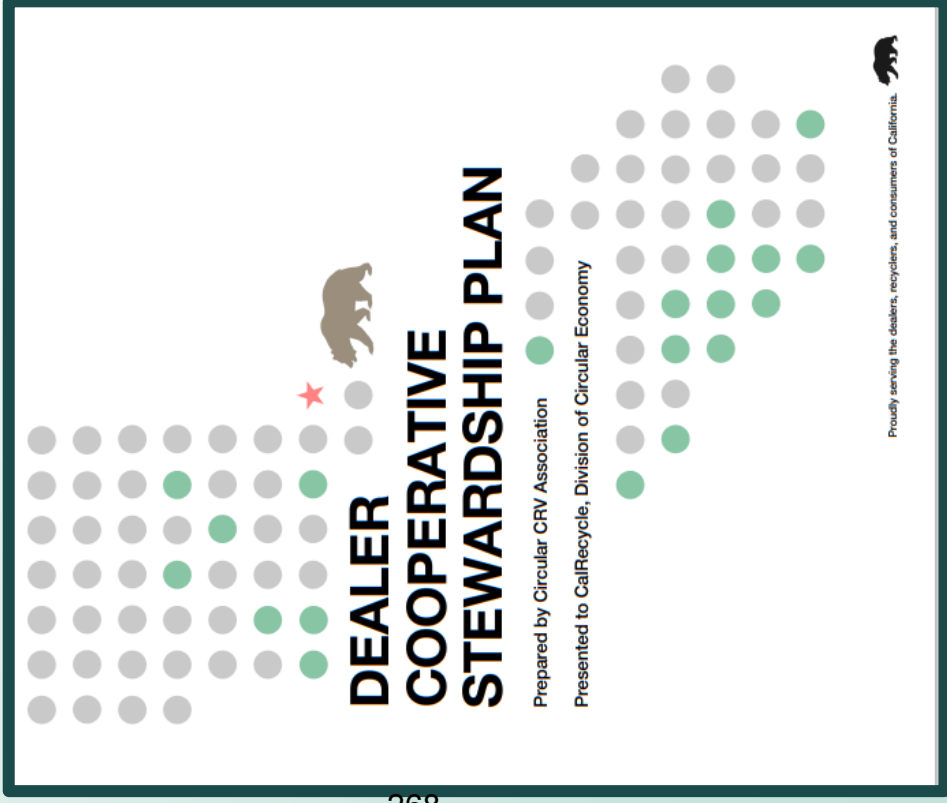
Recommended Project Types:

- Purchase/installation of recycling bins
- Water refill stations
- Education and outreach programs
- Expansion of recycling collection projects

Dealer Cooperative

Stewardship Program Updates

- May 8: CalRecycle notified Circular CRV that its Q1 2026 report was incomplete
- May 11: Revised report submitted; CalRecycle has 30 days to determine if it is incomplete
- May 14: Proposed stewardship plan changes submitted; review deadline June 15, 2026
- May 1: Circular CRV submitted other plan changes (dealer members, redemption sites)
- Apr 28, May 4 & 11: Stewardship plan became fully operational in multiple convenience zones (Los Angeles, Studio City, Sherman Oaks, Vallejo, Fairfield)



Home-Generated Sharps Waste Stewardship

Program Update

- MED-Project's Proposed Changes to its Home-Generated Sharps Waste Stewardship Plan
- CalRecycle decisions posted online
- More information linked to agenda



Covered Electronic Waste (CEW) Recycling Program

Adjustments must be determined by July 1, 2026

- Standard Statewide Recovery Payment Rate for collectors
- Maintain \$0.40/pound for all CEW
- Standard Statewide Combined Recovery and Recycling Payment Rate
 - \$1.19/pound for cathode-ray tube (CRT) CEW
- Standard Statewide Combined Recovery and Recycling Payment Rate
 - \$1.16/pound for non-CRT CEW



Facility Permits and Waivers

Department Actions

Revised Solid Waste Facility Permits

Rialto BioEnergy Facility – San Bernardino County

- Update: Hours of operation and vehicle traffic volume
- Concluded: 4/28/2026

271

HZIU Kompogas – San Luis Obispo County

- Update: Operator name change and increasing tonnage from 850 to 950 tons per week
- Issued: 5/8/2026

Antelope Valley Public Landfill – Los Angeles County

- Update: Hours, increasing acreage total and disposal acreage, and increasing design capacity from 30.2 to 43.9 million cubic yards
- Concluded: 5/12/2026

Facility Permits and Waivers

Department Actions

Modified Solid Waste Facility Permit

ReGen Monterey Compost – Monterey County

- Update: Add CASP technology and site information changes
- Concluded: 4/28/2026

New Solid Waste Facility Permit

Freepoint Eco-Systems Yermo Supply LLC Plastics Sorting and Processing Facility – San Bernardino County

- Info: Transfer/processing facility, 855 tons per day, 147 vehicles per day, 77.57 acres
- Concluded: 4/28/2026

Facility Permits and Waivers

New and Continuing Items

Lost Hills Environmental Waste Facility – Kern County

- Revised solid waste facility permit
- Update: Add treated auto shredder waste material recovery facility operation, increase permitted tonnage, vehicle traffic, and extend the estimated closure date for the landfill
- Action needed by: 6/30/2026

Mount Vernon Avenue Recycling and Composting Facility – Kern County

- Revised solid waste facility permit
- Update: Add municipal solid waste stream to existing operation
- Action needed by: 6/12/2026

City of Lompoc Sanitary Landfill – Santa Barbara County

- Modified solid waste facility permit
- Update: Operational hours
- Action needed by: 7/3/2026

Unified Program Newsletter – April 2026

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DTSC

Inactivation of ID Numbers Due to Non-Compliance of the Annual Electronic Verification Questionnaire

Hazardous waste handlers who were required to complete the 2026 electronic Verification Questionnaire (eVQ) and did not do so by March 31st, had their ID numbers inactivated on April 1, 2026. Failure to meet this deadline is a violation, and handlers will incur late reporting penalties starting April 1, 2026. A handler shall be assessed a separate violation for each hazardous waste ID number that does not comply with this requirement (Cal. Code Regs., tit. 22, Section 66269.32). **Late eVQ submissions will be accepted until June 1, 2026, when the eVQ System closes.** Completing the eVQ doesn't automatically reactivate an inactive ID number. A handler will need to select the "reactivate" checkbox in Step 3 of the questionnaire and complete all steps until their questionnaire is completed.

