



**Rural Counties**  
Environmental Services  
Joint Powers Authority

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**ESJPA**

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## **Board of Directors Meeting**

**Thursday**  
**March 14, 2024**  
**9:00 A.M.**

**1215 K St., Suite 1650**  
**Sacramento, CA 95814**  
**916-447-4806**





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

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

**Thursday, March 14, 2024 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/87183091009>

Enter Password: 160366

2. Call-in and listen to the meeting:

Dial (877) 853-5247

Enter meeting ID: 871 8309 1009

Passcode: 160366

**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](mailto: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. *(5 minutes)*

## **II. Business Matters**

Discussion and possible action related to the following:

- A. Approval of Minutes from the Meeting of December 7, 2023 **(ACTION)** – Supervisor Michael Kobseff, ESJPA Chair. *(pp 2-6; 5 minutes)*
- B. Update on ESJPA 2023-25 Business Plan Implementation – Staci Heaton *(10 minutes)*

## **III. Public Comment**

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

## **IV. Presentations**

- A. Farm and Ranch Grant Program – Jeffrey Lin, FiRM Branch, CalRecycle *(pp 8-9; 20 minutes)*
- B. "Vape Pens, What Are You Gonna Do?" – Larry Sweetser, Sweetser and Associates *(pp 10-20; 15 minutes)*
- C. Report from CalRecycle – Melissa Vargas, Local Assistance and Market Development Branch *(15 minutes)*

## **V. Legislative Update**

***(Supplemental Packet, 30 minutes)***

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

Legislation discussed will include but will not be limited to:

- Assembly Bill 2902 (Wood) – RCRC Sponsor
- Senate Bill 1232 (Grove)
- Senate Bill 1175 (Ochoa Bogh)
- Assembly Bill 2346 (Lee)
- Senate Bill 1143 (Allen)

**\*\*Morning Break\*\***

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



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

Discussion and possible action related to the following:

- A. CalRecycle
  - a. SB 54 Implementation – Tedd Ward, Del Norte County, John Kennedy, and Staci Heaton *(10 minutes)*
  - b. SB 1383 Implementation – Larry Sweetser, Sweetser and Associates, and Staci Heaton *(page 22; 5 minutes)*
  - c. RDRS Regulations – Larry Sweetser *(5 minutes)*
  - d. Illegal Dumping – Larry Sweetser *(pp 23-27; 5 minutes)*
  - e. CRV Program Updates – Larry Sweetser and John Kennedy *(5 minutes)*
- B. State Water Resources Control Board
  - a. Water Quality Fees Update – Larry Sweetser *(pp 28-36; 5 minutes)*
- C. Department of Toxics Substances Control
  - a. Program Updates – Larry Sweetser *(5 minutes)*
- D. California Air Resources Board
  - a. Advanced Clean Fleets – Staci Heaton *(pp 37-40; 5 minutes)*
- E. Extended Producer Responsibility
  - California Product Stewardship Council Update – Joanne Brasch, CPSC *(5 minutes)*
  - National Stewardship Action Council Update – Jordan Wells, Director of Advocacy and Communication, National Stewardship Action Council *(5 minutes)*
  - Mattress Recycling Council Update – Christine Messer, Northern California Program Coordinator *(5 minutes)*
  - PaintCare Update – Monica Choi, Northern California Coordinator, PaintCare *(5 minutes)*
- F. Grant Program Update *(5 minutes)*
  - a. ESJPA Ongoing Grants – Larry Sweetser
  - b. SB 1383 Local Assistance Grants – Larry Sweetser
- G. Highlights of December 2023-February 2024 CalRecycle Monthly Meetings – Larry Sweetser *(pp 41-99; 5 minutes)*
- H. Other Regulatory Announcements/Issues of Interest
  - Cal EPA CUPA Newsletters *(pp 100-121)*
- I. Agenda Suggestions, Member County Presentation Volunteer, Workshop Topics for Next ESJPA Board Meeting Scheduled Thursday, June 20, 2024



**X. Articles of Interest**

*(Page 122)*

**XI. Adjournment**

**Lunch Break**

**Technical Advisory Group Breakout Session 1 p.m.**

**Illegal Dumping: Upcoming Changes to the State Program  
SB 1383 Check-In**

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)**

<b>Del Norte Solid Waste Management Authority Conference Room 1700 State Street Crescent City, CA 95531</b>	<b>Imperial County Department of Public Works 155 S. 11<sup>th</sup> Street El Centro, CA 92243</b>
<b>County Government Center 1055 Monterey Street, Room D361 San Luis Obispo, CA 93408</b>	<b>Siskiyou County Board of Supervisors Chambers 311 Fourth Street Yreka, CA 96097</b>
<b>Tehama County Solid Waste Management Agency Administrative Office 20000 Plymire Road Red Bluff, CA 96080</b>	



# **Agenda Item II**

## **BUSINESS MATTERS**





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

**CHAIR** — MICHAEL KOBSEFF, SISKIYOU COUNTY  
**VICE CHAIR** — LORI PARLIN, EL DORADO 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

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

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

**Thursday, December 7, 2023**

**VOTING MEMBERS PRESENT**

Jeff Gardner  
Craig Cissell  
Tedd Ward  
Supervisor Lori Parlin  
Jose Castenada  
Kris Byrd  
Jared Carter  
Supervisor Rhonda Duggan  
David Garcia  
Sean Graham  
Mladen Bandov  
Don Renz  
Supervisor Michael Kobseff  
Narcisa Untal  
Supervisor Ryan Campbell

Amador County  
Butte County  
Del Norte County  
El Dorado County  
Imperial County  
Lake County  
Madera County  
Mono County  
Nevada County  
Plumas County  
San Luis Obispo  
Shasta County  
Siskiyou County  
Solano County  
Tuolumne County

**STAFF IN ATTENDANCE**

Staci Heaton, Deputy Executive Director  
Larry Sweetser, ESJPA Consultant  
John Kennedy, Legislative Affairs Advocate  
Brian Briggs, Deputy General Counsel  
Julie Lunn, Office Coordinator

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

**GUEST SPEAKERS**

Shane Buckingham, Circular Action Alliance  
Chris van Rossem, Circular Action Alliance  
Francis Veilleux, Circular Action Alliance  
Eric Miller, Butte County  
Alexis Arenz, CalRecycle  
Doug Kobold, California Product Stewardship Council



Taylor Grimes, Mattress Recycling Council  
Jordan Wells, National Stewardship Action Council  
Monica Choi, PaintCare

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

Supervisor Michael Kobseff, ESJPA Chair, called the meeting to order at 9:03 a.m. A quorum was determined at that time, and Staci Heaton, ESJPA Deputy Executive Director, gave an overview of meeting procedures in accordance with the Brown Act.

**II. Business Matters**

**A. Approval of Minutes from the Meeting of October 19, 2023 (ACTION)**

The Board considered minutes from the October 19, 2023 meeting for approval. Motion/Second to approve the minutes by Del Norte County/Solano County. Motion approved with one abstention by Siskiyou County.

**B. Election of the 2024 ESJPA/TAG Chair and Vice Chair (ACTION)**

The Board considered nominations and volunteers for the Chair and Vice Chair positions for both the ESJPA and Technical Advisory Group. Elections were as follows:

2024 ESJPA Chair, Supervisor Michael Kobseff, Siskiyou County

2024 ESJPA Vice Chair, Supervisor Lori Parlin, El Dorado County

Motion/Second by Del Norte County/Amador County. Motion approved unanimously.

2024 Technical Advisory Group Chair Tedd Ward, Del Norte County.

2024 Technical Advisory Group Vice Chair Narcisa Untal, Solano County.

Motion/Second by Siskiyou County/El Dorado County. Motion approved unanimously.

**C. Updated Rural Counties ESJPA Conflict of Interest Code (ACTION)**

Ms. Heaton presented the final, updated Conflict of Interest (COI) Code for Board approval, noting that the COI Code had not been updated since 2013. Motion/Second to approve by Del Norte County/Tuolumne County. Motion approved unanimously.

**D. Review and approval of the 2024 ESJPA Budget (ACTION)**

Milena De Melo, RCRC Human Resources and Finance Director, presented the 2024 ESJPA Budget for review and approval by the Board. Motion/Second to approve by Amador County/Solano county. Motion approved unanimously.



### **III. Public Comment**

None noted.

### **IV. Presentations**

#### **A. Plastic Pollution Prevention and Packaging Producer Responsibility Act (SB 54), the Producer Perspective – Circular Action Alliance**

Representatives from the Circular Action Alliance (CAA) joined the meeting to discuss the organization's role in the implementation of SB 54 and the potential impacts on local jurisdictions.

#### **B. Report from CalRecycle**

Alexis Arenz, CalRecycle, issued a number of updates from the Department, including noting that the Department would be suspending its SB 1383 "chats" until January. She also cautioned that landfill status impact reports were due by January 1, 2024, and that there is a facility requirements training available on CalRecycle's website.

Ms. Arenz also discussed several open grants and loans, including the Farm and Ranch Cleanup and Abatement Program, beverage container recycling and the city/county payment program.

#### **C. "Some Day We'll Eulogize Trash – But We're Not There Yet" – Eric Miller, Butte County**

Mr. Miller gave a presentation on some of the curiosities he's encountered during his years of serving the local solid waste and recycling industry. ESJPA then presented Mr. Miller with a resolution of appreciation for his years of work with ESJPA, noting his imminent retirement.

### **V. Legislative Update**

John Kennedy, RCRC Policy Advocate, presented proposed language for legislation to make the SB 1383 rural exemption permanent, as well as giving flexibility to other exemptions and waivers in the implementing regulations.

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

There was discussion of retail tobacco ordinances and how to dispose of e-waste from e-cigarettes.

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

#### **A. CalRecycle**



The Board received brief updates on the progress of the following:

- SB 1383 Implementation

Mr. Sweetser that Kern County is experiencing similar issues with passing a self-haul fee increase that ESJPA member counties previously encountered.

- SB 54 Implementation

No additional discussion beyond the CCA discussion.

- RDRS Regulations

Mr. Sweetser again noted that the regulations would be in effect January 2024, focused on additional reporting on materials away from facilities.

- Illegal Dumping

Mr. Sweetser discussed the Advisory Committee's recent and noted that there will be a statewide conference in April.

- CRV Program Updates

Mr. Sweetser briefly discussed updates to the CRV redemption program and mentioned there are questions about how wine bottles/bladders will work with the program.

C. State Water Quality Control Update

The Board received brief updates on the progress of the following:

- Water Quality Fees

Mr. Sweetser noted that ESJPA has asked for information on how fees for WDRs are actually calculated.

E. Extended Producer Responsibility

The Board received updates on the activities and policies impacting the following:

- California Product Stewardship Council Update – Doug Kobold, Executive Director, CPSC

Mr. Kobold gave an update on legislation CPSC plans to pursue/continue in 2024. Topics for legislation include producer responsibility measures on solar panels and textiles.



- National Stewardship Action Council Update – Jordan Wells, Director of Advocacy and Communication, National Stewardship Action Council  
Ms. Wells gave an update on AB 863 to improve carpet recycling program, also mentioning that producer responsibility for carpet recycling to also include astroturf. NSAC is also looking to do something legislative in 2024 on burning flares and household hazardous waste.
- Mattress Recycling Council Update – Taylor Grimes, California Special Projects Coordinator  
Ms. Grimes gave an update on Tuolumne, Humboldt and Del Norte County events. MRC presented with CalRecycle on baseline goals workshop, noting that CalRecycle will release any draft updates in the first half of 2024. She also noted that anyone participating in their illegal dumping initiative should report their data before the end of the year.
- PaintCare Update – Monica Choi, Northern California Coordinator, PaintCare  
Ms. Choi noted that the annual report for fiscal year 2023 has been submitted. PaintCare is in research phase on aerosol cans, need to implement starting 1/1/2027. Hiring to fill Daria Kent's NorCal region position. Would love to have people send candidates along.

F. Grant Program Update – Larry Sweetser and Eric Will

Mr. Sweetser gave a brief update on ESJPA's ongoing managed grant programs.

G. Highlights of November 2023 CalRecycle Meeting

Mr. Sweetser noted that no ESJPA members were discussed for enforcement actions, other discussion centered on circular economy and carpet recovery.

**VIII. Agenda Suggestions, Presentation Requests/Ideas, Workshop Topics for Next ESJPA Board Meeting Scheduled Thursday, October 19, 2023**

Suggestions included e-cigarettes and procurement.

**IX. Adjournment**

The meeting was adjourned at 12:30 p.m.



# **Agenda Item IV**

## **PRESENTATIONS**



## Farm and Ranch Solid Waste Cleanup and Abatement Grant Program

### What is the Farm and Ranch Grant Program?

The Farm and Ranch Solid Waste Cleanup and Abatement Grant Program provides funding from the California Department of Resources Recycling and Recovery (CalRecycle) for the cleanup of illegally dumped material on farm or ranch property.

Grants are limited to \$50,000 per site, with a limit of \$200,000 per year for each eligible applicant.

### What is Farm or Ranch Property?

Farm or ranch property is property that is used for rangeland or agricultural activities such as, but not limited to, commercial livestock and crop production, horticulture, aquaculture, silviculture, floriculture, vermiculture, and viticulture. Farm or ranch property can be publicly or privately owned and need not have active sales or production, but must be appropriately zoned or otherwise authorized for agricultural activities.

### Who Is Eligible to Apply for the Grant?

Cities, counties, resource conservation districts, and federally recognized Native American tribes may apply directly. Property owners who desire grant funding to clean up



Illegal disposal site in Stanislaus County.

their property must work with one of the previously listed entities.

### What Sites Are Eligible for Grants?

Sites may be eligible for grant funding if the property meets all of the following criteria:

- Unauthorized solid waste disposal has occurred on a farm or ranch parcel(s).
- Property is in need of cleanup to abate a nuisance or public health and safety threat and/or a threat to the environment.
- The owner is not responsible for the illegally disposed waste.
- Property is zoned or otherwise authorized for agricultural activities.

### What Cleanup Activities May This Grant Money be Used For?

Eligible expenses include, but are not limited to:

- Waste removal and disposal
- Recycling
- Personnel to administer the grant
- Drainage control and grading improvement
- Slope and foundation stabilization
- Equipment rental
- Excavation
- Revegetation
- Site security
- Public education
- Removal of chlorofluorocarbons (CFC)
- Administrative costs up to 7 percent of the cleanup costs expended

### Can a Property Owner Get Reimbursed for a Previous Cleanup?

Yes. Reimbursement of costs previously incurred by a farm or ranch property owner for cleanup or abatement of an illegal solid waste site is allowed. However, verification and



documentation must be provided to clearly show that:

- Eligibility criteria have been met (see “What sites are eligible for grants?”).
- Costs incurred were used specifically for the cleanup or abatement work.

Whenever possible, property owners should coordinate with one of the eligible grant recipients prior to cleanup.

## How do I get a Grant Application?

Follow the *Application Guidelines and Instructions* document for the appropriate fiscal year (FY). The Applications are accepted through CalRecycle’s web-based Grants Management System (GMS). There are three grant cycles each year.

## More Information?

Visit the Farm and Ranch Grant Program webpage on the CalRecycle website at <https://www.calrecycle.ca.gov/LEA/GrantsLoans/FarmRanch/>

## Who to Contact?

To locate a Resource Conservation District office that may be able to apply for a grant on your behalf, contact:

*California Association of Resource Conservation Districts*

Phone: (916) 457-7904, Ext.10

Fax: (916) 457-7934

[www.carcd.org](http://www.carcd.org)

To locate a city or county office that may be able to apply for a grant on your behalf, or for more information about the program, contact the Farm and Ranch Grant Program Manager by email at [FarmandRanch@calrecycle.ca.gov](mailto:FarmandRanch@calrecycle.ca.gov) or by calling the Grant Programs phone line at (916) 341-5062.

## Other CalRecycle Grants for Illegal Dumping

### ***Local Government Waste Tire Cleanup Grants and Waste Tire Amnesty Grants***

These are grants available to local government entities (including local enforcement agencies [LEA]), county and city departments, special districts and California Native American organizations. Grants are awarded on a competitive basis for the removal, transportation, recycling, and disposal of waste tires from illegal tire piles and areas where illegal dumping has occurred along public rights-of-way. The Tire Amnesty Grant Program funds amnesty events for the public to bring in their tires to convenient locations at no charge.

### ***Solid Waste Disposal Site Cleanup Grants***

These are competitive grants available to public entities. These grants can finance remediation projects at solid waste disposal sites where there is a threat to public health and safety or the environment, and where the responsible party is unable or unwilling to perform the timely remediation or is unidentified.