- **Website:** <https://evq.dtsc.ca.gov>
- **Training Video:** <https://dtsc.ca.gov/evq-training-video/>
- **Email:** evq@dtsc.ca.gov
- **Toll-free Number:** 1-877-454-4012, Monday to Friday from 9 a.m. – 2 p.m. Pacific Time

Hazardous Waste Tracking System and RCRAInfo System User Accounts Cleanup

Security best practices and standards require user accounts to be removed or disabled within a set amount of time. Stale accounts pose a security risk as each one of these accounts offers a bad actor an opportunity to gain access to the respective system's data and resources. If you are a manager or supervisor, e-mail myRCRAid@dtsc.ca.gov to request a list of active Hazardous Waste Tracking System and RCRAInfo regulatory agency user accounts from your agency. Review the list to identify employees who are no longer with your agency or no longer need access, so that DTSC can deactivate these user accounts.

DTSC Webpage Survey

We encourage CUPA managers to complete and share [this survey](#) with their inspectors. We are gathering feedback on making DTSC CUPA Support Branch's [web pages](#) (<https://dtsc.ca.gov/certified-unified-program-agencies-cupa/>) more useful to regulators and the regulated industry with regard to hazardous waste and Tiered Permitting. The [survey](#) is expected to take less than a minute to complete. (<https://forms.microsoft.com/g/q9L1zTDeb8>).

Please provide your **response by May 15, 2026**, or sooner.



Cal FIRE OSFM

Aboveground Petroleum Storage Act (APSA) Advisory Committee

The next APSA Advisory Committee meeting will be held on April 30, 2026, at 9:00 AM. The agenda will be available on the APSA Advisory Committee website at least 10 days prior to the meeting: <https://osfm.fire.ca.gov/committees/aboveground-petroleum-storage-act-apsa-advisory-committee>.

Frequently Cited Violations

Since the APSA program regulations went into effect on December 17, 2024, Unified Program Agency (UPA) inspectors have been inspecting more APSA tank facilities with less than 10,000 gallons of petroleum, as well as conditionally exempt tank facilities. Some of these tank facilities have never had an APSA compliance inspection before or have not had a recent inspection.

The top 10 most frequently cited APSA program violations are listed below to help tank facilities prepare for their inspection.

- Failure to maintain written records of inspections and tests
- Failure to prepare a Spill Prevention, Control, and Countermeasure (SPCC) Plan
- Failure to complete a review and evaluation of the SPCC Plan at least once every five years, document completion of the review, and sign a statement as to whether the SPCC Plan will be amended
- Failure to conduct a spill prevention briefing at least once a year and maintain records for at least three years
- Failure to provide (initial) training to all oil-handling personnel and maintain records for at least three years
- Tanks not inspected and/or integrity tested
- Failure to annually submit a tank facility statement or a complete hazardous material business plan in lieu of a tank facility statement
- Failure to implement the SPCC Plan
- Failure to address the type of oil and storage capacity for each container in the SPCC Plan
- Failure to maintain the SPCC Plan on site if the facility is normally attended at least four hours per day, or at the nearest field office if the facility is not so attended

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](#)

Unified Program Newsletter – May 2026

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State Water Board

Inspection of Single-Walled Underground Storage Tanks

An underground storage tank (UST) has only three operating conditions: 1) operational; 2) temporary closure; or 3) permanent closure. Single-walled USTs that have not been permanently closed are considered operational and must be treated as such until permanent closure. Unified Program Agencies (UPAs) must continue to perform the annual compliance inspection even if the single-walled UST has been red tagged and all product has been removed from the tank.

There are some single-walled systems that are still storing motor vehicle fuel, for example emergency tank systems, or those systems the UPA did not require the product to be removed after applying the red tag. Single-walled UST systems with product must continue to perform all required tests and inspections, including but not limited to the designated UST operator inspection, cathodic protection testing, enhanced leak detection testing if located within 1,000 feet of a drinking water well, and release detection equipment testing, including testing of the automatic tank gauge. Failure to perform or pass any test or inspection must be cited on the UPA's inspection report. Additionally, the UPA has the authority to request additional testing relevant to compliance, in accordance with Health and Safety Code, chapter 6.7 (H&SC) section 25289(b). The UPA should pursue civil penalties in accordance with H&SC, section 25299 and consistent with their Inspection and Enforcement (I&E) Plan.

The State Water Resources Control Board (State Water Board) will be reviewing single-walled UST enforcement as part of the Certified Unified Program Agency Performance Evaluations.

For questions on single-walled UST inspection and enforcement expectations, please contact: Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov.

Single-Walled Enforcement Surveys

On April 24, 2026, the State Water Board UST Enforcement Unit distributed enforcement surveys to UPAs with single-walled USTs within their jurisdiction. The survey requests information on the remaining single-walled UST facilities, including closure status, any formal enforcement efforts, and any guidance or assistance needed from the State Water Board. The survey results will be posted on the UST Enforcement Unit's single-walled UST webpage later this month.

For information regarding single-walled UST enforcement, please contact: Jenna Hartman at (916) 327-8563 or Jenna.Hartman@waterboards.ca.gov.

Monitoring Site Plans

California Code of Regulations, title 23 (Title 23), section 2650(c) outlines the requirements for a facility's monitoring site plan. This includes a scaled diagram indicating the layout of the tanks, piping and sumps to the extent known, locations of all release detection equipment, and each vacuum, pressure, or hydrostatically monitored zone (if applicable). As a reminder, scaled or as-built drawings have been required as part of the permit application for decades. The current version of Title 23 has simply unified the permit application and monitoring plan requirements.

State Water Board staff have received several questions regarding the level of detail required for these plans. For a diagram to be to-scale, the site plan required components must be depicted using established, proportional dimensions (for example, by including a scale bar on the plans). If completed properly, the State Water Board expects this plan to be a one-time submittal to the California Environmental Reporting System. If a new monitoring site plan needs to be drafted to meet the requirements of

section 2650(c), this may be developed using a variety of methods, including professional drafting software.

Monitoring site plans are required to include only the information listed in section 2650(c). Topographic lines, parcel boundaries, utilities, ingress, or egress markings are not required to be on the monitoring site plan. When reviewing monitoring site plans, UPAs should confirm a scale bar or other scaling information is present and verify all release detection equipment locations are identified.

For additional information regarding monitoring site plans, contact:
Austin Lemire-Baeten at (916) 327-5612 or Austin.Lemire-Baeten@waterboards.ca.gov.

Veeder Root TLS 350 End of Life Notification

The Veeder Root TLS-350 and earlier models (TLS-3XX) are the most common release detection equipment monitoring panels utilized in California. Veeder-Root has discontinued sales and issued an [End of Life Notification](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwj5w6iw9KKUAxXrDTQlHW8qCt8QFnoECBYQAQ&url=https%3A%2F%2Fdocs.veeder.com%2Fgold%2Fdownload.cfm%3Fdoc_id%3D11251&usg=AOvVaw29KEEdGgjxsgp-6UX3pSna&opi=89978449) for all TLS-3XX systems (https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwj5w6iw9KKUAxXrDTQlHW8qCt8QFnoECBYQAQ&url=https%3A%2F%2Fdocs.veeder.com%2Fgold%2Fdownload.cfm%3Fdoc_id%3D11251&usg=AOvVaw29KEEdGgjxsgp-6UX3pSna&opi=89978449). UST owners and operators may continue to use the TLS-3XX, however, if a component needs to be repaired, replacement parts are no longer being manufactured or supplied. As a result, this will require an upgrade to another tank monitoring system.

Currently, there is robust market for prohibited remanufactured or used Veeder Root TLS 3XX components. Title 23, section 2651(c) prohibits the use of release detection equipment that has been remanufactured or rebuilt by anyone other than the manufacturer of the device (See Title 23, section 2651(c)). UPA inspectors should review permit applications, or maintenance and service records to determine whether any unauthorized repairs have been performed on the TLS-3XX and cite prohibited repairs. State Water Board recommends that UPAs cite at least the following violations: *Failure of the release detection equipment to be installed, calibrated, operated, or maintained in accordance with manufacturer's specifications (UST Program Violation 2031006)*

UPAs should follow their I&E Plan when applying progressive enforcement.

For more information regarding repairs to the TLS-3XX, please contact: Michelle Suh at (916) 323-0878 or Michelle.Suh@waterboards.ca.gov.

Addition to Local Guidance Letter 113 – PetroVac Auxiliary Vacuum Pump

The State Water Board has updated Local Guidance Letter 113 (LG-113) with the Petro Specialties PetroVac Positive Displacement Vacuum Pump as a vacuum source for the [Veeder-Root Secondary Containment Leak Detection method](https://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lg113/vendors/veeder_root_y.html) (https://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lg113/vendors/veeder_root_y.html). A PetroVac auxiliary vacuum source may only be used in instances where a submersible turbine pump is not installed or as specified in the

Veeder-Root Secondary Containment Vacuum Sensing module (see the California Installations section of the LG-113).

For more information regarding additions to LG-113, please contact: Stephanie Duong at (916) 322-8544 or Stephanie.Duong@waterboards.ca.gov.

28th Annual CUPA Conference – UST Leak Prevention and Office of Enforcement Presentations

UST Leak Prevention Update 2026

Tom Henderson discussed the changes to the UST Program during 2025 and expectations for 2026. This presentation was recorded for the Learning Management System.

New UST Regulations: The Good, the Bad, and the Road Ahead

Austin Lemire-Baeten discussed the implementation of the new regulations since January 1, 2026, and expectation with Chapter 16 going forward. This presentation was recorded for the Learning Management System.

UST Evaluations: What's New for You?

Magnolia Busse and Michelle Suh presented how the new Title 23 will impact CUPA Performance Evaluations. This presentation was recorded for the Learning Management System.

UST Enforcement: From Single-walled to Abandoned Tanks and Beyond

Amber Camarena and Jenna Hartman presented an overview of the Office of Enforcement, UST Enforcement Unit's role in supporting UPAs with ongoing and emerging enforcement cases. They also discussed the Water Board's process for investigating and developing enforcement actions and the unit's prioritization of single-walled and abandoned USTs for 2026-2027.

Single-walled Tanks Enforcement Strategies and Stories

Chase Mendenhall and Jenna Hartman discussed single-walled UST enforcement strategies and methods from the LA City Fire Department CUPA and State Water Board perspective. This course also encouraged audience discussion of current single-walled UST enforcement issues and approaches statewide, including preparing and issuing administrative enforcement orders.

Steel Tanks: Allow Me to Reintroduce Myself

Steve Pollock (STI), Garrick Mullen (Watco Tanks), David Spaeth (TrueNorth Steel), and Austin Lemire-Baeten presented steel tank manufacturer and installation requirements from the steel fabricator perspective, and the lessons learned from working with the CUPAs and State Water Board.

The CUPA Performance Evaluation and Assessment Process

Kaitlin Cottrell reviewed the UST portion of the CUPA Evaluation all-evaluators assessment process. This presentation was recorded for the Learning Management System.

DTSC

2025 National Biennial Hazardous Waste Report Cycle Open!

The 2025 National Biennial Hazardous Waste Report (Biennial Report, or BR) cycle opened on January 2, 2026, and was due March 1, 2026. Even though the report is now past due, we are still accepting late submissions. The BR is completed through U.S. EPA's [RCRAInfo](#) System. Sites are required to file the 2025 BR if in any one month during 2025, they met any of the following conditions:

- Generated more than 2,200 pounds of RCRA non-acute hazardous waste OR
- Generated or accumulated more than 2.2 pounds of RCRA acute hazardous waste OR
- Generated or accumulated greater than 220 pounds of spill cleanup materials contaminated with RCRA acute hazardous waste OR
- Treated, stored, or disposed of RCRA hazardous waste on-site.

The Department of Toxic Substances Control has sent email and mail notices to sites whose records show have met the reporting requirements to inform them to file. If you receive any questions regarding the Biennial Report, refer them to the resources below.

Website (includes training video and guide): <https://dtsc.ca.gov/biennial-reports-information/>

Email: brsstaff@dtsc.ca.gov

Toll-free Number: 1-877-454-4012, Monday to Friday from 9 a.m. – 2 p.m. Pacific Time

Submit your training request now!