The CalRecycle website offers more information on these and other grant programs: <https://www.calrecycle.ca.gov/Funding/>





**Jared Blumenfeld**  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

Meredith Williams, Ph.D.  
Director  
1001 "I" Street  
P.O. Box 806  
Sacramento, California 95812-0806



**Gavin Newsom**  
Governor

April 23, 2020

Mr. Jeff Holwager  
Los Angeles County Fire  
5825 Rickenbacker Road  
Commerce, California 90040-3027

### REQUEST FOR DTSC EVALUATION OF ACUTE AQUATIC 96-HOUR BIOASSAY FOR UNPROCESSED CANNABIS PLANT MEDIA WASTE AND OTHER AGRICULTURAL CROP WASTE

Dear Mr. Holwager:

Thank you for your Hazardous Waste Technical Advisory Group (TAG) / Steering Committee Issue Tracking Sheet submitted on August 14, 2018, to the Department of Toxic Substances Control (DTSC) from the Southern California Hazardous Waste TAG and Certified Unified Program Agency (CUPA) Forum Board (CFB). Your question is

"The CUPAs and Hazardous Waste TAG would like guidance from DTSC on if the fish bioassay should be used to evaluate hazardous waste criteria on a crop [referring to cannabis waste] that is otherwise regulated by multiple State agencies, including with a regulatory path for waste plant media in the solid waste stream."

Subsequently on August 7, 2019, during the Hazardous Waste Steering Committee meeting Mr. Nicholas Crain requested that all agricultural waste be included in the evaluation of an exclusion from management as hazardous waste.

### **BACKGROUND**

Currently there are three state licensing agencies for cannabis related regulations: California Department of Consumer Affairs - Bureau of Cannabis Control, California Department of Food and Agriculture – CalCannabis Cultivation Licensing, and California Department of Public Health - Manufactured Cannabis Safety Branch. Each agency has its own set of waste management regulations.



For purposes of this response, “unprocessed cannabis wastes” are plant materials (stalks, leaves, and stems) that have not undergone any chemical processing (i.e., with hazardous materials<sup>1</sup> or other chemicals). In California Code of Regulation, title 3, section 8000, “Process,” “Processing,” and “Processes” is defined as:

“...all activities associated with the drying, curing, grading, trimming, rolling, storing, packaging, and labeling of cannabis or nonmanufactured cannabis products.”

Currently, “cannabis waste” is defined in California Code of Regulation, title 17, section 40100 as “waste that contains cannabis or cannabis products but is not otherwise a hazardous waste as defined in Public Resources Code section 40141.” Pursuant to California Code of Regulations, title 3, section 8108:

“For the purposes of this section, ‘cannabis waste’ is organic waste, as defined in section 42649.8(c) of the Public Resources Code.”

California manages cannabis waste, which is not otherwise hazardous, as organic waste pursuant to California Code of Regulations, title 17, section 40290(a). In Public Resources Code section 42649.8(c), “organic waste” is defined:

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

**Under state law, cannabis waste is only regulated as an organic waste when it does not meet the definition of hazardous waste.** It is the responsibility of the generator to determine if their cannabis waste should be handled as hazardous waste<sup>2</sup> as specified in California Code of Regulations, title 22, chapter 10, section 66260.200, subsections (a) and (c).

## **STATUS OF MATERIAL UNDER FEDERAL LAW**

Under federal law, agricultural crops returned to the soil as fertilizers are solid wastes, are not hazardous wastes, and are excluded from the Resource Conservation and Recovery Act (RCRA) Subtitle C regulations for the management of hazardous waste. Pursuant to 40 Code of Federal Regulations section 261.4 (b)(2)(i):

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<sup>1</sup> As defined in Health and Safety Code section 25501.

<sup>2</sup> As defined in Health and Safety Code section 25117.



“(b) Solid wastes which are not hazardous wastes. The following solid wastes are not hazardous wastes:

[...]

“(2) Solid wastes generated by any of the following and which are returned to the soils as fertilizers:

“(i) The growing and harvesting of agricultural crops.”

Agricultural crops are excluded while cannabis waste is not specifically excluded in the federal regulations. The term “agricultural crops” is not defined in RCRA Subtitle C regulations. The Merriam-Webster online definitions of “agriculture” and “crop” are:

- “Agriculture: the science, art, or practice of cultivating the soil, producing crops, and raising livestock and in varying degrees the preparation and marketing of the resulting products.”<sup>3</sup>
- “Crop: a plant or animal or plant or animal product that can be grown and harvested extensively for profit or subsistence.”<sup>4</sup>

Because cannabis is a controlled substance listed by the United States Drug Enforcement Administration in 21 Code of Federal Regulations part 1308, it is conditionally exempt from 40 Code of Federal Regulations parts 262 through 273. Pursuant to 40 Code of Federal Regulations section 266.506(a)(1):

“(a) Conditional exemptions. Provided the conditions of paragraph (b) of this section are met, the following are exempt from 40 CFR parts 262 through 273:

“(1) Hazardous waste pharmaceuticals that are also listed on a schedule of controlled substances by the Drug Enforcement Administration in 21 CFR part 1308, [...]”

## **STATUS OF MATERIAL UNDER STATE LAW**

California requirements can be more stringent than federal requirements. There is an exclusion provided in California Code of Regulation, title 22, section 66261.4(b)(2) which includes certain solid waste exclusions under 40 Code of Federal Regulation section 261.4. However, this exclusion adds a further provision that the excluded waste shall also not exhibit a characteristic for hazardous waste. Pursuant to California Code of Regulations, title 22, section 66261.4(b):

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<sup>3</sup> Merriam-Webster. “Definition of agriculture.” <https://www.merriam-webster.com/dictionary/agriculture>, (accessed February 24, 2020).

<sup>4</sup> Merriam-Webster. “Definition of crop.” <https://www.merriam-webster.com/dictionary/crop>, (accessed February 24, 2020).



“(b) Wastes which are not hazardous wastes. The following wastes are not hazardous wastes:

[...]

“(2) materials which are exempted or excluded from classification as solid waste or hazardous waste pursuant to 40 CFR section 261.4 provided they are not listed in article 4.1 of this chapter, and do not exhibit a characteristic of a hazardous waste as set forth in article 3 of this chapter[...].”

The scope of article 3, referenced in the section 66261.4 excerpt above, identifies hazardous waste characteristics including but not limited to the characteristic of acute toxicity measured using the 96-hour fish bioassay test. However, because available analytical test results demonstrate that unprocessed cannabis waste meets the hazardous waste characteristic of toxicity, this exclusion does not apply. Further discussion of the testing is provided in the following section.

## **HAZARDOUS WASTE DEFINED UNDER HEALTH AND SAFETY CODE AND PUBLIC RESOURCES CODE**

“Cannabis waste” is defined in California Code of Regulations, title 17, section 40100 as “waste that contains cannabis or cannabis products but is not otherwise a hazardous waste as defined in Public Resources Code section 40141.” **Under state law, cannabis waste is only regulated as an organic waste when it does not meet the definition of hazardous waste.**

Public Resources Code section 40141 states:

“(a) ‘Hazardous waste’ means a waste, defined as a ‘hazardous waste’ in accordance with **Section 25117** of the Health and Safety Code, or a combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may do either of the following:  
“(1) Cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness.  
“(2) Pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, or disposed of, or otherwise managed.  
“(b) Unless expressly provided otherwise, ‘hazardous waste’ includes extremely hazardous waste and acutely hazardous waste.” **[Emphasis added.]**

Pursuant to California Code of Regulations, title 17, section 40290(a), the cannabis licensee is responsible to properly evaluate the waste to determine if it is managed as a hazardous waste, as defined in Public Resources Code section 40141:



“(a) A licensee shall have a written cannabis waste management plan and shall dispose of all waste, including cannabis waste, in accordance with the Public Resources Code and any other applicable state and local laws, including laws regulating ‘organic waste’ as defined in Public Resources Code section 42649.8(c). **It is the responsibility of the licensee to properly evaluate waste to determine if it should be designated and handled as a hazardous waste, as defined in section 40141 of the Public Resources Code.**” [Emphasis added.]

Pursuant to California Code of Regulation, title 3, section 8308, “a [cannabis] licensee shall manage all hazardous waste, as defined in section 40141 of the Public Resource Code, in compliance with all applicable hazardous waste statutes and regulations.” Based on available analytical test results, unprocessed cannabis waste has been determined to meet the hazardous waste characteristic of toxicity, and is, therefore, under the purview of DTSC.

The definition in Public Resource Code section 40141 adds provisions in subdivisions (a)(1) and (a)(2) to the definition of hazardous waste not found in the Health and Safety Code section 25117. These additional provisions for the definition of hazardous waste are not within DTSC’s statutory authority. Only hazardous waste, as defined in Health and Safety Code section 25117, falls under such authority:

“(a) Except as provided in subdivision (d), ‘hazardous waste’ means a waste that meets any of the criteria for the identification of a hazardous waste adopted by the department pursuant to Section 25141.

“(b) ‘Hazardous waste’ includes, but is not limited to, RCRA hazardous waste.

“(c) Unless expressly provided otherwise, ‘hazardous waste’ also includes extremely hazardous waste and acutely hazardous waste.”

The acute aquatic toxicity 96-hour bioassay test (96-hour test) is one test used to determine whether a waste meets the hazardous waste characteristic of toxicity pursuant to California Code of Regulations, title 22, section 66261.24(a). This test criteria states that a waste meets the acute hazardous waste toxicity characteristic if it demonstrates an “acute aquatic 96-hour Lethal Concentration [LC]<sub>50</sub>”<sup>5</sup> less than 500 milligrams per liter (mg/L) when tested using the Static Acute Bioassay Procedures for Hazardous Waste Samples.<sup>6</sup> If a waste fails the 96-hour test, it must be managed as non-RCRA hazardous waste in California, even if the waste is not regulated under the federal regulation as RCRA hazardous waste.

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<sup>5</sup> California Code of Regulation, title 22, section 66260.10 defines “acute aquatic 96-hour LC<sub>50</sub>” as the concentration of a substance or mixture of substances in water, in milligrams per liter, which produces death within 96 hours in half of a group of at least 10 test fish.

<sup>6</sup> Dr. James Polisini and Rebecca Miller, California Department of Fish and Game, Water Pollution Control Laboratory, revision November 1988.



Several local agencies (Counties of Los Angeles, San Diego, and Sacramento) collected and analyzed samples from a variety of cannabis operations. Raw plant material, solvent<sup>7</sup>-extracted material, and material contaminated through solvent extraction and production processes of cannabis all failed the 96-hour test. Based on these test results, unprocessed cannabis waste would be identified as non-RCRA hazardous waste.

## SUMMARY

The unprocessed cannabis waste that was tested and failed the 96-hour test is non-RCRA hazardous waste. It is the responsibility of the cannabis licensee to determine whether their waste is hazardous and to appropriately manage it as such. Because the 96-hour test is one of the tests for toxicity described in state regulations, it is an acceptable test to determine whether a waste meets a characteristic of hazardous waste in California. The 96-hour test is applicable not just to cannabis waste, but it is also applicable to other green waste and agricultural crops.

In March 2019, former California Environmental Protection Agency (CalEPA) Executive Staff, Mr. Greg Vlastek, met with representatives of DTSC, California State Water Resources Control Board, and Department of Resources Recycling and Recovery (CalRecycle) to discuss the statutory authorities and programs administered by these agency boards and departments related to the management of cannabis wastes and cannabis production operations. The outcome of those discussions were also raised to the CalEPA Secretary. At an August 7, 2019, Hazardous Waste Steering Committee meeting, CUPA representatives asked whether a regulatory exclusion for cannabis and other plant wastes was a legally-valid approach to remove such wastes from hazardous waste management requirements. DTSC stated that such an exclusion in regulations would require a statutory change because current regulations and statutes do not allow DTSC to adopt at its discretion less stringent standards without an appropriate statutory authority to do so. At that time DTSC proffered that the CFB could pursue such an exclusion through a legislative change (i.e., through the legislative process).

In October 17, 2019, the CFB submitted for DTSC review and comment draft statutory language for a hazardous waste exclusion for “plant wastes” that fail the 96-hour test. On February 21, 2020, Assembly Bill 2993 was introduced which would provide for a hazardous waste exclusion for “green waste.” At this time, DTSC is unable to provide comments on this proposed legislation. If the CFB or its representatives have questions related to DTSC’s review of the proposed legislation, please contact Mr. Rick Brausch of the Office of Legislation and Regulatory Review at (916) 327-1186 or at [Rick.Brausch@dtsc.ca.gov](mailto:Rick.Brausch@dtsc.ca.gov).

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<sup>7</sup> To date, DTSC is aware of the following solvents used for cannabis extraction: ethanol, butane, propane and carbon dioxide. This list is not all inclusive.



Mr. Jeff Holwager  
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April 23, 2020

DTSC will forward this response via electronic mail with a hardcopy to be sent once DTSC resumes normal operations at its headquarters location. If you have any further questions or need additional information regarding hazardous waste management requirements, please contact Ms. Tracy Young of my staff at (916) 445-5659 or at [Tracy.Young@dtsc.ca.gov](mailto:Tracy.Young@dtsc.ca.gov).

Sincerely,



Ellen L. Haertle, Chief  
Regulatory Assistance and Waste Evaluation Unit  
Policy and Program Support Branch  
Hazardous Waste Management Program

Attachment

Electronic mail (e-mail) cc:

[Jeff.Holwager@fire.lacounty.gov](mailto:Jeff.Holwager@fire.lacounty.gov)  
[NCrain@RIVCO.ORG](mailto:NCrain@RIVCO.ORG)  
[Jennifer.Kaahaaina@deh.sccgov.org](mailto:Jennifer.Kaahaaina@deh.sccgov.org)  
[Jay.Cross@dtsc.ca.gov](mailto:Jay.Cross@dtsc.ca.gov)  
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[Tracy.Young@dtsc.ca.gov](mailto:Tracy.Young@dtsc.ca.gov)



Mr. Jeff Holwager

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April 23, 2020

cc: Mr. Nicholas Crain  
Program Chief  
Riverside County Department of Environmental Health  
Hazardous Materials Management Branch  
P.O. Box 7909  
Riverside, California 92513-7909

Ms. Jennifer Kaahaaina  
Hazardous Materials & Site Mitigation Program Manager  
County of Santa Clara Department of Environmental Health  
1555 Berger Drive, Suite 300  
San Jose, California 95112-2716

Mr. Jay Cross  
Senior Attorney  
Office of Legal Counsel  
Department of Toxic Substances Control  
1001 I Street, 23rd Floor, MS 23A  
P.O. Box 806  
Sacramento, California 95812-0806

Mr. Rick Brausch  
Assistant Legislative Director  
Office of Legislation and Regulatory Review  
Department of Toxic Substances Control  
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P.O. Box 806  
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Ms. Maria Soria  
Acting Chief  
Enforcement and Emergency Response Division  
Hazardous Waste Management Program  
Department of Toxic Substances Control  
1001 I Street, 11th Floor, MS 11A  
P.O. Box 806  
Sacramento, California 95812-0806



Mr. Jeff Holwager

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April 23, 2020

cc: Mr. Robert Krug, Chief  
Imperial/Trinity CUPA Branch  
Enforcement and Emergency Response Division  
Hazardous Waste Management Program  
Department of Toxic Substances Control  
627 Wake Avenue  
El Centro, California 92243

Ms. Evelina Rayas, Chief  
Chatsworth Enforcement Branch  
Enforcement and Emergency Response Division  
Hazardous Waste Management Program  
Department of Toxic Substances Control  
9211 Oakdale Avenue  
Chatsworth, California 91311

Mr. Alfredo Rios, Chief  
Cypress and San Diego Enforcement Branch  
Enforcement and Emergency Response Division  
Hazardous Waste Management Program  
Department of Toxic Substances Control  
5796 Corporate Avenue  
Cypress, California 90630

Ms. Denise Tsuji, Chief  
Statewide Emergency Response and Sacramento Enforcement Branch  
Enforcement and Emergency Response Division  
Hazardous Waste Management Program  
Department of Toxic Substances Control  
8800 Cal Center Drive  
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Ms. Maria Salomon, Chief  
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Enforcement and Emergency Response Division  
Hazardous Waste Management Program  
Department of Toxic Substances Control  
1001 I Street, 11th Floor, MS 11A  
P.O. Box 806  
Sacramento, California 95812-0806



Mr. Jeff Holwager

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April 23, 2020

cc: Ms. Diana Peebler  
Senior Environmental Scientist (Supervisor)  
Enforcement and Emergency Response Division  
Hazardous Waste Management Program  
Department of Toxic Substances Control  
700 Heinz Avenue  
Berkeley, California 94710

Ms. Valetti Lang, Chief  
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Ms. Tracy Young  
Environmental Scientist  
Regulatory Assistance and Waste Evaluation Unit  
Policy and Program Support Branch  
Hazardous Waste Management Program  
Department of Toxic Substances Control  
1001 I Street, 11th Floor, MS 11A  
P.O. Box 806  
Sacramento, California 95812-0806





# Issue Tracking Sheet

**HW TAG Origin:**

- **Sponsor:**
- **Date issue was raised:**

### SUMMARY OF ISSUE

### DESIRED RESOLUTION OF ISSUE

### ISSUE FORWARDED TO CUPA FORUM BOARD AND/OR DTSC

**DATE SUBMITTED:**

### SUMMARY OF COMMENTS FROM CUPA FORUM BOARD AND/OR DTSC



# **Agenda Item VII**

## **SOLID WASTE REGULATORY UPDATES**





March 4, 2024

RE: Status of the 2022 Electronic Annual Report

Dear Annual Report Contact:

Thank you for submitting your 2022 Electronic Annual Report (EAR).