The DTSC CUPA Training and Assistance Unit would like to express our sincere appreciation for your continued collaboration and support. Your partnership has been the foundation to the success of our training program.

We invite you to complete the **2-minute survey** below to help us evaluate our efforts and identify future training needs in Hazardous Waste Management and/or Tiered Permitting:

https://forms.office.com/Pages/ResponsePage.aspx?id=9P+PP2DHKky6uMY-9L0kOUOUI8FqzDJKtQuXPjc_pyNUQVNYMTJKNVFUQ1IPTDA1RVNPMURMNkQwVC4u



Since becoming fully staffed in January 2024, our unit has delivered several core trainings, including:

- Generator Improvements Rule (GIR)
- Sampling and Lab Results Interpretation
- Conducting Hazardous Waste Generator Inspections
- In-Person Sampling for Enforcement
- Tiny Topics Series (e.g., HWTS, Speculative Accumulation, Used Oil Definition, Local Oversight Program for Cleanup, Waste Counting)

These training topics were developed based on a Training Needs Assessment, which included wish-list from CUPA managers, survey responses, and analysis of Summary of Finding (SOF). Our team continues to work diligently to develop new training opportunities while supporting CUPA staff with technical and programmatic inquiries.

Many of the training courses presented at the CUPA Conference are available through the Learning Management System:

- CUPA Forum Training Center, [CUPA Forum Training Center · calcupa.org](https://www.calcupa.org)
- Additionally, the *Sampling and Lab Results Interpretation* training is available here: <https://www.youtube.com/watch?v=WvJvnXWQHE&t=10s>

Would you like to be a co-instructor?

Please, contact us at: DTSC_CUPATrainers@dtsc.ca.gov.

Subscribe to get training updates and announcements!



Or go to the Subscription page manually at the following link:

https://forms.office.com/Pages/ResponsePage.aspx?id=9P+PP2DHKky6uMY-9L0kOUOUI8FqzDJKtQuXPjc_pyNUQzI4SURWUjVZS0FFS1JJNTBMQk9RUIIENC4u

Thank you again for your partnership and continued commitment.

Sincerely,

DTSC CUPA Training and Assistance Unit

DTSC's 2026 Electronic Verification Questionnaire Reporting Cycle Will Be Closing

Late electronic Verification Questionnaire (eVQ) submissions are accepted until June 1, 2026, when the eVQ System closes. Completing the eVQ does not automatically reactivate an inactive ID number. To reactivate, the handler must elect to have the ID number reactivated in Step 3 of the questionnaire. Then complete the remaining steps until they are done.

If you receive any questions from your stakeholders regarding the questionnaire, please refer them to the information below.

- **Website:** <https://evq.dtsc.ca.gov>
- **Training Video:** <https://dtsc.ca.gov/evq-training-video/>
- **Email:** evq@dtsc.ca.gov
- **Toll-free Number:** 1-877-454-4012, Monday to Friday from 9 a.m. – 2 p.m. Pacific Time

In Person Environmental Sampling for Enforcement Training – Program Update

DTSC is pleased to announce an upcoming **In-Person Environmental Sampling for Enforcement Training**, an important program designed to strengthen field capabilities and promote statewide consistency in environmental sampling procedures.

Over the past year, this hands-on training has been delivered at multiple locations across California. DTSC remains committed to offering this popular training to support our partner agencies.

Upcoming Training Session

Stanislaus County

Date: Thursday, June 25, 2026

Time: 9:00 AM – 4:00 PM

Location:

Stanislaus County Department of Environmental Resources
3800 Cornucopia Way
Modesto, CA 95358

Registration:

Registration is now open. Please use the link below to reserve your spot:

<https://forms.office.com/g/jnBTyhqH17>

Training Overview

This course provides practical instruction on environmental sampling techniques for enforcement activities, including:

- Planning and preparation for field sampling
- Sampling strategies and selection of appropriate equipment
- Identifying and requesting relevant laboratory analyses
- Interpreting analytical results
- Presenting findings to support legally defensible cases
- Hands-on practice using sampling equipment and collecting/documenting various sample types

We encourage early registration, as space is limited and demand for this training remains high.

If you have any questions, feel free to reach out to us at dtsc_cupatrainers@dtsc.ca.gov.

Cal FIRE OSFM

No. 1 Aboveground Petroleum Storage Act (APSA) Program Violation

Currently, the No. 1 APSA program violation cited by Unified Program Agencies (UPA) is failure to maintain written records of inspections and tests of aboveground storage tanks (AST) and containers. Inspections and tests are based on the industry standard in which the AST is subject to, considering their size, configuration, and design. Many shop-fabricated ASTs at APSA tank facilities are subject to the Steel Tank Institute (STI)/Steel Plate Fabricators Association (SPFA) SP001 standard. If a tank facility references this inspection standard in their Spill Prevention, Control, and Countermeasure (SPCC) Plan and their plan does not already have inspection checklists for monthly and annual inspections or perhaps the owner or operator is interested in comprehensive checklists, they may be able to download the following resources for free from the STI/SPFA website at <https://stispfa.org/library-resources/standards-regulatory-resources/sp001-standard/>:

- STI SP001 AST Record
- STI SP001 Monthly Inspection Checklist
- STI SP001 Annual Inspection Checklist
- STI SP001 Portable Container Monthly Inspection Checklist

For more information on AST inspections, visit the U.S. Environmental Protection Agency website at <https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations/tank-inspections>.

OSFM APSA Webinar

Another OSFM APSA webinar is coming soon. This next series will be held in early June and will cover tips when reviewing SPCC Plans.

Use the link below to join the webinar on June 9 from 2:00-3:00 PM.

<https://teams.microsoft.com/meet/262599469566998?p=E3qFErZtDWLWodRykn>

Meeting ID: 262 599 469 566 998

Passcode: ka3MS3kw

Dial in by phone: +1 (650) 564-3271

Phone conference ID: 940 974 309#

Use the link below to join the webinar on June 10 from 10:00-11:00 AM.

<https://teams.microsoft.com/meet/225404731854484?p=bv4PgNhOM5erasVbkT>

Meeting ID: 225 404 731 854 484

Passcode: Qb6nf6vp

Dial in by phone: +1 (650) 564-3271

Phone conference ID: 363 654 612#

STI/SPFA Webinar

STI/SPFA regularly holds free webinars that may be useful for APSA tank facility owners or operators. For example, there will be a webinar on corrosion protection of industrial tanks on June 11, 2026. For more information, visit the website at

<https://stispfa.org/education/webinars/>.

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](#)

California legislature advances key waste, recycling bills

A hauler franchise bill, plus bills to manage medium-format batteries, vape waste, food donations and metal shredder facilities, are still in play.

Published June 1, 2026



Megan Quinn
Senior Reporter



The California State Capitol in Sacramento. [The image](#) by Jimmy Emerson, DVM is licensed under [CC BY-ND 2.0](#)

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Notable bills include a hauler franchise agreement bill opposed by major waste companies, as well as a bill that would create an EPR program for medium-format batteries and two that would explore vape waste solutions.

Here's a look at what's still in play this session:

Hauler franchise agreements, force majeure and labor disputes

SB 1371 would prohibit a city or county from entering into or updating a solid waste hauling agreement if a labor dispute would excuse the hauler from carrying out its duties.

The bill would also void any existing force majeure provisions from such contracts if that force majeure provision is meant to be used due to a work stoppage from a labor strike. This would take effect Jan. 1, 2027.

This bill passed the state Senate on May 19 and is now awaiting consideration in the Assembly.

Force majeure clauses typically cover “acts of God” that prevent haulers from providing services, such as extreme weather. SB 1371 is meant to clarify that “lawful labor disputes are not ‘acts of God’ and should not automatically relieve companies of their contractual obligations to provide essential services,” according to a bill analysis.

A version of the bill passed the legislature in 2023, but was vetoed by Gov. Gavin Newsom. “Local jurisdictions voluntarily enter into franchise agreements and currently have the ability to negotiate amendments to such contracts without legislation.”

WM, Recology, Republic Services, the Resource Recovery Coalition of California and Waste Connections oppose SB 1371. These groups also opposed the previous version, saying it did not provide enough flexibility and could raise costs both for local agencies and for customers.

Supporters include Teamsters California and the California Federation of Labor Unions AFL-CIO. These labor groups say the

bill holds haulers accountable for providing services and paying workers.

“Waste companies know exactly what they’re doing — the longer they drag out strikes, the more the trash piles up and the more our communities suffer,” said Marcus Ford, a member of Teamsters Local 396 who works for Republic Services, in a [statement](#). “But employers are barely affected because the force majeure clause sitting in their back pockets is a get-out-of-jail-free card.”

Force majeure clauses have been used during labor strikes in California’s past, including in 2021 during a Republic Services strike in Chula Vista that halted some waste collection services and shielded the company from liability, according to bill analysis.

During the month-long strike, Republic did not collect waste but allowed customers to drop it off at a nearby landfill for free, according to the bill analysis. Chula Vista used its own staff and contracted with nonprofits to cover during lost or reduced services.

Medium-format battery EPR expansion bill

[SB 501](#) would add rechargeable medium-format batteries to the state’s existing extended producer responsibility program for batteries, known as the Responsible Battery Recycling Act of 2022. The bill passed the Senate in January and is awaiting consideration in an Assembly committee.

California already has stewardship programs for several kinds of batteries, including small loose batteries and batteries embedded in products. SB 501 would add more types of batteries to the program, such as “those found in e-bikes, outdoor lawn equipment, and portable power systems,” according to a [bill analysis](#).

Recology, Republic Services and the National Stewardship Action Council support the bill, along with Californians Against Waste, the California Product Stewardship Council, the Product Stewardship Institute, Resource Recovery Coalition of California and several solid waste authorities and municipalities, among others.

Bill supporters say the program will help prevent fires from improper disposal. “Creating a pathway for responsible end of life management for these mid-sized batteries is especially important as sales of e-bikes and other battery-powered appliances are on the rise,” supporters said in bill analysis.

As of January, Redwood Materials, a battery recycler, was the sole listed opponent. At a January bill hearing, lobbyist Ryan McCarthy said the company wanted to iron out clarifications between medium and small format batteries, but noted that it wanted to “work together as an active battery steward today for small and medium format batteries.”

California’s severe fire season is one impetus for the legislation, sponsors wrote in a bill analysis. In 2019, a trash truck caught fire in the foothills of the San Bernardino Mountains, and the fire spread to the surrounding hillside when the driver unloaded the truck to try to extinguish the flames. That fire spread to a mobile home community, “leading to the deaths of two people and the destruction of dozens of homes, burning over 1,000 acres.” The analysis notes that the fire’s cause is still under investigation, but “action is required to reduce known sources of fires including lithium-ion batteries.”

A fire at the South Bayside Waste Management Authority’s San Carlos facility in 2016 caused over \$8.5 million in damages and led to more than 50 employees being furloughed as repairs took place, lawmakers said.

Vape waste disposal and marketing to teens

AB 2667 calls for the state’s Department of Toxic Substances Control to look into how to properly dispose of vape pens, particularly those confiscated from schools. It also would authorize a “permanent” household hazardous waste facility to “mechanically disassemble” vapes to process individual components.

DTSC would have until Jan. 1, 2030, to evaluate collection, disposal and management options and recommend possible solutions that might require legislative action.

The bill further prohibits anyone from selling, marketing, advertising, or distributing vape products that imitate foods typically marketed to minors, such as candy. It also prohibits branding and marketing specifically meant to appeal to minors.

“Schools are increasingly confiscating these vapes, yet they lack practical options to safely manage and dispose of them,” wrote bill sponsors in an analysis report. “Similarly, local household hazardous waste facilities receiving these vapes are unable to identify them and disassemble them, increasing costs and fire hazards.”

National Stewardship Action Council, Californians Against Waste, California Product Stewardship Council, Republic Services, Recology, ReThinkWaste and several school districts and zero waste groups all support the bill. The bill has no recorded opposition.

Vape manufacturing and sale ban

AB 762 calls for banning the import or manufacture of new or refurbished battery-embedded disposable vapes after Jan. 1, 2027.

It would prohibit their sale by Jan. 1, 2028 and impose fines. Bill authors expressed concerns about the devices' batteries, which can cause facility fires, as well as other toxic substances from the devices.