CalRecycle has completed the review of each entity's 2022 EAR listed in the attachment to this letter. CalRecycle is not requesting any additional information specific to this submittal at this time; however, CalRecycle reserves the right to request additional information if necessary.

If your 2022 EAR included a request for assistance or if CalRecycle's review of the EAR indicates a potential need for assistance, you will be contacted by your Local Assistance and Market Development (LAMD) representative for follow-up.

**Please note that the 2023 EAR due date is August 1, 2024.** Information will be provided shortly regarding the release of the 2023 EAR.

If you have any questions related to the EAR submittal and review process, please contact the Jurisdiction and Agency Compliance and Enforcement Branch (JACE) at [JACE@calrecycle.ca.gov](mailto:JACE@calrecycle.ca.gov). Should you have any general questions related to program implementation or if you would like assistance, please contact your LAMD representative. <https://www2.calrecycle.ca.gov/LGCentral/Contacts>.

Sincerely,

Ashlee M.  
Yee

Digitally signed by Ashlee  
M. Yee  
Date: 2024.03.04  
12:55:51 -08'00'

Ashlee M. Yee, Branch Chief  
Jurisdiction and Agency Compliance and Enforcement Branch

Attachment: List of Reviewed 2022 Electronic Annual Reports

1001 I Street, Sacramento, CA 95814 | P.O. Box 4025, Sacramento, CA 95812  
[www.CalRecycle.ca.gov](http://www.CalRecycle.ca.gov) | (916) 322-4027



# Guidance for LEAs on Illegal Dumping and Disposal Sites

Local Enforcement Agencies (LEAs) are responsible for investigating and inspecting closed, illegal, and abandoned disposal sites (CIA Sites) [Title 14, California Code of Regulations sections 18083 and 18303]. LEAs must exercise discretion in distinguishing between an illegal dumping event and an illegal disposal site. CalRecycle can assist LEAs in determining if a site is illegal dumping or a disposal site.

## What is illegal dumping?



*Litter is a small amount of trash that is left in an open or public place. Litter is a type of illegal dumping.*



*Illegal dumping is disposal of trash that is often generated at one location and disposed of at another location without legal permission.*

**Illegal dumping** is the act of disposing waste at a location **without** legal permission and/or at a location that is not permitted for disposal. **Littering is technically illegal dumping.**

Illegal dumping is usually conducted by using motorized transportation (pickups or other similar vehicles), where individuals leave small to large loads of discarded material, such as garbage, appliances, tires, or yard waste, at locations such as alleys, roadways, and vacant properties.

People illegally dump for various reasons:

- To avoid disposal fees
- Save time and effort from going to a permitted facility
- Lack of access to information
- Inadequate resources

An example of illegal dumping is an individual with a truck that has been paid to haul waste to a landfill, but instead dumps the material at a location such as an alleyway.

Areas with constant illegal dumping, that are not quickly addressed, can grow in size and attract more dumping, potentially become illegal disposal sites.



## What are appropriate and suggested actions?

**Illegal dumping** is not a litter/nuisance abatement issue, it is a solid waste disposal site issue. These issues are typically handled by the Public Works and/or the Code Enforcement Departments.

Local response can vary greatly, both in terms of approach and level of activity:

- Local Code Enforcement plays a lead role in some communities where private property may be involved.
- Public Works have primary responsibility when the dumping occurs on public property.
- Local and State policing agencies can cite people caught illegally dumping, but they are not usually responsible for the cleanup.

In cases where an illegal dumping event grows into an illegal disposal site, the LEA will be better positioned to address the situation if they already started to work with its local partners.

No single State agency is responsible for littering and illegal dumping. Local codes or ordinances and the State Penal Code (Section 374 et seq.) may be applicable in incidents of illegal dumping. The local District Attorney should be contacted to determine the applicability of criminal prosecution.

Steps that *may* be taken when an LEA receives an **illegal dumping** complaint are as follows:

- Gather the details on the dumping event.
- Transfer the incident to a more appropriate department/contact.
- Provide assistance to the appropriate department/contact.
- Direct those involved toward resources.

LEAs may also address illegal dumping by alerting partners of some applicable CalRecycle grants and loans ([CalRecycle Funding webpage](#)) and resources, highlighted in the LEA Resource section.

CalRecycle developed a local contact map to aid in reporting **illegal dumping** depending on the location: [Report Illegal Dumping-Map](#)

### Hazardous Waste

Illegal dumping of hazardous waste happens more when low-cost recycling opportunities are not available or well understood. Publicizing convenient collection locations can help minimize illegal dumping. Appropriate local government contacts (such as those on the [Report Illegal Dumping-Map](#)) should be equipped to handle hazardous waste incidences or have a process in place for routing complaints accordingly.

Hazardous waste is handled in accordance with the Department of Toxic Substances Control (DTSC).

DTSC's [Regulatory Assistance Program](#) provides general information and cleanup guidance.

For further assistance, contact the local [Certified Unified Program Agency](#) (CUPA).

### Waterways

Dumping in waterways poses a threat to water quality and should be reported to the [appropriate Regional Water Quality Control Board](#) (RWQCB).



## What is an illegal disposal site?

An **illegal solid waste disposal site** is a location that functions or has functioned as an unpermitted/unregulated disposal site with a significant amount of disposal.

Landowners are responsible for violations that occur on their property.

With illegal disposal sites:

- Some owners or tenants of these properties are aware of the misconduct and have no intent to comply with requirements.
- Some owners may be unaware if they do not live nearby or infrequently visit the property.
- Some owners with very large lot sizes or dense vegetation may also be unaware of the illegal activity.



*Illegal disposal sites are typically larger than illegal dumping locations and can pose a more significant threat to public health and safety and the environment.*

Illegal disposal sites are typically larger than illegal dumping locations and pose a more significant threat to public health and safety and the environment.

Characteristics of an illegal disposal site include:

- The presence of large volumes of widely dispersed and uncovered waste
- Evidence of repeated dumping
- Evidence of buried waste or the presence of excavations for waste disposal
- The presence of equipment and workers on site
- Evidence of burning trash
- Evidence the site is a breeding area for vectors and scavengers
- No recording or inspection of incoming waste
- No control of waste placement or compaction of waste
- No effective means to prevent access
- Evidence that the landowner, lessee, or tenant are aware of financial gain from the activity

One, or any combination of the characteristics listed above, may indicate that a site is operating as an illegal disposal site.

In some cases, the distinction between illegal dumping and an illegal disposal site may be difficult to make. CalRecycle can assist LEAs in making their determination.



## What are appropriate and suggested actions?

LEAs should investigate and inspect **illegal disposal sites**:

- Enforce state minimum standards.
- Inspections and potential enforcement actions should be assigned a [Solid Waste Information System \(SWIS\)](#) number.
- If the site is not remediated by the responsible party, the LEA should pursue enforcement and/or coordinate with other enforcement agencies to require the site to be cleaned up.

An LEA could expect an immediate response from responsible parties once notices of violation and enforcement steps begin.

Upon request, CalRecycle can assist with the inspection and enforcement process, answer questions, and provide guidance and resources such as providing investigations, and remediation work plans.

## Resources for Local Enforcement Agencies

### Direct Support

CalRecycle offers engineering and scientific support services to local governments and LEAs for investigating and remediating solid waste disposal sites. Staff can review work plans, attend meetings, or visit sites.

Contact [CalRecycle Support Group](#):

- Closed, Illegal, & Abandoned Sites
- Cleanup and Remediation

### Illegal Disposal Site Abatement Grant

This grant provides financial assistance for the cleanup of illegal solid waste disposal sites on either public or private land. The grant targets sites where the responsible party cannot be identified or the property owner is unable or unwilling to pay for timely remediation, and where the site poses a threat to public health and safety or the environment.

Under the grant, CalRecycle may expend funds directly for cleanup or emergency actions and provide grants up to \$500,000 to public entities for the cleanup of illegal solid waste disposal sites.

[calrecycle.ca.gov/LEA/GrantsLoans/SolidWaste/LEA/](http://calrecycle.ca.gov/LEA/GrantsLoans/SolidWaste/LEA/), [CleanupProgram@calrecycle.ca.gov](mailto:CleanupProgram@calrecycle.ca.gov), (916) 341-6688

### Solid Waste Disposal and Codisposal Site Cleanup Program

This program funds cleanup projects when the responsible party cannot be identified or cannot pay to clean up the site. This program includes the:

- [Illegal Disposal Site Abatement Grant](#)
- [Legacy Disposal Site Abatement Partial Grant](#), and
- [CalRecycle-Managed Remediation](#) alternative. The CalRecycle-Managed Remediation alternative is for sites that are beyond the local government's ability to address by themselves and meet program requirements.

### Farm and Ranch Solid Waste Cleanup and Abatement Grant

This grant funds illegal dumping and illegal disposal site cleanups on farm and ranch property.

[calrecycle.ca.gov/LEA/GrantsLoans/FarmRanch/](http://calrecycle.ca.gov/LEA/GrantsLoans/FarmRanch/)



## Loans

[Loans](#) to Local Governments are available when site remediation is needed and the loan can be repaid.

## Other Resources

- The [Local Conservation Corps](#) offer non-hazardous litter cleanup services on public lands
- The [California Grants Portal](#) lists state grant and loan opportunities
- The Statewide Illegal Dumping Technical Advisory Committee (IDTAC) assesses illegal dumping incidents and supports local and regional agencies.
  - [Illegal Dumping Toolbox](#) - case studies, various types of illegal dumping scenarios and some guidance on handling hazardous material.
  - Email [IllegalDumping@calrecycle.ca.gov](mailto:IllegalDumping@calrecycle.ca.gov) to request assistance from the IDTAC.

*Disclaimer: This guidance tool was developed by CalRecycle as a courtesy for informational and example purposes only. Use of this tool is optional and is not a regulatory requirement or legal advice. In the event of any conflict with this guidance tool or information herein and statutory or regulatory provisions, applicable statutory and regulatory provisions shall control. This tool and information herein are based on known facts and legal authority as understood by CalRecycle at the time of release. Any analysis, guidance, or other information herein may be subject to change based on changed facts or legal authority, actual or understood, subsequent to the publishing of this tool. The provision of this guidance tool and any analysis, guidance, or other information herein shall not be construed as a waiver of any rights or remedies available to CalRecycle. Users are encouraged to seek the assistance of legal counsel to comply with applicable state law based on their pertinent facts and circumstances.*





# Water Quality Fees Stakeholder Meeting

Thursday, March 7, 2024 at 9:00 – 11:00 am

Webcast and Zoom Meeting Only

***NO PHYSICAL MEETING LOCATION***

Live Webcast: <https://video.calepa.ca.gov>

Fee Branch Email: [FeeBranch@waterboards.ca.gov](mailto:FeeBranch@waterboards.ca.gov)

## **AGENDA**

1. Welcome and Introductions
2. FY 2022-23 Waste Discharge Permit Fund (WDPF) Review
  - a. Expenditures and Revenue by Program (Attachment 1)
  - b. Program Position Data (Attachment 2)
3. WDPF Fund Condition Statement (Attachment 3)
4. WDPF Budget Cost Drivers (Attachment 4)
  - a. Budget Change Proposals:
    - i. [Gualala River TMDL Stipulated Settlement Agreement](#)
    - ii. [Information Security and Privacy Office Staffing](#)
    - iii. [Resource Needs to Address Impacts on Project Permitting Resulting from Recent Supreme Court Decisions](#)
5. WDPF Program Budget Detail (Attachment 5)
6. Potential Fee Changes
  - a. Confined Animal Facilities
  - b. Water Reclamation Requirements
7. Open Discussion
8. Next Steps
  - a. June 13 Stakeholder Meeting



**WDPF Expenditures and Revenue by Program**  
**FY 2022-23**  
**(\$000)**

	Expenditures				Revenue	
Program	State Operations	Foundational	Pro Rata	Total	Revenue	Revenue Percentage by Program
NPDES	\$27,740	\$11,237	\$2,274	\$41,252	\$41,122	23%
Stormwater	\$28,006	\$12,160	\$2,432	\$42,071	\$42,698	24%
WQC	\$12,000	\$4,697	\$949	\$17,646	\$14,829	8%
WDR	\$26,148	\$11,123	\$2,243	\$39,515	\$42,824	24%
Land Disposal	\$9,094	\$4,001	\$778	\$13,873	\$15,362	9%
CAF	\$4,400	\$1,200	\$350	\$5,950	\$6,157	3%
Ag Waivers	\$6,950	\$1,601	\$573	\$9,125	\$8,885	5%
Cannabis	\$4,700	\$1,300	\$367	\$6,367	\$5,572	3%
<b>TOTAL</b>	<b>\$119,038</b>	<b>\$47,319</b>	<b>\$9,966</b>	<b>\$175,799</b>	<b>\$177,449</b>	<b>100%</b>



**Waste Discharge Permit Fund (WDPF)**  
**Total Positions by Program and Classification**  
**FY 2022-23**

<b>NPDES Wastewater</b>		
<b>Classification</b>		<b># of PYs</b>
Assistant Chief Counsel		0.2
Associate Governmental Program Analyst		0.2
Attorney		0.1
Attorney III		1.2
Attorney IV		1.7
Engineering Geologist		2.5
Environmental Scientist		5.0
Information Technology Associate		1.0
Information Technology Manager I		1.0
Information Technology Specialist I		2.0
Information Technology Specialist III		1.0
Sanitary Engineering Associate		1.2
Senior Engineer		0.7
Senior Environmental Scientist (Spec)		0.4
Senior Environmental Scientist (Sup)		1.0
Senior Water Resources Control Engineer		14.0
Supervising Engineering Geologist		0.2
Supervising Water Resources Control Engineer		0.7
Water Resources Control Engineer		62.7
<b>Total PYs</b>		<b>96.8</b>

<b>Ag Lands</b>		
<b>Classification</b>		<b># of PYs</b>
Associate Governmental Program Analyst		1.8
Engineering Geologist		7.1
Environmental Scientist		12.6
Senior Engineer		0.5
Senior Environmental Scientist (Spec)		0.8
Senior Environmental Scientist (Sup)		2.5
Senior Water Resources Control Engineer		1.0
Water Resources Control Engineer		5.6
<b>Total PYs</b>		<b>31.9</b>

<b>Land Disposal</b>		
<b>Classification</b>		<b># of PYs</b>
Associate Governmental Program Analyst		0.7
Attorney IV		0.3
Engineering Geologist		10.5
Environmental Scientist		1.0
Sanitary Engineering Associate		0.6
Senior Engineer		4.9
Senior Environmental Scientist (Sup)		0.2
Senior Water Resources Control Engineer		0.8
Supervising Engineering Geologist		0.9
Supervising Water Resources Control Engineer		0.5
Water Resources Control Engineer		8.8
<b>Total PYs</b>		<b>29.2</b>



**Waste Discharge Permit Fund (WDPF)**  
**Total Positions by Program and Classification**  
**FY 2022-23**

<b>Stormwater</b>	
<b>Classification</b>	<b># of PYs</b>
Assistant Chief Counsel	0.5
Attorney III	0.6
Attorney IV	0.9
C.E.A.	0.3
Engineering Geologist	8.8
Environmental Scientist	24.1
Environmental Program Manager I (Sup)	0.4
Research Data Specialist II	1.0
Sanitary Engineering Associate	2.2
Senior Engineer	1.5
Senior Environmental Scientist (Spec)	2.0
Senior Environmental Scientist (Sup)	7.0
Senior Water Resources Control Engineer	9.2
Staff Services Analyst	1.0
Supervising Engineering Geologist	0.5
Supervising Water Resources Control Engineer	1.8
Water Resources Control Engineer	40.3
<b>Total PYs</b>	<b>102.1</b>