Californians Against Waste, California Product Stewardship Council, California Public Interest Research Group, and Rethink Waste support the bill. "Without a standardized way to recycle single-use vapes, they are sent to material recovery facilities and landfills, where they can ignite dangerous and costly fires. Not only is this dangerous, it is unsafe for workers and costly to local governments to clean up," they noted. Residual liquid nicotine can also pose environmental and health threats, they said in [a bill analysis](#).

The California Distributors Association oppose the bill, saying it's "unnecessary and duplicative of existing laws" including a law prohibiting the sale of flavored tobacco products and a law creating a state product registry with compliance guidelines.

Other bills to watch

- **SB 936: Nitrous oxide sales**: Adds new restrictions to the sale or distribution of nitrous oxide, making it illegal to sell or distribute it in a container that can hold more than eight grams of the substance, or a container that allows a user to directly inhale the substance. Groups such as SWANA, Recology, Republic Services, NSAC, the California Product Stewardship Council, Californians Against Waste and others support the bill due to safety concerns and the burden on household hazardous waste programs in the state.
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some farmers use to cover harvesting and donating food that might otherwise go to waste. It also would extend a separate emergency food tax contribution program that allows Californians to donate part of their tax refund to support food banks. These extensions are meant to prevent food waste.

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ENVIRONMENT

California's new plastic recycling rules spark fights from all sides



BY ALEJANDRA REYES-VELARDE
MAY 13, 2026

Republish



Food items delivered by Feeding San Diego, Emmanuel Faith Community Church, along with other churches and community members during a food distribution at Interfaith Community Services in Escondido on Oct. 30, 2025. Photo by Ariana Drehsler for CalMatters

IN SUMMARY

- Under new rules, plastic producers have to cut single use plastic, increase recycling rates and pay \$5 billion to remedy harms from plastic pollution.
- Plastic producers have until June to come up with a plan for how they're meeting state mandates.

California just gave plastic producers until 2032 to make all their packaging recyclable or compostable — the most ambitious deadline in the country. Advocates say it doesn't go far enough. Producers say it goes too far. At least one of them is threatening to sue.

The sweeping regulations, finalized at the start of the month, put producers in a bind that has no obvious solution. Plastic clamshell containers, for instance, protect berries from being crushed and keep them fresher, longer until they reach a refrigerator. Plastic producers say there's simply no substitute — yet under the new rules, they'll have to find one.

Last week, two environmental groups — the Natural Resources Defense Council and Californians Against Waste — said they plan to take California to court. Their argument: the state's rules actually break the law by allowing recycling methods that create a lot of toxic waste, and by letting some plastics slip through the rules entirely. On the other side, plastic manufacturers say the rules go too far and will make products more expensive for shoppers.

Sen. Ben Allen, a Democrat from coastal Los Angeles County who authored the plastic waste law, said the program still “massively moves the needle on this really major problem” — even if the process was messy. “This was the product of a compromise, and it was not perfect, and everybody walked away from the table, you know, unhappy about various aspects,” Allen said.

“California is the United States, but 30 years in the future,” said Joe Árvai, director of the University of Southern California's Wrigley Institute for Environmental Studies. “What's happening now is emblematic of trends that we are seeing worldwide ... and the U.S. needs to adapt in the way that those countries are adapting in order to remain globally competitive.”

Less plastic, more recycling

For decades, the burden of reducing, reusing and recycling plastic waste has fallen on consumers. Once a consumer buys a product, they decide what happens to it — whether it ends up in the garbage can or the recycling blue bin — and their tax dollars fund recycling systems we have today.

In 2022, California’s landmark [Senate Bill 54](#), the Plastic Pollution Prevention and Packaging Producer Responsibility Act, shifted that responsibility to businesses. The regulations outline what materials are covered by the law and who counts as a “producer” of plastic waste.

The new regulations are a huge milestone, said Anja Brandon, director of U.S. plastics policy for the Ocean Conservancy. “There’s plenty more steps on this journey, but I’m just really excited that we are going to start making real progress,” she said.

The law applies to plastic food service ware and almost all single-use packaging — from the plastic wrap around large pallets of products shipped to retailers to a tube of toothpaste and the cardboard box around it.

To carry out the law, the Department of Resources Recycling and Recovery appointed the Circular Action Alliance, a nonprofit that helps states carry out extended producer responsibility mandates, as the organizing body for producers. The alliance is responsible for coming up with a plan to meet the law’s goals.

Producers — defined as companies that make more than \$1 million in sales and produce products packaged in plastic or own brands under which those products are sold — must join the organization and pay fees to fund waste management. They can meet the law’s requirements by using less plastic, finding alternative materials, or investing in recycling infrastructure.

“The biggest challenge is the scale and coordination required to modernize a complex recycling system across a state as large and diverse as California,” said Sheila Estaniel, a spokesperson for the Circular Action Alliance, in an email.

California’s requirement that businesses reduce single-use plastic altogether makes it one of the strongest plastic waste laws in the country. It also goes further than other similar laws because it

Our broken recycling system

Most of the plastic packaging Californians throw away isn’t recycled — and that’s not your fault as a consumer.

For decades, the revolving green arrows symbol has urged consumers to do a better job of reducing, reusing and recycling. But the system itself started out broken, and got worse.

When people toss items into recycling bins, workers at recycling centers sort through them. Contaminated items — like a peanut butter tub with residue still inside — go straight to the landfill. Manufacturers buy clean, valuable materials like water bottles and detergent tubs and turn them into new products.

But a slew of other trash isn’t valuable enough to sell. It ends up in landfills, too.

In 2021, the plastic recycling rate was only [6% nationwide](#), according to a report by the advocacy group Beyond Plastics. That’s down from 8% in 2018, partly because [China](#) and other countries

requires plastic producers to pay \$5 billion over a decade to address the environmental damage their products have caused to communities — though the state doesn't expect to start distributing those funds until 2027 at the earliest.

Watered down rules

The plastic waste rules have had a rocky road to implementation.

In 2024, CalRecycle developed a first draft of regulations detailing what plastic the law covers and what producers must do. The draft expired before CalRecycle finalized it. In 2025, Gov. Gavin Newsom directed regulators to rewrite the rules — a move that some advocates say food and agriculture lobbyists pushed for.

The result was a second draft that carved out a broad exclusion for plastics used for food and agriculture purposes, covering products under the jurisdiction of the FDA and USDA, such as packaging for fresh produce and supplements. Advocates said the exclusion gutted the law.

“Governor Newsom was clear when he asked CalRecycle to restart these regulations that they should work to minimize costs for small businesses and families — while ensuring California’s bold recycling law can achieve the critical goal of cutting plastic pollution,” said Anthony Martinez, a spokesperson for the governor. “That’s exactly what these draft regulations do.”

CalRecycle submitted that draft to the Office of Administrative Law in August 2025, but withdrew it to make changes that narrowed that exclusion. Regulators ultimately excluded only plastic that federal law requires for food safety — walking back a broader carve-out that advocates said would have gutted the law.

Advocates gear up to sue

Not all plastics follow the same rules — and advocates object to the state’s two-track system.

Some materials with unique technical challenges can apply for exemptions, but must meet specific criteria to qualify.

that used to buy our trash have stopped doing so. In California, most plastic packaging types are recycled at strikingly low rates, according to a 2025 CalRecycle report: Even milk jugs and detergent bottles, among the most commonly recycled plastics, reached only 19%, while most others came in at single digits or below.

Others, like plastic that federal law requires for food safety, escape the rules entirely once producers complete an application to CalRecycle — no timeline, no obligations.



Mirna Hernandez shops at Superior Groceries in Victorville on Aug. 16, 2024. Photo by Ted Soqui for CalMatters

“In practice, this allows exclusions to remain in effect ...even for notices that ultimately fail — creating strong incentives to submit weak or legally unsupported claims simply to delay (and effectively filibuster) compliance,” wrote Tony Hackett, a policy associate for Californians Against Waste in a public comment letter to the department.

Advocates raise a second concern: the regulations allow certain waste polluting technologies — ones the law specifically excluded because they generate significant quantities of hazardous waste — to count as recycling, as long as they have a hazardous waste permit.

These technologies include chemical recycling processes that the oil industry has long promoted as a solution to plastic pollution — a claim California’s attorney general says is deliberately misleading. Rob Bonta has

[sued ExxonMobil](#) alleging the company misled the public about recycling's potential to address the plastic crisis.

“These regulations ignore explicit limits on recycling technologies and create permanent escape hatches the law never authorized,” said Nick Lapis, director of advocacy for Californians Against Waste, in a statement.

Rhonalyn Cabello, a CalRecycle spokesperson, said the agency does not comment on pending or potential litigation.

Sen. Allen agreed the regulations fall short.

“We feel that the regulations as presented don't maintain some of the core agreements that were made in the passage of the bill,” he said. When there's too many exclusions, he said, companies are “basically forcing everybody else to pay and getting away scot free.”

Set up to fail?

Businesses claim they want to reduce plastic waste but feel trapped by conflicting state regulations and a lack of viable packaging alternatives.

The tension starts with labeling. The state's accurate recycling labels law, Senate Bill 343, prohibits businesses from using the chasing arrows symbol to indicate recyclability unless certain criteria are met. Advocates say the restriction is necessary to avoid confusion. But businesses say it means consumers are less likely to recycle products that could be recyclable.



Crates of milk at the San Francisco-Marín Food Bank warehouse in San Francisco on July 2, 2025. Photo by Jeff Chiu, AP Photo

“If we lose the right to use (recycling labels on) dairy cartons, our members are going to have to expand their plastic use, because that is the only other packaging type that can take a shelf stable product,” said Katie Davey, executive director of the Dairy Institute of California.

As investments from producers flow to cities and counties under the law, Cabello said, more materials may eventually meet the labeling criteria.

Beyond labeling, businesses say workable alternatives to plastic simply don’t exist yet — and that getting there will be costly. Investments needed to meet the law’s first goal alone — a 25% reduction in single-use plastic by 2032 — could cost up to \$15.4 billion, according to CalRecycle estimates.

Kevin Kelly, the chief executive of Emerald Packaging, sells film plastic packaging to farmers, who use the plastic to bag items like salads and baby carrots. Paper packaging that could replicate plastic’s ability to regulate oxygen and carbon dioxide levels — keeping produce fresh — is still in early development, he said, and mass production is decades away.

“You have to build tens to hundreds of billions of dollars in infrastructure to actually produce something at the level that would be needed to replace plastics,” Kelly said.

Dairy illustrates the same problem. Alternatives to plastic milk packaging include refrigerated gable-top cartons, shelf-stable cartons, and glass. Each comes with tradeoffs. Glass is heavier — meaning fewer units per shipment — and clear glass exposes fresh milk to light that can degrade it. Switching packaging lines entirely would cost producers about \$40 million for a single mid-size line, according to the Dairy Institute — a cost they would pass on to consumers.

“We’re deeply concerned because we know that food costs are going to increase and products are going to come off the market because there literally is not a packaging solution within the required timeframe,” Davey said.

But USC’s Joe Árvai said producer complaints are really about the pace of change, not whether compliant packaging is possible at all.

“Whether they like it or not, these changes are coming,” he said. “In the end, there are going to be players in the industry that are going to be better able to respond, and they will be better indemnified against the shocks than their partners and competitors.”

What happens next

The next major test comes in June, when the Circular Action Alliance must submit its plan to CalRecycle outlining how producers will meet the law’s goals.

Oregon, which passed a similar law and is also facing an industry legal challenge, offers a possible model. There, grant funding is already flowing to expand reuse and refill infrastructure — helping businesses and schools replace single-use plastic products and improve recycling access.

“Despite the fact that there’s a lawsuit in Oregon, money is moving out the door,” said the Ocean Conservancy’s Anja Brandon. She said groups like hers will closely watch the June plan.

“We’ll all be waiting with bated breath” to see how producers are interpreting this and what pathways they’re laying out, she said.

Meanwhile, advocates will be watching closely as CalRecycle begins to make decisions about who qualifies for exclusions and exemptions. The Natural Resources Defense Council is waiting for CalRecycle to post

additional documents before filing its lawsuit.

“If we let this thing get derailed and turned into a Swiss cheese of exemptions and non-compliance, it will really harm our global progress on this issue,” Allen said.

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California EPR deadlines spur urgent flexible film recycling solutions

Film recycling systems need rapid upgrades to meet California's strict recycling laws under SB 54. A NERC webinar noted new pilot programs and funding initiatives to help.