<b>Cannabis</b>	
<b>Classification</b>	<b># of PYs</b>
Associate Governmental Program Analyst	5.0
Engineering Geologist	4.8
Environmental Scientist	7.0
Personnel Specialist	1.0
Senior Engineer	1.0
Senior Environmental Scientist (Sup)	0.9
Senior Legal Analyst	1.0
Senior Water Resources Control Engineer	2.0
Staff Services Analyst	1.0
Water Resources Control Engineer	3.0
<b>Total PYs</b>	<b>26.7</b>

<b>Confined Animal Facilities</b>	
<b>Classification</b>	<b># of PYs</b>
Engineering Geologist	5.9
Environmental Scientist	1.2
Senior Engineer	1.0
Senior Water Resources Control Engineer	1.1
Supervising Engineering Geologist	0.3
Supervising Water Resources Control Engineer	0.6
Water Resources Control Engineer	5.3
<b>Total PYs</b>	<b>15.4</b>



**Waste Discharge Permit Fund (WDPF)**  
**Total Positions by Program and Classification**  
**FY 2022-23**

<b>WDR</b>	
<b>Classification</b>	<b># of PYs</b>
Assistant Chief Counsel	0.4
Associate Governmental Program Analyst	1.3
Attorney	0.6
Attorney III	0.5
Attorney IV	3.8
Engineering Geologist	22.4
Environmental Program Manager I (Sup)	0.3
Environmental Scientist	7.5
Information Technology Specialist I	1.0
Principal Water Resources Control Engineer	0.5
Sanitary Engineering Associate	1.5
Senior Engineer	4.7
Senior Environmental Scientist (Spec)	0.2
Senior Environmental Scientist (Sup)	2.9
Senior Water Resources Control Engineer	8.0
Supervising Engineering Geologist	1.9
Supervising Water Resources Control Engineer	1.2
Water Resources Control Engineer	40.6
<b>Total PYs</b>	<b>99.3</b>

<b>Water Quality Certification</b>	
<b>Classification</b>	<b># of PYs</b>
Associate Governmental Program Analyst	0.5
Attorney	1.0
Engineering Geologist	6.2
Environmental Program Manager I (Sup)	1.5
Environmental Scientist	31.5
Senior Engineer	1.0
Senior Environmental Scientist (Spec)	0.8
Senior Environmental Scientist (Sup)	6.4
Senior Water Resources Control Engineer	1.5
Water Resources Control Engineer	7.7
<b>Total PYs</b>	<b>58.1</b>



**WDPF Fund Condition  
(\$000)**

	<b>FY 22-23</b>	<b>FY 23-24 (Forecast)</b>	<b>FY 24-25 No Fee Changes (Forecast)</b>	<b>FY 24-25 With Fee Changes (Forecast)</b>
<b>FEE PROGRAM</b>				
<b>Beginning Balance</b>	\$9,477	\$10,675	\$7,289	\$7,289
Prior Year Adjustments <sup>1</sup>	(\$1,539)	\$0	\$0	\$0
<b>Adjusted Beginning Balance</b>	<b>\$7,938</b>	<b>\$10,675</b>	<b>\$7,289</b>	<b>\$7,289</b>
<b>Revenue</b>				
Regulatory Fees	\$177,454	\$187,944	\$187,944	\$200,354
Other <sup>2</sup>	\$931	\$689	\$689	\$689
Operating Transfers from Coronavirus Relief Fund	\$0	\$0	\$0	\$0
Revenue Transfer from WDPF to General Fund AB 84 per GC Section 20825.1 (c).	\$155	\$0	\$0	\$0
<b>Total Fee Program Revenue</b>	<b>\$178,540</b>	<b>\$188,633</b>	<b>\$188,633</b>	<b>\$201,043</b>
<b>Expenditures</b>				
Water Board State Operations	\$160,986	\$175,741	\$184,473	\$184,473
Local Assistance <sup>3</sup>	\$1,800	\$1,800	\$1,800	\$1,800
Other State Operations <sup>4</sup>	\$13,017	\$14,478	\$14,081	\$14,081
<b>Total Fee Program Expenditures</b>	<b>\$175,803</b>	<b>\$192,019</b>	<b>\$200,354</b>	<b>\$200,354</b>
GAIN/ (LOSS)	\$2,737	(\$3,386)	(\$11,721)	\$689
<b>Fee Program Ending Balance</b>	<b>\$10,675</b>	<b>\$7,289</b>	<b>(\$4,432)</b>	<b>\$7,978</b>
<b>FUND RESERVE</b>	6.1%	3.8%	-2.2%	4.0%



**WDPF Fund Condition  
(\$000)**

		<b>FY 22-23 (Forecast)</b>	<b>FY 23-24 No Fee Changes (Forecast)</b>	<b>FY 23-24 With Fee Changes (Forecast)</b>
<b>FINES &amp; PENALTIES</b>				
<b>Beginning Balance</b>	\$3,458	\$4,327	\$4,215	\$4,215
<b>Revenue</b>				
Penalty Assessments	\$1,146	\$900	\$900	\$900
<b>Total F&amp;P Revenue</b>	<b>\$1,146</b>	<b>\$900</b>	<b>\$900</b>	<b>\$900</b>
<b>Expenditures</b>				
Water Recycling <sup>5</sup>	\$165	\$472	\$481	\$481
Regional Water Planning <sup>5</sup>	\$112	\$540	\$541	\$541
<b>Total F&amp;P Expenditures</b>	<b>\$277</b>	<b>\$1,012</b>	<b>\$1,022</b>	<b>\$1,022</b>
<b>GAIN/ (LOSS)</b>	<b>\$869</b>	<b>(\$112)</b>	<b>(\$122)</b>	<b>(\$122)</b>
<b>Fines &amp; Penalties Ending Balance</b>	<b>\$4,327</b>	<b>\$4,215</b>	<b>\$4,093</b>	<b>\$4,093</b>
<b>WDPF FUND BALANCE</b>	<b>\$15,002</b>	<b>\$11,504</b>	<b>(\$339)</b>	<b>\$12,071</b>

<sup>1</sup> Most adjustments represent unspent contract dollars that revert to the Fund.

<sup>2</sup> Other revenue includes interest from the state's pooled money investment fund and escheat from unclaimed checks.

<sup>3</sup> Local Assistance for Beach Monitoring

<sup>4</sup> Other state operations includes appropriations for Cal/EPA, FI\$CAL, Pro Rata, and the State Controller's Office.

<sup>5</sup> Legislative Augmentation. Funded by revenue received from fines and penalties.



**WDPF Budget Cost Drivers**  
**FY 2024-25**  
**(\$000)**

<b>Waste Discharge Permit Fund</b>	<b>FY 2023-24 Fee-Setting Budget</b>	<b>FY 2024-25 Governor's January Proposed Fee-Setting Budget</b>	<b>Net Difference</b>	<b>Percent Change</b>
Governor's Proposed Budget	\$187,763	\$200,354	\$12,591	6.7%

<b>FY 2024-25 Budget Cost Drivers</b>	<b>Increase Amount</b>	<b>Percent Change</b>
State Operations <sup>1</sup>	\$5,692	3.0%
Pro Rata	(\$1,140)	-0.6%
24-25 BCP Gualala River TMDL Stipulated Settlement Agreement <sup>2</sup>	\$1,706	0.9%
24-25 BCP Information Security and Privacy Office Staffing <sup>2</sup>	\$215	0.1%
24-25 BCP Resource Needs to Address Impacts on Project Permitting Resulting from Recent Supreme Court Decisions <sup>3</sup>	\$6,118	3.3%
<b>Totals</b>	<b>\$12,591</b>	<b>6.7%</b>

<sup>1</sup> Control Section Item 9800 Employee Compensation, 3.60 Retirement and Healthcare Costs.

<sup>2</sup> Allocated to all WDPF programs.

<sup>3</sup> Allocated to the Water Quality Certification (401) program. For FY 25-26 there will be an allocation to the Stormwater program.



**WDPF Program Budget Detail**  
**FY 2024-25**  
**(\$000)**

A	B	C	D	E	F
			(B-C)	(C+D)	
WDPF Program	FY 24-25 Fee-Setting Budget <sup>1</sup>	FY 24-25 Revenue Forecast	Forecasted Revenue Increase / (Decrease)	FY 24-25 Total Adjusted Revenue	Average Program Percent Change
WDR	\$48,634	\$46,018	\$2,617	\$48,634	5.7%
Land Disposal	\$15,598	\$15,328	\$270	\$15,598	1.8%
WQC (401 Cert)	\$25,058	\$17,944	\$7,114	\$25,058	39.6%
NPDES Stormwater	\$43,717	\$43,383	\$334	\$43,717	0.8%
NPDES Wastewater	\$46,355	\$45,447	\$908	\$46,355	2.0%
CAF	\$6,780	\$6,411	\$369	\$6,780	5.8%
Ag Lands (ILRP)	\$9,972	\$9,413	\$559	\$9,972	5.9%
Cannabis	\$4,239	\$4,000	\$239	\$4,239	6.0%
<b>TOTAL:</b>	<b>\$200,354</b>	<b>\$187,944</b>	<b>\$12,410</b>	<b>\$200,354</b>	

<sup>1</sup> Includes redirected expenditures for foundational programs like Basin Planning, TMDL, monitoring, enforcement, employee compensation, retirement, health care costs and pro rata.



# Workshop on Proposed Amendments to the Advanced Clean Fleets Regulation

California Air Resources Board sent this bulletin at 03/01/2024 02:22 PM PST

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March 1, 2024

## Workshop on Proposed Amendments to the Advanced Clean Fleets Regulation

The California Air Resources Board (CARB) invites you to participate in a public meeting to discuss proposed targeted amendments to the Advanced Clean Fleets (ACF) regulation to implement the requirements of [Assembly Bill \(AB\) 1594](#) (Garcia, Chapter 585, Statutes of 2023). At this meeting, staff is seeking feedback from all interested stakeholders including utility fleet owners.

The meeting will be held in person in Sacramento and via Zoom as indicated below. Remote participants must register via Zoom. This meeting will be recorded and made available on the [ACF - Meetings & Workshops website](#).

Date: March 25, 2024  
Time: 9:00 a.m. – 12:00 p.m.  
Location: [California EPA Headquarters, Sacramento](#)  
Coastal Hearing Room  
1001 I Street, Sacramento  
[Register for Zoom meeting if participating online](#)

The following is a summary of potential amendments to be discussed at the workshop:

- The definition of public agency utility and utility-specialized vehicles.
- Necessary changes to the Zero-Emission Vehicle (ZEV) Purchase & Daily Usage exemptions for defined public agency utilities to allow replacements without regard to the model year of the vehicle being replaced.
- Necessary changes to the Daily Usage exemption to allow for usage data that does not rely on the lowest mileage reading and exclude the highest usage days.

## Background

In October 2023, the ACF regulation was adopted as the latest development in CARB's decades long- history of setting increasingly stringent emission standards for mobile sources that are needed to protect the public health and welfare of Californians by improving air quality and by mitigating the harms posed by greenhouse gases. The ACF regulation complements CARB's recently adopted Advanced Clean Trucks regulation, and will help advance the introduction of zero-emission technologies into California's truck and bus fleets requiring fleets that are well suited for electrification to reduce emissions through requirements to both phase-in the use of ZEVs for targeted fleets and requirements that manufacturers only manufacture ZEV trucks starting in the 2036 model year.

Achieving California's long-term air quality, climate, and public health goals will require a transition from the conventional combustion technologies to zero-emission everywhere feasible and near-zero-emission powered by clean, low-carbon renewable fuels everywhere else. Promoting the development and use of zero-emission trucks will contribute to the goals set by the Governor's Executive Order N-79-20 and the Sustainable Freight Action Plan, and will help achieve



emission reductions as outlined in the State Implementation Plan, Senate Bill (SB) 350 (de León, Chapter 547, Statutes of 2015), AB 32 (Nuñez, Chapter 488, Statutes of 2006), and SB 32 (Pavley, Chapter 249, Statutes of 2016), and AB 1279. This effort is part of a broader strategy to increase clean, affordable transportation options such as zero-emission technologies, innovative methods to improve freight activity, and efficiency of transportation systems in California.

---

## Contact

If you wish to receive information regarding the proposed amendments to the ACF regulation, please visit the [ACF Website](#) and sign up to receive future updates and notices of upcoming meetings.

If you require a special accommodation or need this document in an alternate format (i.e., Braille, large print) or another language, please contact [Mr. Harinder Phagura](#), as soon as possible. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

### Clearing California Skies for Over 50 Years

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# Advanced Clean Fleets Regulation Truck Regulation Implementation Group (TRIG) – Infrastructure/Rules Provision Meeting

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February 27, 2024

## Advanced Clean Fleets Regulation Truck Regulation Implementation Group (TRIG) – Infrastructure/Rules Provision Meeting Registration now open for March 11, 2024, meeting

The Advanced Clean Fleets (ACF) regulation was adopted by California Air Resources Board (CARB) at the April 28, 2023, Board Hearing, and was effective on October 1, 2023 (California Code of Regulations, Title 13, Sections 2013, 2013.1, 2013.2, 2013.3, 2013.4, 2014, 2014.1, 2014.2, 2014.3, 2015, 2015.1, 2015.2, 2015.3, 2015.4, 2015.5, 2015.6, and 2016). On August 22, 2023, staff conducted a kickoff meeting to seek feedback on the formation of a series of workgroups to assist in the implementation of the ACF Regulation. A recording of recent Truck Regulation Implementation Group (TRIG) meetings is available on the [ACF meetings and events website](#).

Our next TRIG Infrastructure meeting will be combined with the Rules Provision TRIG and will focus on the ACF regulation's infrastructure delay extension. Stakeholders of the proposed Zero-Emission Forklift regulation, which will be considered by CARB at its June 27, 2024, Board Hearing, are also being invited to participate as the ZEF regulatory proposal shares similar provisions on infrastructure delay extensions. This meeting is scheduled for Monday, March 11, 2024, from 1:00 p.m. to 3:00 p.m. TRIG meetings are open to the public. The date, pacific standard time (PST), and Zoom link for this virtual combined TRIG Infrastructure/Rules Provision workgroup meeting is shown below. Each member of both panels will be emailed a unique Zoom panelist link in advance. The public and members of other TRIG topic areas will need to register by selecting the registration link below.

Date: March 11, 2024  
Time: 1:00 p.m. – 3:00 p.m.  
Location: [Zoom Webinar](#)

[Register](#)

Only active Infrastructure TRIG members and Rules Provision TRIG members who are shown on the [initial selection list](#), plus invited presenters will be panelists. Panelists may have video, chat, and screen-share permissions, and can mute/unmute themselves. Additionally, the initial selection list is subject to change based on the evolving needs of the group. Co-chairs are responsible for any changes to the initial selection list for their group. Lastly, the public will be encouraged to use the Zoom comment function to ask questions, provide comments and suggest agenda items for future meetings.

All active members will be expected to review meeting summaries and engage in constructive dialogue. Active members are also responsible for ensuring their desktop client or mobile app can support Zoom and that the program is loaded and working before the scheduled meeting. Please read [information on installing and using Zoom](#) for support. CARB staff do not provide support for Zoom software but will serve to host and administer Zoom functions throughout the meetings. Co-chairs are responsible for establishing timely agendas, keeping the meetings on



track, and facilitating constructive, open dialogue. Meeting registration links and other meeting materials are available on the [Truck Regulation Implementation Group webpage](#).

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## Background

The ACF regulation complements CARB's recently adopted Advanced Clean Trucks regulation and will help advance the introduction of zero-emission technologies into California's truck and bus fleets requiring fleets to move to the cleanest available technology through requirements to both phase-in the use of ZEVs for targeted fleets and a 100 percent medium and heavy-duty zero-emission vehicle sales requirement in California, starting in the 2036 model year. The ACF regulation is expected to introduce 1,690,000 ZEVs into the California fleet by 2050. Additionally, the ACF regulation is expected to result in \$26.5 billion in statewide health benefits from improved air quality and save fleet owners an estimated \$48.0 billion through 2050.