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Megan Quinn
Senior Reporter



A collection of flexible film and plastic bags collected for store drop-off. Extended producer responsibility laws, particularly in California, are spurring the need for more recycling solutions for the material, speakers at a NERC webinar said. Megan Quinn/Waste Dive

Solutions for effectively recycling film and flexible plastic are as complex and multilayered as the material itself, speakers at a Northeast Recycling Council webinar said on Thursday.

Scaled solutions are necessary to collect, process and recycle higher volumes of film and flexible packaging, speakers said. Rapidly approaching recycling rate requirements from extended producer responsibility laws, particularly in California, are creating pressure. At the same time, MRF operators and reclaimers face economic challenges from processing the material and finding end markets.

Speakers discussed how new pilot programs, data collection initiatives, MRF subsidies and policy updates are influencing the film and flexible recycling landscape in the U.S. But more coordination is needed across these collection, recycling and manufacturing supply chains, speakers said.

Here are some takeaways from the discussion with speakers from the Flexible Film Recycling Alliance, the US Flexible Film Initiative, Delterra, The Recycling Partnership and Circular Action Alliance.

California EPR deadlines are putting pressure on the need for solutions

Packaging EPR laws are creating a more urgent timeline for the industry to figure out better, more efficient flexible and film packaging recycling systems. California's SB 54 — which calls for 65% of single-use plastic packaging to be recycled by 2032 — is a major factor in this, said Roxanne Spiekerman, plastics director at the Circular Action Alliance, California's producer responsibility organization.

Currently, CalRecycle estimates its recycling rate for flexible and film packaging is less than 5%, she said.

Katherine Huded, executive director of material systems at The Recycling Partnership, said its initiatives like CalFFlex were

designed to accelerate solutions to that problem.

“We want EPR to work so that the recycling system can work. So, our goal is really to find solutions for residential film and flexibles to actually get recycled, especially in California,” she said.

As SB 54 begins to take effect, it could lead to a “massive injection of post-residential PE film into this system,” of anywhere between 400,000 and 800,000 tons, said Shannon Bouton, president and CEO of nonprofit Delterra, which works with companies and local governments to design recycling system improvements.

“Right now, the system is not set up to actually be able to recycle that. There aren’t enough converters or reclaimers in the system to be able to do that,” she said.

Looking ahead, recyclers, reclaimers and brands need to work more closely together to beef up the supply chain for this material, she said, because “we just don’t have enough offtake of this material, which is why these recyclers are not working with the material, and that is partly due to the fact that this is not yet a mature market.”

But Bouton says not all hope is lost. Many European countries have had EPR for decades and have experience recycling flexible and film plastic and incorporating it into products, she said.

That type of plastic isn’t currently being incorporated into new products in the U.S. at scale, “so that’s what we set out to try and help solve.”

Collection systems require nuance and targeted improvements

U.S. collection systems for film and flexible plastics are mainly concentrated to drop-off centers at stores or depots, and very few curbside programs accept the material.

At the same time, “we tend to talk about flexible films as if they’re a monolith, when in fact we have a wide diversity of flexible films, and that impacts what we can and can’t do, and what our success rate is” for collection and recycling, said Kyla Fisher. Fisher is a sustainability consultant for the Flexible Film Recycling Alliance, an initiative founded by the Plastics Industry Association.

FFRA sees opportunities to expand drop-off collection alongside improvements to MRF infrastructure that could also help make curbside collections more feasible in the future, she said.

At the same time, “despite 20 plus years of having store drop-off, consumers still don’t know what they can and can’t recycle in store drop-off. What does that mean then for curbside? There’s an opportunity to improve that education,” she said.

FFRA is also working on a pilot program to target another source for film plastic: volumes from what she describes as “small and mid-sized enterprises” such as schools, that generate a lot of film plastic but don’t have an easy avenue for recycling it. “How do we make sure the logistics work, so instead of doing milk runs, which are costly and inefficient, how can we leverage existing logistics so that we can have better reverse logistics chains?”

Two such pilots will kick off in California this summer, and FFRA hopes to have data to share on the outcome sometime in 2027.

Flexible film recycling needs funding

Once the plastic gets collected, MRF operators need support to be able to effectively process it, said Maite Quinn-Richards, executive

director at the CPG-led US Flexible Film Initiative. USFFI aims to demonstrate that MRFs can effectively recycle film and flexible packaging — as long as those MRFs and reclaimers are paid operational subsidies to make it work.

“Flexible film [recycling] needs subsidies right now, because the economics just don’t support the full cost of the sortation and cleaning and processing and moving that material to the reclaimers,” she said.

MRFs have to contend with material that’s often contaminated or so lightweight that it gets mixed into the paper stream. At the same time, most of the film entering MRFs these days “is purely incidental. It’s going into these MRFs because it’s being wishcycled,” she said.

Quinn advocates for more contracts to formalize downstream deals for the material and create more stability and predictability in the market.

“MRFs don’t want to invest in recovering film if there’s no reliable downstream buyer. Reclaimers can’t confidently invest in additional processing capacity if they don’t know they have consistent supply that’s available,” she said.

The Recycling Partnership is also working with MRFs moving this material through the recycling stream, said Huded. That work includes projects with two MRFs and one secondary sorting facility in California, she said.

“We’re staying closely connected with USFFI, as some of those facilities may need assistance to move some of that material,” Huded said.

So far, the project involves sending test loads to facilities and “pre-investing” in end markets for the material, she said. TRP is also

planning to offer technical assistance and financial support for capital improvements.

The goal is to “really make sure that this material is moving and able to move as EPR implementation starts to go live next year in California,” she said.

End market demand is also an important area of focus, Bouton said. Delterra — with funding from Amcor and Kraft Heinz, and technical support from Eunomia — launched an initiative in December to test methods for adding resin from recycled flexible film into new products that are not currently using it in the United States.

The pilot aims to demonstrate that it’s possible, she said, but also to quantify what percentage of recycled resin is doable and what kind of financial support might be needed to “make this whole system viable for these products,” she said.

“We want to build the underlying business case, so that we can understand what financial mechanisms will be required to sort of start to scale this use of the material,” said Bouton.

As all these pilots and investments come together, better data-gathering practices will also need to come into play, Fisher said. Data transparency will help the whole system make improvements to collection and processing, and also show that these challenging materials are actually being recycled into new products.

“We need to make sure that we have consumer trust,” she said.