The ACF Regulation is part of a comprehensive strategy to achieve the cleanest technology for truck and bus fleets by 2045 everywhere feasible and significantly earlier for market segments such as last mile delivery, public fleets, and drayage applications. Achieving California's long-term air quality, climate, and public health goals will require a shift from the conventional combustion technologies to the cleanest available technology. Promoting the development and use of the cleanest technology trucks will contribute to the goals set by the Governor's Executive Order N-79-20 and the Sustainable Freight Action Plan, and will help achieve emission reductions as outlined in the State Implementation Plan, Senate Bill (SB) 350 (de León, Chapter 547, Statutes of 2015), Assembly Bill (AB) 32 (Nuñez, Chapter 488, Statutes of 2006), and SB 32 (Pavley, Chapter 249, Statutes of 2016), and AB 1279 (Muratsuchi, Chapter 337, Statutes of 2022). This effort is part of a broader strategy to increase clean, affordable transportation options such as zero-emission technologies, innovative methods to improve freight activity, and efficiency of transportation systems in California.

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## Contact

For question on the ACF regulation, contact the [Advanced Clean Fleets team](#). To receive updates on the ACF regulation, visit the [Advanced Clean Fleets website](#) and sign up to receive future updates and notices of upcoming events.

If you require a special accommodation or need this document in an alternate format (i.e., Braille, large print) or another language, please contact [Mr. Siamak Asnaashari](#), as soon as possible. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

### Clearing California Skies for Over 50 Years

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## Monthly Public Meeting

10:00 A.M., December 19, 2023  
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

#### Action Items

1. SB 1383 Implementation  
Consideration of a Technology Determination for H Cycle Pursuant to Article 2 of the SB 1383 Regulations  
Department Staff Contact: [Victoria.Ngo@CalRecycle.ca.gov](mailto:Victoria.Ngo@CalRecycle.ca.gov)  
[Public Notice](#)

### C. GRANT AND LOAN PROGRAMS

#### Action Items

1. Awards for the Organics Grant Program (Fiscal Years 2021-22 and 2022-23)  
Department Staff Contact: [Stephanie.Frieders@CalRecycle.ca.gov](mailto:Stephanie.Frieders@CalRecycle.ca.gov)  
[Public Notice](#)
2. Eligibility Criteria and Evaluation Process for the Redemption Innovation Grant Program (California Beverage Container Recycling Fund, Fiscal Year 2022-23)  
Department Staff Contact: [Blair.McIntosh@CalRecycle.ca.gov](mailto:Blair.McIntosh@CalRecycle.ca.gov)  
[Public Notice](#)
3. Eligibility Criteria and Evaluation Process for the Local Conservation Corps SB 1013 Grant Program (SB1013, Fiscal Year 2022-23)  
Department Staff Contact: [Derek.Link@CalRecycle.ca.gov](mailto:Derek.Link@CalRecycle.ca.gov)  
[Public Notice](#)
4. Eligibility Criteria and Evaluation Process for the Workforce Development Grant Program (AB 179, Fiscal Year 2022-23)  
Department Staff Contact: [Lauren.Barva@CalRecycle.ca.gov](mailto:Lauren.Barva@CalRecycle.ca.gov)  
[Public Notice](#)



### **Information Item**

1. Award for the Beverage Container Redemption Pilot Project Grant Program (California Beverage Container Recycling Fund Fiscal Year 2022-23)  
Department Staff Contact: [Blair.McIntosh@CalRecycle.ca.gov](mailto:Blair.McIntosh@CalRecycle.ca.gov)  
[Public Notice](#)
2. Awards for the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program (Farm and Ranch Cleanup Account, Fiscal Year 2023-24)  
Department Staff Contact: [Josephine.Chapman@CalRecycle.ca.gov](mailto:Josephine.Chapman@CalRecycle.ca.gov)  
[Public Notice](#)
3. Awards and Distribution of Payments for the Used Oil Payment Program (Used Oil Recycling Fund, Fiscal Year 2023-24)  
Department Staff Contact: [Akemi.Myers@CalRecycle.ca.gov](mailto:Akemi.Myers@CalRecycle.ca.gov)  
[Public Notice](#)
4. Awards for the Household Hazardous Waste Grant Program (Integrated Waste Management Account, Fiscal Year 2023-24)  
Department Staff Contact: [Annabel.Farrall@CalRecycle.ca.gov](mailto:Annabel.Farrall@CalRecycle.ca.gov)  
[Public Notice](#)
5. Awards for the Rubberized Pavement Grant Program (Tire Recycling Management Fund, Fiscal Year 2023-24)  
Department Staff Contact: [Farrah.Fadrigon@CalRecycle.ca.gov](mailto:Farrah.Fadrigon@CalRecycle.ca.gov)  
[Public Notice](#)
6. Approval of a Recycling Market Development Zone (RMDZ) Loan in the amount of \$3,500,000 for Pinnpack Capital Holdings, a Delaware LLC (Recycling Market Development Revolving Loan Subaccount, Fiscal Year 2023–24).  
Department Staff contact: [Bruce.Quigley@CalRecycle.ca.gov](mailto:Bruce.Quigley@CalRecycle.ca.gov)  
[Public Notice](#)

### **Open Applications:**

Farm and Ranch Solid Waste Cleanup and Abatement Grant Program  
Application Due Dates: January 9, 2024 (Cycle 81); April 2, 2024 (Cycle 82)  
Beverage Container Recycling City/County Payment Program  
Application Due Date: January 17, 2024

Community Composting for Green Spaces Grant Program  
Application Due Date: January 23, 2024



## **D. POLICY MANDATES/WORKSHOPS/RULEMAKING PROCEEDINGS**

### **Extended Producer Responsibility Program Updates**

1. SB 54 Implementation  
Department Staff Contact: [Zoe.Heller@CalRecycle.ca.gov](mailto:Zoe.Heller@CalRecycle.ca.gov)
2. Review of the Drug Takeback Solutions Foundation's Revised 2022 Annual Report for Covered Drugs  
Department Staff Contact: [Zoe.Heller@calrecycle.ca.gov](mailto:Zoe.Heller@calrecycle.ca.gov)

### **Information Items**

1. Consideration of Carpet America Recovery Effort's Contingency Plan Amendment  
Department Staff Contact: [Robyn.Gillum@calrecycle.ca.gov](mailto:Robyn.Gillum@calrecycle.ca.gov)  
[Public Notice](#)
2. Overview of the 2022 California Waste Tire Market Report  
Department Staff contact: [Mustafe.Botan@CalRecycle.ca.gov](mailto:Mustafe.Botan@CalRecycle.ca.gov)  
[Public Notice](#)

### **Action Items**

1. AB 1201 Bifurcated Collection Determination  
Department Staff Contact: [Timothy.Hall@CalRecycle.ca.gov](mailto:Timothy.Hall@CalRecycle.ca.gov)  
[Public Notice](#)

## **E. ELECTRONIC WASTE RECYCLING PROGRAM**

### **Information Items**

1. 2023 Covered Electronic Waste Net Cost Reporting Requirement  
Department Staff Contact: [Andrew.Hurst@CalRecycle.ca.gov](mailto:Andrew.Hurst@CalRecycle.ca.gov)  
[Public Notice](#)

## **F. LOCAL ASSISTANCE**

### **Action Items**

1. Five-Year Review Report for the Countywide Integrated Waste Management Plan for the County of Alameda  
Department Staff Contact: [Karla.Miller@CalRecycle.ca.gov](mailto:Karla.Miller@CalRecycle.ca.gov)  
[Public Notice](#)



## G. SOLID WASTE AND TIRE FACILITIES

### **Action Items**

1. City of Claremont Community Services Department, located at 1616 Monte Vista Avenue, Claremont, CA 91711, San Bernardino County, New Solid Waste Facilities Permit, Action Needed January 8, 2024  
Department Contact: [Megan.Emslander@CalRecycle.ca.gov](mailto:Megan.Emslander@CalRecycle.ca.gov)  
[Public Notice](#)
2. Bee Canyon Greenery, located at 11002 Bee Canyon Access Road, Irvine, CA 92602, Orange County, Revised Compostable Materials Handling Facility Permit, Action Needed December 31, 2023  
Department Contact: [Megan.Emslander@CalRecycle.ca.gov](mailto:Megan.Emslander@CalRecycle.ca.gov)  
[Public Notice](#)
3. Yolo County Central Landfill, located at 44090 CR 28H, Woodland, CA 95776, Yolo County, Revised Solid Waste Facilities Permit, Action Needed January 19, 2024  
Department Contact: [Alyssa.Williams@CalRecycle.ca.gov](mailto:Alyssa.Williams@CalRecycle.ca.gov)  
[Public Notice](#)
4. Otay Mesa Compost Facility, located at 434 Alta Road, San Diego, CA 92154 San Diego County, New Compostable Materials Handling Facility Permit, Action Needed January 20, 2024  
Department Contact: [Cody.Oquendo@CalRecycle.ca.gov](mailto:Cody.Oquendo@CalRecycle.ca.gov)  
[Public Notice](#)
5. Mountain View Organic Waste Processing Facility, located at 1641 Mountain View Avenue, Oxnard, CA 93030, Ventura County, Revised Solid Waste Facilities Permit, Action Needed February 3, 2024  
Department Contact: [Theodore.Tasiopoulos@CalRecycle.ca.gov](mailto:Theodore.Tasiopoulos@CalRecycle.ca.gov)  
[Public Notice](#)
6. Madison Materials, Inc., located at 1035 East Fourth Street, Santa Ana, CA 92701, Orange County, Modified Solid Waste Facilities Permit, Action Needed February 3, 2024  
Department Contact: [Megan.Emslander@CalRecycle.ca.gov](mailto:Megan.Emslander@CalRecycle.ca.gov)  
[Public Notice](#)



## 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](#).

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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/](https://www.calrecycle.ca.gov/PublicInfo/) or [CalRecycle.ca.gov/BevContainer/Notices](https://www.calrecycle.ca.gov/BevContainer/Notices).
- For public meeting participation, listserv, and feedback information, please go to: [CalRecycle.ca.gov/PublicMeeting/](https://www.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.***





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# Building California's Circular Economy

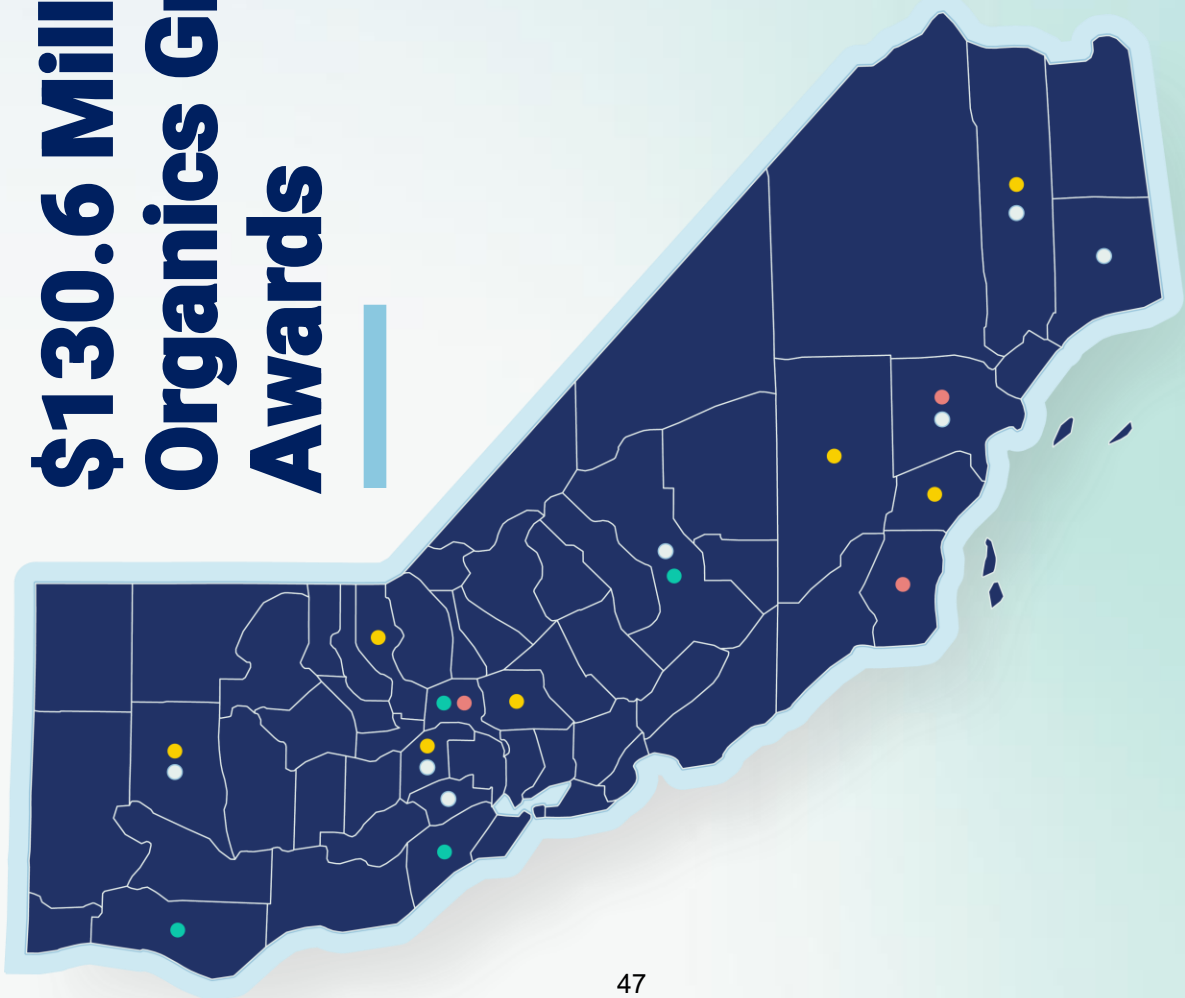
December 19, 2023

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# \$130.6 Million Organics Grant Awards



## Standalone Pre-Processing

Republic Services of Sonoma County, Inc. - Sonoma County  
 Kohergen Farms Composting, Inc. dba Green Valley Recycling - Fresno County  
 Sacramento County - Sacramento County  
 Humboldt Waste Management Authority - Humboldt County

## Anaerobic Digestion/Co-Digestion

SANCO Services LP - San Diego County  
 City of Redding - Shasta County  
 University of California, Davis - Yolo County  
 California Grinding, Inc. - Fresno County  
 City of Napa - Napa County  
 City of Riverside - Riverside County  
 Los Angeles County Sanitation Districts - Los Angeles County

## Compost

Kern County - Kern County  
 Northern Recycling, LLC - Yolo County  
 California Wood Recycling dba Agromin - Ventura County  
 Forward, Inc. - San Joaquin County  
 Anderson Landfill, Inc. - Shasta County  
 Riverside County - Riverside County  
 Western Placer Waste Management Authority - Placer County

## In-Vessel

Foodbank of Santa Barbara - Santa Maria - Santa Barbara County  
 Foodbank of Santa Barbara - Goleta - Santa Barbara County  
 California State University, Sacramento - Sacramento County  
 DSM Group, LLC - Sacramento County  
 University of Southern California - Los Angeles County



# Consideration of a Technology Determination for H Cycle Pursuant to Article 2 of the SB 1383 Regulations

## H Cycle submitted an application to CalRecycle in July of 2023

- CalRecycle, in consultation with the CA Air Resource Board, determined it was complete
- CalRecycle staff, in consultation with CARB, reviewed H Cycle's application and found the permanent lifecycle GHG emissions reduction is equal to or greater than the emissions reduction from composting organic waste (0.30 MTCO<sub>2</sub>e per short ton organic waste), and can be determined to be a reduction in landfill disposal under the analysis and methodology (*prescribed by regulation in 14 CCR Section 18983.2*)
- Action is needed by January 16, 2024

Application details, staff's analysis, and public feedback on this item is linked to today's agenda



**AB 1548**

(Organics infrastructure funding)

**SB 568**

(E-waste export)

**AB 1526**

(Aerosol Spray Paint, EPR)

# New California Laws

**SB 353**

(Juice container)  
(Revises processing payment formula)

**SB 613**

(Organics: Low population waiver)





# Redemption Innovation Grant Program

50

**\$40 million dollars  
to support innovative recycling**

- Mobile recycling
- Reverse vending machines
- Bag drop programs
- Support for existing and new recycling businesses
- New opportunities for dealers
- Community service programs and outreach efforts

Priority consideration for CRV redemption projects  
in underserved communities

The grant application will be available this winter



# Local Conservation Corps SB 1013 Grant Program

**\$10 Million for Local Conservation Corps projects**

- Beverage container litter cleanup and
- Collection in underserved areas
- Application period to open next month





# Workforce Development Grant Program

**\$5 million dollars in grant awards to support:**

- ☐ Employment and training for a new workforce
- ☐ To provide California Consumers with convenient CRV redemption options
- ☐ Applicants required to submit a Workforce Development Plan

Application set to open next month



# Beverage Container Redemption Pilot Project Grant Program

53

## \$1 million award for California RVM Solutions

- Sacramento County Beverage Container Recycling Pilot Project
- Bag drop,
- Reverse vending machines
- Traditional weigh-and-pay method





# Farm and Ranch Solid Waste Cleanup and Abatement Grant Program

## \$183,940 for 3 Grant Recipients

- San Benito County - \$49,700
- Sutter County RCD - \$89,697
- Yuba County RCD - \$44,543

Funds will help restore these lands, install signage and fencing to prevent future illegal dumping





## Used Oil Payment Program

\$6 million to 187 local governments for:

- Used oil drop-off locations
- Oil filter exchange events
- Curbside collection programs
- Outreach events



## Household Hazardous Waste Grant Program Awards

\$1.5 million for 25 applicants to support:

- Local waste reduction,
- Collection, and
- Recycling of household hazardous waste



## Rubberized Pavement Grant Program

\$4.8 million dollars for 29 communities to:

- Pave local roads using recycled tires
- Material performs better, lasts longer and lower cost than traditional asphalt





56

# Recycling Market Development Zone Loan Program

## \$3.5 million RMDZ loan for Pinnpack Capital Holdings to:

- Purchase and upgrade equipment to recycle more material
- The company uses recycled bottles and clamshells to make new food-grade recyclable packaging
- Upgrades will increase recycled material use from 2800 tons to over 5800 tons per year



# Open Grant Applications

**Farm and Ranch Solid  
Waste Cleanup &  
Abatement Grant Program**



**Application Deadline:**  
**Jan. 9, 2024 &  
April 2, 2024**

**Beverage Container  
Recycling City/County  
Payment Program**



**Application Deadline:**  
**Jan. 17, 2024**

**Community Composting  
for Green Spaces Grant  
Program**



**Application Deadline:**  
**Jan. 23, 2024**

**\*Greenhouse Gas Reduction Loan Program  
Application Due Date: Continuous**



# SB 54 Packaging and Single-Use Plastic Food ware

## Apply to become a SB 54 Producer Responsibility Organization (PRO)

- Application on CalRecycle website
- Deadline: January 1, 2024

Listserv updates:

[www2.CalRecycle.ca.gov/Listservs/Archive/153](http://www2.CalRecycle.ca.gov/Listservs/Archive/153)





# Pharmaceutical and Sharps Waste Stewardship Program

The Foundation resubmitted its 2022 annual report for covered drugs

- Staff is currently reviewing for compliance
- Compliance determination deadline: January 16, 2024
- Sign up for the PharmaSharps Listserv to receive updates



# Carpet Stewardship Program

Carpet America Recovery Effort (CARE)

## ***CARE Contingency Plan amendment to its 2023-2027 Plan***

- Disapproved on December 5, 2023
- May be revised and resubmitted by February 5, 2024



# AB 1201 Bifurcated Collection Determination

## **AB 1201 requires a public process for CalRecycle to determine:**

- Whether it would be feasible to separate the collection of products that are not acceptable feedstocks for national organic compost standards from feedstocks that are acceptable
- Enable efficient processing to recover organic waste in both streams
- If CalRecycle determines separate collection systems would be feasible, the department must adopt regulations by Jan. 1, 2026.
- If CalRecycle determines separate collection is not feasible, it will be illegal, as of January 1, 2026, to sell products in California that are labeled “compostable” or “home compostable”
  - Unless those products are acceptable compost feedstocks under national organics program standards and other requirements
- This is an item for our Director’s determination





# California Waste Tire Market Report 2022

## Upcoming workshop

- January 19<sup>th</sup> from 9:30 to 11:30 a.m.
- CalEPA HQ, Coastal Hearing Room
- In person or remote participation
- Report describes current markets for scrap tires in California, overall, and by market segment



# Covered Electronic Waste Net Cost Reporting Requirement 2023

## Required Net Cost Reports Request

- Reports from approved collectors and approved recyclers in program
  - Covering operations during 2023
  - Reports help establish payment rates for covered e-waste recovery and recycling
- Reports are due on or before March 1, 2024



# Countywide & Regional Integrated Waste Management Plans

- Five-Year Review Report  
submitted by Alameda County

64 No revisions at this time





# Facility Permit Updates

1. City of Claremont Community Services Department, located at 1616 Monte Vista Avenue, Claremont, CA 91711, San Bernardino County, New Solid Waste Facilities Permit, Action Needed January 8, 2024
2. Bee Canyon Greenery, located at 11002 Bee Canyon Access Road, Irvine, CA 92602, Orange County, Revised Compostable Materials Handling Facility Permit, Action Needed December 31, 2023
3. Yolo County Central Landfill, located at 44090 CR 28H, Woodland, CA 95776, Yolo County, Revised Solid Waste Facilities Permit, Action Needed January 19, 2024
4. Otay Mesa Compost Facility, located at 434 Alta Road, San Diego, CA 92154 San Diego County, New Compostable Materials Handling Facility Permit, Action Needed January 20, 2024
5. Mountain View Organic Waste Processing Facility, located at 1641 Mountain View Avenue, Oxnard, CA 93030, Ventura County, Revised Solid Waste Facilities Permit, Action Needed February 3, 2024
6. Madison Materials, Inc., located at 1035 East Fourth Street, Santa Ana, CA 92701, Orange County, Modified Solid Waste Facilities Permit, Action Needed February 3, 2024



## Monthly Public Meeting

10:00 A.M., January 16, 2024  
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

#### Action Items

1. SB 54 Implementation  
Department Staff Contact: [Zoe.Heller@CalRecycle.ca.gov](mailto:Zoe.Heller@CalRecycle.ca.gov)
2. SB 1383 Implementation  
Department Staff Contact: [Zoe.Heller@CalRecycle.ca.gov](mailto:Zoe.Heller@CalRecycle.ca.gov)

### C. GRANT AND LOAN PROGRAMS

#### Action Items

1. Eligibility Criteria and Evaluation Process for the Local Conservation Corps Grant Program (Beverage Container Recycling Fund, Electronic Waste and Recovery and Recycling Account, California Tire Recycling Management Fund, and California Used Oil Recycling Fund, Fiscal Year 2024-25)  
Department Staff Contact: [Renee.Podris@CalRecycle.ca.gov](mailto:Renee.Podris@CalRecycle.ca.gov)

[Public Notice](#)

#### Information Item

1. Approval of a Recycling Market Development Zone (RMDZ) Loan in the amount of \$1,375,000 for U.S. Rubber Recycling Inc. a California Corporation (Recycling Market Development Revolving Loan Subaccount, Fiscal Year 2023–24)  
Department Staff contact: [Adam.StClair@CalRecycle.ca.gov](mailto:Adam.StClair@CalRecycle.ca.gov)

[Public Notice](#)

#### **Open Applications:**

Farm and Ranch Solid Waste Cleanup and Abatement Grant Program  
Application Due Dates: January 9, 2024 (Cycle 81).  
April 2, 2024 (Cycle 82)  
Beverage Container Recycling City/County Payment Program  
Application Due Date: January 17, 2024

Community Composting for Green Spaces Grant Program



Application Due Date: January 23, 2024

Greenhouse Gas Reduction Loan Program

Application Due Date: Continuous

Recycling Market Development Zone Loan Program

Application Due Date: Continuous

## **D. POLICY MANDATES/WORKSHOPS/RULEMAKING PROCEEDINGS**

### **Action Items**

1. Consideration of PaintCare's Fiscal Year 2023 Annual Report  
Department Staff Contact: [Laura.Morgan@calrecycle.ca.gov](mailto:Laura.Morgan@calrecycle.ca.gov)  
[Public Notice](#)
2. Consideration of Carpet America Recovery Effort's 2022 Annual Report  
Department Staff Contact: [Ashley.Harley@calrecycle.ca.gov](mailto:Ashley.Harley@calrecycle.ca.gov)  
[Public Notice](#)

### **Information Items**

1. Consideration of The Drug Takeback Solutions Foundation's Revised 2022 Annual Report for Covered Drugs  
Department Staff Contact: [Becky.Haworth@calrecycle.ca.gov](mailto:Becky.Haworth@calrecycle.ca.gov)  
[Public Notice](#)

## **E. LOCAL ASSISTANCE**

### **Action Items**

1. Five-Year Review Report for the Countywide Integrated Waste Management Plan for the County of Contra Costa  
Department Staff Contact: [Karla.Miller@CalRecycle.ca.gov](mailto:Karla.Miller@CalRecycle.ca.gov)  
[Public Notice](#)

### **Information Items**

Nothing to report at this time.

## **F. SOLID WASTE AND TIRE FACILITIES**

### **Action Items**

1. Yolo County Central Landfill, located at 44090 CR 28H, Woodland, CA 95776, Yolo County, Revised Solid Waste Facilities Permit, Action Needed January 19, 2024  
Department Contact: [Alyssa.Williams@CalRecycle.ca.gov](mailto:Alyssa.Williams@CalRecycle.ca.gov)



### Public Notice

2. Otay Mesa Compost Facility, located at 434 Alta Road, San Diego, CA 92154 San Diego County, New Compostable Materials Handling Facility Permit, Action Needed January 20, 2024

Department Contact: [Cody.Oquendo@CalRecycle.ca.gov](mailto:Cody.Oquendo@CalRecycle.ca.gov)

### Public Notice

3. Mountain View Organic Waste Processing Facility, located at 1641 Mountain View Avenue, Oxnard, CA 93030, Ventura County, Revised Solid Waste Facilities Permit, Action Needed February 3, 2024

Department Contact: [Theodore.Tasiopoulos@CalRecycle.ca.gov](mailto:Theodore.Tasiopoulos@CalRecycle.ca.gov)

### Public Notice

4. Madison Materials, Inc., located at 1035 East Fourth Street, Santa Ana, CA 92701, Orange County, Modified Solid Waste Facilities Permit, Action Needed February 3, 2024

Department Contact: [Megan.Emslander@CalRecycle.ca.gov](mailto:Megan.Emslander@CalRecycle.ca.gov)

### Public Notice

5. One Stop Landscape Supply Center, Inc., located on Refuse Road, Redlands, CA 92373, San Bernardino County, Revised Compostable Materials Handling Facility Permit, Action Needed March 3, 2024

Department Contact: [Megan.Emslander@CalRecycle.ca.gov](mailto:Megan.Emslander@CalRecycle.ca.gov)

### Public Notice

### **Information Item**

Nothing to report at this time

## **G. 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](#).

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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/](https://CalRecycle.ca.gov/PublicInfo/) or [CalRecycle.ca.gov/BevContainer/Notices](https://CalRecycle.ca.gov/BevContainer/Notices).



- For public meeting participation, listserv, and feedback information, please go to:  
[CalRecycle.ca.gov/PublicMeeting/](http://CalRecycle.ca.gov/PublicMeeting/)

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# Building California's Circular Economy

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January 16, 2024







# SB 54 Packaging and Single-Use Plastic Food ware



## Implementation Milestones

- ✓ Circular Action Alliance selected as first SB 54 Producer Responsibility Organization
- ✓ Draft regulations published
- ✓ Covered Material Categories List published
- ✓ SB 54 Report to the Legislature published

## SB 54 Question and Answer Session

- ✓ January 31, 2024 from 10 a.m. to 2 p.m.
- ✓ In-person, Zoom, and Webcast participation
- ✓ Spanish translation available



# SB 1013 Implementation

## Beverage Container Recycling Program

✓ Wine, liquor, and large juice containers added to the Beverage Container Recycling Program

✓ Informational sessions for recycling centers throughout January

✓ Go to [RecycleCRV.com](https://RecycleCRV.com)





# SB 1383 Implementation



**87%** of 2025  
food recovery goal



Nearly **100%** report food rescue  
programs to recover still fresh unsold  
food to feed hungry Californians



**75%** of California communities report  
residential organics collection



# SB 1383 Implementation

## • Chat with CalRecycle webinar

- **When:** January 17th from 1 to 3 p.m.
- **Focus:** Container contamination monitoring requirements and jurisdiction processes
- Register to participate online





# Consideration of a Technology Determination for H Cycle Pursuant to Article 2 of the SB 1383 Regulations

- H Cycle submitted an application to CalRecycle in July of 2023
- On January 11, 2024, CalRecycle's director determined that the proposed H Cycle technology is a reduction in landfill disposal because the technology meets the benchmark reduction required by regulations to constitute a reduction in landfill disposal.
- Description of this technology will be posted on CalRecycle's website.
- Sign up for CalRecycle's short-lived climate pollutant [listserv](#) for updates.



# Countywide & Regional Integrated Waste Management Plans

**Five-Year Review Report submitted  
by Contra Costa County**

•No revisions at this time

•Approved







# PaintCare California Paint Stewardship Program

## PaintCare Fiscal Year 2023 Annual Report

- 868 free drop-off sites within 15 miles of 99.1% of Californians
- 3.1 million gallons of paint collected
  - 88% reused, recycled, or used for purposes other than landfill disposal
- Determination of compliance, noncompliance or conditional approval by January 30, 2024



# Carpet America Recovery Effort (CARE)

## 2022 Annual Report

Carpet Stewardship Program Metric	Met Goal in 2022?
Convenient Collection	Yes
Counties with CARE-Supported Drop-off Sites	Yes
Collection	Yes
Reuse	Yes
Recycling Rate	Yes
Recycled Output	No
Recyclability	Yes
Reduction in Disposal	Yes
Processor Capacity	Yes
Postconsumer Carpet Products in the Market	Yes



# Pharmaceutical and Sharps Waste Stewardship Program

**The Drug Takeback Solutions Foundation's Revised 2022 Annual Report for Covered Drugs was disapproved on January 8, 2024.**

- More information can be found in the public notice linked in today's agenda



# Local Conservation Corps Grant Awards

## \$28.8M for 14 certified local conservation corps

- Services to disadvantaged communities and border region
- Programs help keep communities clean, reduce waste, and provide career development skills for young Californians







81

# Recycling Market Development Zone Loan Program

## \$1.3 million loan to U.S. Rubber Recycling Inc.

- In business for nearly 4-decades
- Uses waste tire crumb rubber to make rubber flooring mats and tiles.
- The loan will help with the purchase a destoner and roll peeler. Also, provide working capital for the business to recycle an extra 820 tons of crumb rubber every year.



# Facility Permit Updates

1. Yolo County Central Landfill, located at 44090 CR 28H, Woodland, CA 95776, Yolo County, Revised Solid Waste Facilities Permit, Action Needed January 19, 2024
2. Otay Mesa Compost Facility, located at 434 Alta Road, San Diego, CA 92154 San Diego County, New Compostable Materials Handling Facility Permit, Action Needed January 20, 2024
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5. One Stop Landscape Supply Center, Inc., located on Refuse Road, Redlands, CA 92373, San Bernardino County, Revised Compostable Materials Handling Facility Permit, Action Needed March 3, 2024



## Monthly Public Meeting

10:00 A.M., February 20, 2024  
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

#### Information Item

1. State of Disposal and Recycling in California for Calendar Year 2022  
Department Staff Contact: [Laura.Moreno@CalRecycle.ca.gov](mailto:Laura.Moreno@CalRecycle.ca.gov)

#### Action Items

1. SB 54 Implementation  
Department Staff Contact: [Zoe.Heller@CalRecycle.ca.gov](mailto:Zoe.Heller@CalRecycle.ca.gov)
2. SB 1383 Implementation  
Department Staff Contact: [Cara.Morgan@CalRecycle.ca.gov](mailto:Cara.Morgan@CalRecycle.ca.gov)

### C. GRANT AND LOAN PROGRAMS

#### Action Items

1. Eligibility Criteria and Evaluation Process for the Local Government Waste Tire Cleanup Grant Program (Tire Recycling Management Fund, Fiscal Year 2024-25)  
Department Staff Contact: [Cathy.Aggergaard@CalRecycle.ca.gov](mailto:Cathy.Aggergaard@CalRecycle.ca.gov)  
[Public Notice](#)

#### Information Item

1. Awards for the SB 1383 Local Assistance Grant Program (Greenhouse Gas Reduction Fund, Fiscal Year 2022-23)  
Department Staff Contact: [Jayme.Tesser@CalRecycle.ca.gov](mailto:Jayme.Tesser@CalRecycle.ca.gov)  
[Public Notice](#)
2. Awards for the Local Governmental Waste Tire Enforcement Grant Program (Tire Recycling Management Fund, Fiscal Year 2023-24)  
Department Staff Contact: [Yolanda.Park@CalRecycle.ca.gov](mailto:Yolanda.Park@CalRecycle.ca.gov)  
[Public Notice](#)



3. Awards for the Tire-Derived Aggregate Grant Program (Tire Recycling Management Fund, Fiscal Year 2023-24)  
Department Staff Contact: [Farrah.Fadrigon@CalRecycle.ca.gov](mailto:Farrah.Fadrigon@CalRecycle.ca.gov)  
[Public Notice](#)
4. Awards for the Local Conservation Corps SB 1013 Grant Program (SB1013, Fiscal Year 2022-23)  
Department Staff Contact: [Derek.Link@CalRecycle.ca.gov](mailto:Derek.Link@CalRecycle.ca.gov)  
[Public Notice](#)

### **Open Applications:**

Farm and Ranch Solid Waste Cleanup and Abatement Grant Program  
Application Due Dates: April 2, 2024 (Cycle 82)

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 actions at this time

### **Information Items**

1. Announcement of Webinar for Small Wineries on February 23, 2024.  
Department Staff Contact: [reg.crvlabeling@calrecycle.ca.gov](mailto:reg.crvlabeling@calrecycle.ca.gov)  
[Public Notice](#)
2. Certification & Registration Quarterly Report  
Department Staff Contact: [Jennifer.Akins@CalRecycle.ca.gov](mailto:Jennifer.Akins@CalRecycle.ca.gov)  
[Public Notice](#)
3. Compliance and Enforcement Quarterly Reports  
Department Staff Contact: [Patina.Chacon@calrecycle.ca.gov](mailto:Patina.Chacon@calrecycle.ca.gov)  
Department Staff Contact: [David.Onomoto@calrecycle.ca.gov](mailto:David.Onomoto@calrecycle.ca.gov)  
[Public Notice](#)

## **E. LOCAL ASSISTANCE**

### **Action Items**



1. Five-Year Review Report for the Countywide Integrated Waste Management Plan for the County of Napa  
Department Staff Contact: [Karla.Miller@CalRecycle.ca.gov](mailto:Karla.Miller@CalRecycle.ca.gov)  
[Public Notice](#)

**Information Items**

Nothing to report at this time.

**F. SOLID WASTE AND TIRE FACILITIES**

**Action Items**

1. One Stop Landscape Supply Center, Inc., located on Refuse Road, Redlands, CA 92373, San Bernardino County, Revised Compostable Materials Handling Facility Permit, Action Needed April 5, 2024  
Department Contact: [Megan.Emslander@CalRecycle.ca.gov](mailto:Megan.Emslander@CalRecycle.ca.gov)  
[Public Notice](#)

**Information Item**

Nothing to report at this time

**G. PUBLIC COMMENT**

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# Building California's Circular Economy

February 20, 2024

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# Waste Generation & Recycling in CA 2022



## Disposal Related

**53%**

**Total Landfill**  
40.5 Million Tons

**Including:**

**Disaster Debris**  
264,545 Tons

**Designated Waste Disposal**  
868,677 Tons



**6%**

**All Other  
Disposal and  
Disposal-Related  
Activities**  
4.5 Million Tons



**6.3 lbs.**  
of trash per person  
per day

## Recycling Related

**41%**

**Recycling Rate**  
31 Million Tons

**14.8%**

**Exported  
Recyclables**  
11.3 Million Tons



**25.8%**

**Recycling,  
Source Reduction,  
Compost,  
Anaerobic  
Digestion,  
& Mulch**  
19.7 Million Tons





# SB 54 Implementation

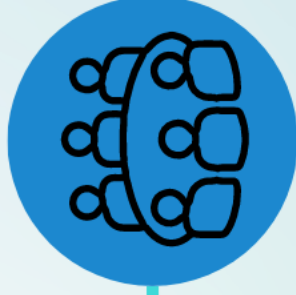
February 1, 2024



## CalRecycle Q & A

- Draft regulations
- Overview of rulemaking process

February 2, 2024



## SB 54 Advisory Board

- First meeting

Next



## Engagement

- Community Meetings
- Regulatory Workshops



# SB 343 Truth in Environmental Advertising

## SB 343 (Allen, 2021)

- No false/misleading recycling claims
- No sale of products or packaging with false/misleading recycling claims

## CalRecycle Requirements

- Material characterization studies
- Collect and publish information on materials and collection



89





# SB 343 Truth in Environmental Advertising

## Draft Material Characterization Study

- [Publication Summary](#)

## Next Material Characterization Study: 2027

- Every 5 years





# SB 1383 Local Assistance Grant Program

**\$109 million to 387 jurisdictions** to support local program implementation, including:

- Food rescue infrastructure
- Collection infrastructure
- Education and outreach
- Enforcement and inspections
- Administration

91





# SB 1383 Implementation

## Monthly Chat with CalRecycle

- **When:** February 29th from 1 to 3 p.m.
- **Focus:** Capacity planning for organic waste recycling and edible food recovery
- Register to participate online





# Local Government Waste Tire Enforcement Grant Program

**\$5.8 million for 30 jurisdictions**

- Local waste tire management and enforcement law compliance
  - Permitting
  - Hauling
  - Tire storage
  - Record Keeping
- Awards linked to today's agenda





## Tire-Derived Aggregate (TDA) Grant Program



**\$171,150 for Oroville**

- 522 tons of TDA rubber material (52,200 tires)
- TDA Grant Program has kept 4.5 million tires out of landfills to date

## Waste Tire Cleanup Grant Program



**Proposed criteria change:**

- Revise to increase the cost per tire to \$10
- If oversubscribed, applicants evaluated for award based on lowest cost per tire
- Applications expected to open in March\*

## Local Conservation Corps SB 1013 Grant Program



**\$10 million for 14 applicants**

- One-time, \$10 million appropriation
- Support jurisdiction beverage container litter reduction and recycling efforts



# Redemption Innovation Grant Program

95

**\$40 million dollars to support innovative recycling**

- Mobile recycling
- Reverse vending machines
- Bag drop programs
- Support for existing and new recycling businesses
- New opportunities for dealers
- Community programs and outreach

**Applications are due April 16th**





# Workforce Development Grant Program

**\$5 million dollars in grant awards to support:**

- Employment and training for a new workforce
- To provide California Consumers with convenient CRV redemption options
- Applicants required to submit a Workforce Development Plan

**Applications are due March 5th**



# Beverage Container Recycling Program

**Informational Webinar on AB 179 and SB 1013  
Funding Programs:** February 20th at 1:30 p.m.

**Webinar for Small Wineries:** February 23<sup>rd</sup> at 10 a.m.

- Focus: Monthly reporting of Processing Fees and CRV
- Register online to participate

**Informational Session for Recycling Centers:**  
February 27th at 10 a.m. (Spanish), 1 p.m. (English)

Certification & Registration and Compliance & Enforcement  
Quarterly Reports linked to today's agenda



# Countywide & Regional Integrated Waste Management Plans

Five-Year Review Report submitted by:

- Napa County
- No revisions at this time





# Facility Permit Updates

1. One Stop Landscape Supply Center, Inc., located on Refuse Road, Redlands, CA 92373, San Bernardino County, Revised Compostable Materials Handling Facility Permit, Action Needed April 5, 2024



## Unified Program Newsletter – December 2023

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### CalEPA

#### Unified Program Proposed Changes

The California Environmental Protection Agency (CalEPA) has made changes to the proposed rulemaking, amending the California Code of Regulations, title 27, division 1, subdivision 4, chapter 1, sections 15100-15330 and Appendices A-D. A written comment period for the modified regulatory proposal has been established beginning December 8, 2023, and closing on December 26, 2023. A copy of the 15-day notice, proposed text changes, and Initial Statement of Reasons (ISOR) Addendum are available at: <https://calepa.ca.gov/cupa/Unified-Program-Regulations-45-Day-Public-Notice-and-Comment-Period/>.



## **CERS Maintenance**

### **Upcoming CERS Scheduled Maintenance Event: December 22, 4PM-7PM**

The California Environmental Reporting System (CERS) will be **unavailable due to scheduled system maintenance on Friday 12/22/2023 from 4PM - 7PM.**

Please be sure to save all edits in CERS before 4PM to avoid losing any data.

If you have any questions or concerns about this scheduled maintenance event, please contact the CERS Technical Support Team at: [CERS@calepa.ca.gov](mailto:CERS@calepa.ca.gov).

## **US EPA**

### **US EPA's National Enforcement and Compliance Initiatives FY 2024-2027**

To meet these 21st century environmental challenges, the United States Environmental Protection Agency (US EPA) has selected six priority areas as National Enforcement and Compliance Initiatives (NECIs) for Fiscal Years 2024-2027. Please use the following link to access the NECIs for FY 2024-2027:

<https://www.epa.gov/enforcement/national-enforcement-and-compliance-initiatives>.

## **State Water Board**

### **Facility Compliance Inspection Reporting**

California Code of Regulations, title 23, division 3, chapter 16 (UST Regulations), section 2713(d) requires the Unified Program Agency (UPA) to report to the State Water Resources Control Board (State Water Board), no later than January 31st each year, the number of underground storage tank (UST) facilities where a compliance inspection was not performed over the previous calendar year. The State Water Board is required to report annually to the US EPA on several performance measures as part of the Energy Policy Act of 2005 (EPA Act). One of the EPA Act performance measures requires states to certify that a UST facility compliance inspection has been conducted at every UST facility at least once during the past three years, thereby meeting the federal inspection frequency. At the direction of US EPA, the California Environmental Reporting System (CERS) will be used to verify each UPA has complied with the federal UST inspection frequency.

To assist UPAs in verifying the accuracy of UST facility compliance inspections, UPAs should use the [UST Routine Inspection Frequency](https://cersregulator2.calepa.ca.gov/Reports/USTRoutineInspectionFrequencySearch) search tool in CERS (<https://cersregulator2.calepa.ca.gov/Reports/USTRoutineInspectionFrequencySearch>). The State Water Board sent a [letter to UPA managers](https://www.waterboards.ca.gov/ust/docs/ust-compliance-inspection-2024.pdf) on October 25, 2023 (<https://www.waterboards.ca.gov/ust/docs/ust-compliance-inspection-2024.pdf>) which included instructions on how to use the UST Routine Inspection Frequency search tool. UPAs should use this tool early to identify facilities where a compliance inspection has not been performed during the 2023 calendar year, or to ensure the correct data has been properly uploaded to CERS. This report will assist UPAs in identifying missing inspections or inaccurate data. State Water Board staff strongly suggest UPAs run the



CERS UST Routine Inspection Frequency search now and again in mid-December. As a reminder, virtual or desk audit UST compliance inspections without an on-site element do not satisfy the UST compliance inspection provision of the EPCRA.

For more information regarding compliance inspections reporting requirements, contact: Tom Henderson at (916) 319-9128 or [Tom.Henderson@waterboards.ca.gov](mailto:Tom.Henderson@waterboards.ca.gov).

### **Assembly Bills 1716 and 1115**

Assembly Bills (AB) 1716 and 1115 have been signed by Governor Newsom and amend Health and Safety Code, division 20 (H&SC) provisions of the Emergency Generator Tank Systems and the UST Cleanup Fund, effective January 1, 2024. On November 17, 2023, the State Water Board distributed a [letter to the UPAs and UST community](https://www.waterboards.ca.gov/ust/docs/2023/ust-statutory-provisions-ab-1716-and-ab-1115.pdf) (<https://www.waterboards.ca.gov/ust/docs/2023/ust-statutory-provisions-ab-1716-and-ab-1115.pdf>) that outlines the amended provisions and provides a link to the complete text of AB 1716 and 1115. The [amended version of H&SC](#), effective January 1, 2024, is currently available on the State Water Board website ([https://www.waterboards.ca.gov/water\\_issues/programs/ust/regulatory/docs/final-hsc-2024-access.pdf](https://www.waterboards.ca.gov/water_issues/programs/ust/regulatory/docs/final-hsc-2024-access.pdf)).

For more information regarding AB 1716 and 1115, contact: Jenna Hartman at (916) 327-8563 or [Jenna.Hartman@waterboards.ca.gov](mailto:Jenna.Hartman@waterboards.ca.gov).

### **UST Regulations Rewrite Website**

The State Water Board created the [UST Regulations Rewrite website](https://www.waterboards.ca.gov/ust/leak_prevention/chapter16.html) ([https://www.waterboards.ca.gov/ust/leak\\_prevention/chapter16.html](https://www.waterboards.ca.gov/ust/leak_prevention/chapter16.html)) to keep UPAs, owners, operators, and contractors updated on the regulation drafting process. The September 2023 informational webinars will be made available on the website in English, Spanish and Hindi. State Water Board staff will update the website as new information arises. The formal rulemaking process will begin in fall 2024, to include a 45-day comment period and public hearing.

For more information regarding the draft regulation website, contact: Austin Lemire-Baeten at (916) 327-5612 or [Austin.Lemire-Baeten@waterboards.ca.gov](mailto:Austin.Lemire-Baeten@waterboards.ca.gov).



## **DTSC**

### **DTSC's 2023 Hazardous Waste ID Number Verification Questionnaire Closure**

The 2023 electronic Verification Questionnaire (eVQ) report cycle will be closing on Friday, December 29<sup>th</sup> at 5:00 PM Pacific Time. Late submissions will be accepted until the report cycle closes. If a handler has not completed their 2023 Verification Questionnaire, refer them to the information below. Inactive ID numbers can easily be reactivated in step 3 of the questionnaire.

- ▷ **Website:** <https://evq.dtsc.ca.gov/Home.aspx>
- ▷ **Training Video:** <https://dtsc.ca.gov/evq-training-video/>
- ▷ **Email:** [eVQ@dtsc.ca.gov](mailto:eVQ@dtsc.ca.gov)
- ▷ **Phone:** 1-877-454-4012 (toll-free) Monday through Friday from 9:00 AM to 3:00 PM Pacific Time.

### **December is User Accounts Cleanup Month**

**What:** The DTSC Office of Environmental Information Management's Business Operations Unit is designating December as User Accounts Cleanup Month. Employees no longer working for a regulatory agency or no longer needing access due to changes to their job responsibilities will have their Hazardous Waste Tracking System (HWTS) and RCRAInfo regulatory agency user accounts deactivated.

**Why:** Stale accounts pose a security risk. Each one of these accounts offers a bad actor an opportunity to gain access to the respective system's data and resources. Best practices and standards require that these accounts be removed or disabled within a set amount of time.

**How to participate in this cleanup?** If you are a manager or supervisor, e-mail [myRCRAid@dtsc.ca.gov](mailto:myRCRAid@dtsc.ca.gov) to request a list of active HWTS 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. Thank you for your participation.



## **Cal FIRE OSFM**

### **Website Change**

CAL FIRE transitioned to a new site for web content. The new Office of the State Fire Marshal (OSFM) webpages are as follows:

- Aboveground Petroleum Storage Act (APSA) Program  
<https://osfm.fire.ca.gov/what-we-do/pipeline-safety-and-cupa/certified-unified-program-agency/aboveground-petroleum-storage-act>

and

- Hazardous Materials Management and Hazardous Materials Inventory Statements (HMMP-HMIS) Program  
<https://osfm.fire.ca.gov/what-we-do/pipeline-safety-and-cupa/certified-unified-program-agency/hazmat-materials-management-plan-and-inventory-statement>

### **APSA Rulemaking**

The APSA Program regulation package was submitted to the Office of Administrative Law (OAL). The 45-day comment period began on November 3, 2023, and will end on January 19, 2024. A public hearing will be held on January 19, 2024, from 9:00 AM – 12:00 PM.

Copies of the APSA Program regulation package are available on the new OSFM Code Development and Analysis Division Title 19 rulemaking website at:

<https://osfm.fire.ca.gov/what-we-do/code-development-and-analysis/title-19-development>.

Submit comments to [title19regulations@fire.ca.gov](mailto:title19regulations@fire.ca.gov).

If you have any questions, contact Jennifer Lorenzo at [Jennifer.Lorenzo@fire.ca.gov](mailto:Jennifer.Lorenzo@fire.ca.gov).

### **Integrity Tests under APSA**

**Question:** What are the integrity testing requirements for aboveground storage tanks (ASTs) regulated under the APSA Program?

**Answer:** The Federal Spill Prevention, Control, and Countermeasure (SPCC) rule requires bulk storage containers to be tested or inspected for integrity on a regular schedule and whenever you make material repairs. These inspections or tests must be developed in accordance with industry standards. According to the Code of Federal Regulations (CFR), Title 40, Section 112.8(c)(6), “Examples of these integrity tests include, but are not limited to: visual inspection, hydrostatic testing, radiographic testing,



ultrasonic testing, acoustic emissions testing, or other systems of non-destructive testing.”

For more information on inspection, evaluation, and testing requirements under the Federal SPCC rule, refer to the *SPCC Guidance for Regional Inspectors*, Chapter 7, which is available on the US EPA website at: <https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations/spcc-guidance-regional-inspectors>.

**Question:** What industry standards may be used for integrity testing?

**Answer:** The two main industry standards for aboveground steel tanks storing flammable and combustible liquids include the Steel Tank Institute (STI) SP001 Standard for the Inspection of Aboveground Storage Tanks and American Petroleum Institute (API) Standard 653 Inspection, Repair, Alteration, and Reconstruction. The STI SP001 Standard also covers portable containers, including steel/plastic drums, totes, and concrete exterior tanks. These industry standards contain the detailed requirements for ensuring that aboveground tanks and containers remain suitable for continued service.

For aboveground tanks or containers made of other materials, other industry standards may be applicable.

***References or links to information cited in this newsletter are subject to change. CalEPA is interested in your comments and suggestions regarding the Unified Program monthly newsletter. Please email your comments and suggestions to: [cupa@calepa.ca.gov](mailto:cupa@calepa.ca.gov).***

**[CalEPA Unified Program Home Page](#)**



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### **CalARP/HMBP**

#### **Assembly Bill 1716 – Amendments to HSC Chapter 6.95**

CalEPA has issued an update to the regulated community subject to regulation under the Hazardous Materials Business Plan (HMBP) and the California Accidental Release Prevention (CalARP) program regarding Assembly Bill (AB) 1716. [View the CalEPA update on AB 1716.](https://calepa.ca.gov/wp-content/uploads/sites/6/2023/12/CalEPA-Update-on-AB-1716.pdf)

(<https://calepa.ca.gov/wp-content/uploads/sites/6/2023/12/CalEPA-Update-on-AB-1716.pdf>)

AB 1716 was approved by the Governor on September 22, 2023, and became effective on January 1, 2024. This bill amends the following California Health and Safety Code (HSC), Chapter 6.95 Hazardous Materials Release Response Plans and Inventory provisions:

- Article 1 Business and Area Plans; and
- Article 2 Hazardous Materials Management.



If you have any general questions regarding the AB 1716 changes to HSC, Chapter 6.95, Article 1, please contact CalEPA at [HMBP@calepa.ca.gov](mailto:HMBP@calepa.ca.gov). If you have any general questions regarding the AB 1716 changes to HSC, Chapter 6.95, Article 2, please contact CalEPA at [CalARP@calepa.ca.gov](mailto:CalARP@calepa.ca.gov).

### **Senate Bill 740 – Amendments to HSC Chapter 6.95**

CalEPA has issued an update to the regulated community subject to regulation under the Hazardous Materials Business Plan (HMBP) program regarding Senate Bill (SB) 740. [View the CalEPA update on SB 740](#).

(<https://calepa.ca.gov/wp-content/uploads/sites/6/2023/12/CalEPA-Update-on-SB-740.pdf>)

SB 740 was approved by the Governor on September 30, 2023, and is effective on January 1, 2024. This bill adds Section 25536.8 to the California Health and Safety Code (HSC), Chapter 6.95 Hazardous Materials Release Response Plans and Inventory provisions, Article 2 Hazardous Materials Management.

In summary, the bill requires that a stationary source engaged in specified activities require that its contractors and any subcontractors use a skilled and trained workforce to perform all onsite work within an apprenticeable occupation in the building and construction trades. This is required at stationary sources with one or more covered processes that require the preparation and submission of a Risk Management Plan (RMP), when contracting for the performance of construction, alteration, demolition, installation, repair, or maintenance work at the stationary source. This applies to stationary sources engaged in the following activities, when undertaken for commercial purposes: manufacturing hydrogen, biofuels, or certain specified chemicals, or in capturing, sequestering, or using carbon dioxide in specified conditions.

If you have any general questions regarding the SB 740 changes to HSC Article 2, please contact CalEPA at [CalARP@calepa.ca.gov](mailto:CalARP@calepa.ca.gov).

### **Annual Unified Program Training Conference Outline**

The CalARP Unit has published a training outline as a guide for inspectors to attend courses at the Annual Unified Program Training Conference based on their level of expertise. This outline was developed by the CalARP Track Coordinators to assist inspectors at various levels of expertise to further their knowledge and skills.

The CalARP training outline for the 26th California Unified Program Annual Training Conference can be found at: <https://calepa.ca.gov/california-accidental-release-prevention/training-opportunities/>.

If you have any questions regarding the CalARP Training Opportunities, please contact CalEPA at [CalARP@calepa.ca.gov](mailto:CalARP@calepa.ca.gov).



## **CERS**

### **CERS Stale User Account Deletion**

A CERS regulator or business user account that has been inactive for 1 or more years is considered a stale account. Stale accounts pose a security risk as each accounts offers a malicious actor opportunity to gain access to CERS. To comply with CalEPA's Information Security policies, any CERS account with no login activity within 1 year will be disabled and removed. This includes first responder and other government account types.

CalEPA will be emailing users with no recent login activities to prompt a log-in. Please ensure users provided access to CERS who have not logged into CERS within the last year, log in before March 15, 2024, to prevent impacts to user access.

UPAs shall continue CERS access procedures remain in place per CCR, Title 27 as follows:

- Section 15180(e)(4), requiring established written procedures for providing HMRRP information to emergency response personnel and other appropriate government entities in accordance with HSC Section 25504(c); and
- Sections 15185(f) and 15100(b)(2)(B)(i)(c), requiring access to the information collected in CERS to be provided to local information management systems, and to agencies with shared responsibilities for protection of the public health and safety and the environment.

## **State Water Board**

### **Facility Compliance Inspection Reporting**

California Code of Regulations, title 23, division 3, chapter 16 (UST Regulations), section 2713(d) requires the Unified Program Agency (UPA) to report to the State Water Resources Control Board (State Water Board), no later than January 31st each year, the number of underground storage tank (UST) facilities where a compliance inspection was not performed over the previous calendar year. The State Water Board is required to report annually to the United States Environmental Protection Agency (U.S. EPA) on several performance measures as part of the Energy Policy Act of 2005 (EPAAct). One of the EPAAct performance measures requires states to certify that a UST facility compliance inspection has been conducted at every UST facility at least once during the past three years, thereby meeting the federal inspection frequency. At the direction of U.S. EPA, the California Environmental Reporting System (CERS) will be used to verify each UPA has complied with the federal UST inspection frequency.



To assist UPAs in verifying the accuracy of UST facility compliance inspections, UPAs should use the [UST Routine Inspection Frequency](https://cersregulator2.calepa.ca.gov/Reports/USTRoutineInspectionFrequencySearch) search tool in CERS.  
(<https://cersregulator2.calepa.ca.gov/Reports/USTRoutineInspectionFrequencySearch>)

The State Water Board sent a [letter](#) to UPA managers on October 25, 2023, which included instructions on how to use the UST Routine Inspection Frequency search tool. UPAs should use this tool early to identify facilities where a compliance inspection has not been performed during the 2023 calendar year, or to ensure the correct data has been properly uploaded to CERS. This report will assist UPAs in identifying missing inspections or inaccurate data.  
(<https://www.waterboards.ca.gov/ust/docs/ust-compliance-inspection-2024.pdf>)

For more information regarding compliance inspections reporting requirements, contact: Tom Henderson at (916) 319-9128 or [Tom.Henderson@waterboards.ca.gov](mailto:Tom.Henderson@waterboards.ca.gov).

### **Single-Walled UST Deadline and Enforcement**

The State Water Board has fielded numerous questions on the enforcement role of the UPAs in preparation for the single-walled UST closure deadline. State Water Board staff distributed a [letter to the UPAs](#) on December 20, 2023, discussing enforcement expectations of single-walled UST systems now and after the closure deadline.  
(<https://www.waterboards.ca.gov/ust/docs/2023/upa-sw-enforcement-2023.pdf>)

Additionally, several single-walled UST owners and operators have assumed that the single-walled UST closure deadline was extended due to the extension of the UST Cleanup Fund. State Water Board staff distributed a [letter to single-walled UST facility owners and operators and stakeholders](#) on December 28, 2023, reiterating the permanent closure requirements and the State Water Board and UPA's role in enforcement of single-walled USTs.  
([https://www.waterboards.ca.gov/water\\_issues/programs/ust/adm\\_notices/sw-closure-req-2023.pdf](https://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/sw-closure-req-2023.pdf))

For additional information regarding enforcement of single-walled USTs, contact: Jenna Hartman at (916) 327-8563 or [Jenna.Hartman@waterboards.ca.gov](mailto:Jenna.Hartman@waterboards.ca.gov).

### **Report 6**

The State Water Board will soon distribute the Semi-Annual UST Program Report (Report 6) forms and instructions for the July 1 through December 31, 2023, reporting period. The completed Report 6 documents are due to the State Water Board no later than March 1, 2024.

This reporting period, Report 6 forms will include two questions pertaining to enforcement of single-walled USTs that were not permanently closed by December 31, 2025. Additionally, the number of airport hydrant systems remaining at



the end of the reporting period has been removed. Consistent with the last several reporting periods, UPAs will continue to report field constructed tanks, facilities with USTs that have received a red tag, and facilities that have abandoned or temporarily closed USTs.

For additional information regarding Report 6 requirements, contact:

Mr. Steven Mullery at (916) 341-5850 or [Steven.Mullery@waterboards.ca.gov](mailto:Steven.Mullery@waterboards.ca.gov) or  
Magnolia Busse at (916) 341-5780 or [Magnolia.Busse@waterboards.ca.gov](mailto:Magnolia.Busse@waterboards.ca.gov).

### **Office of Tank Tester Licensing Webpage Updates**

The Office of Tank Tester Licensing (OTTL) has updated [Local Guidance \(LG\) letter 105](#) on the [OTTL website](#) to reflect the current list of State Water Board Licensed Tank Testers. In addition to LG- 105, the OTTL website offers links to OTTL Regulations, OTTL testing notification forms, and LG-113. The OTTL website also provides licensing information for applicants and study materials for the exam.

([https://www.waterboards.ca.gov/water\\_issues/programs/ust/leak\\_prevention/lgs/105\\_12.html](https://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lgs/105_12.html))

([https://www.waterboards.ca.gov/ust/tank\\_testers/](https://www.waterboards.ca.gov/ust/tank_testers/))

For additional information regarding the OTTL website updates, contact:

Kaitlin Cottrell at (916) 319-0742, or [Kaitlin.Cottrell@waterboards.ca.gov](mailto:Kaitlin.Cottrell@waterboards.ca.gov).

## **DTSC**

### **Save the Date for our Zoom Webinar!**

The Department of Toxic Substances Control (DTSC) and the California Department of Tax and Fee Administration (CDTFA) invite you to join us for a webinar to learn about the 2023-24 hazardous waste fees payment and return process.

January 24, 2024

11:00 am – 2:00 pm

Zoom Webinar

Register at: [https://dtsc-ca-  
gov.zoom.us/webinar/register/WN\\_F4LeK8S1Twet9j1K9T\\_s\\_g#/registration](https://dtsc-ca.gov.zoom.us/webinar/register/WN_F4LeK8S1Twet9j1K9T_s_g#/registration)

With a focus on the Generation & Handling Fee, we will present an overview of how to file a return and pay the fee, as well as provide guidance on generators' roles and responsibilities to track manifest records, report to DTSC and CDTFA on hazardous waste generated, and provide an overview of the manifest correction process.

For the 2023-24 fiscal year, the Generation & Handling Fee rate is set at \$49.25 per ton or fraction of a ton of hazardous waste generated. The final payment and return are due on or before February 28, 2024.



Visit [DTSC's Fee webpages](https://dtsc.ca.gov/fees/) and [CDTFA's Online Services](https://onlineservices.cdtfa.ca.gov/_/) to learn more.

(<https://dtsc.ca.gov/fees/>)

([https://onlineservices.cdtfa.ca.gov/\\_/](https://onlineservices.cdtfa.ca.gov/_/))

Have questions in advance? Submit them to our new [Comments and Questions database](https://app.smartsheet.com/b/form/8f86c77563dd49488d35cb2b0bafabb5) or contact us at .

(<https://app.smartsheet.com/b/form/8f86c77563dd49488d35cb2b0bafabb5>)

Follow DTSC on Social media!



### **Estimated Billing Notices**

In early January, DTSC will be sending out estimated billing notices to all hazardous waste generators who have generated over 5 tons of hazardous waste in calendar year 2022, based on HWTS data. This letter is intended to inform generators of the upcoming Generation and Handling fee payment deadline of February 28.

In the event that generators reach out to their CUPA with questions or concerns about the letter, those generators can submit their questions directly to DTSC at <https://dtsc.ca.gov/submit-comments-and-feedback/> or via the [fees@dtsc.ca.gov](mailto:fees@dtsc.ca.gov) inbox.

### **Data Verification Process and Preparation: State Review Framework**

The State Review Framework (SRF) is fast approaching! Friendly reminder that the U.S. Environmental Protection Agency (U.S. EPA) uses the SRF to evaluate State enforcement activities related to the Clean Air Act (CAA), Clean Water Act (CWA) and Resource Conservation & Recovery Act (RCRA) Programs. For CUPAs, the SRF evaluation is focused on compliance inspections and enforcement of RCRA hazardous waste generators. The deadline for CUPAs to upload enforcement & compliance data into the California Environmental Reporting System (CERS) for the fourth quarter of 2023 fiscal year is April 1, 2024. CUPAs should follow their regular procedures to ensure accurate updates in CERS (dates of inspections, violations, return to compliance, etc.). CUPAs should also consider ensuring that data entered for the SRF framework time period (October 1, 2022 – September 30, 2023) is accurate. A few resources and tools CUPAs can utilize for validating CERS data include:

- [ECHO Data Verification Tool](http://www.echo.epa.gov): this tool simplifies the data verification process by providing detailed data insights. Ensure you log in to ECHO Gov as it has features, like the data verification app, that are hidden for anonymous users. (<http://www.echo.epa.gov>)
- Sign up for an upcoming [ECHO Webinar](https://echo.epa.gov/help/training). (<https://echo.epa.gov/help/training>).



- Review [common data problems](#) and the [State Review Framework](#) data verification process (ECHO Gov login required).  
(<https://echo.epa.gov/resources/echo-data/known-data-problems>)  
([https://wamssopr.doe.gov/oamfed/idp/samlv20?SAMLRequest=hVLLbslwEPyVyHcISVALVKAkBCQkWiH6OPRSWclSLMWPejQ%2Fn3toFJ6KD3ZGs94Z8bOUajG8qKlvd7Cewtl0YdqNPLuYMJap7kRKJFroQA5VfyhuFvztD%2Fg1hkylWnYheS6QiCCi2k0i1blhL3OZlmapuUyK%2BfjZHRbzLIbvX0tl%2BNFspHlBYuewaHnT5iXexFiCyUxNJDR5aJAOe4OkI6SPyYhnGR%2BOXlhU%2BgxSC%2BpUeyKLPI6PQiEa6%2Bo%2BWNF%2FM4fYCLWDOpa1jYPvQ%2BqvnXuNEG6%2BlqE6kXjVOufXnlS2kZUkFi2Nq6CrcsJ2okElhjc%2BszzAGSm%2BKwjDWgXuAdxBVvC0Xf%2FYhWpvzk6DvdgapC2gDcPZNA8Y79pw079FCKjUgkQeX%2FLz05vf%2B2SrcmO8%2Bc9gXYI%2FggdE1r1dR%2BXkhEbpC%2FCRmsYc5w4E%2BZjKWmDx9DTy98%2BafgE%3D&RelayState=https%3A%2F%2Fecho.epa.gov%2Fnode%2F22%3Fcheck\\_logged\\_in%3D1%26check\\_logged\\_in%3D1%3Fcheck\\_logged\\_in%3D1&SigAlg=http%3A%2F%2Fwww.w3.org%2F2001%2F04%2Fxmldsig-more%23rsa-sha256&Signature=R9x9L7u6z9qfPDr1EalAFwLClJGC0i9TfuU674li0dkvg7gkmuxUC9o06nD8ANzva8J7K6a13zc2TOMV%2B79fUPyBuZOkZmySkSt28v%2B7OW%2FCN7fe2cDploQy820FKISzb91IKTfvF%2FkklwlsNZvg0rDMNTy417fj7KCjTwBlpnt7W2XlVnCCNPXJRki4nJCilhgMwLImTcTp5lso5QqVF18j1bl9jBHQF%2F%2BPT6XyDif7Mv0zJuTsycYZns1HegNBkxkSJq4K1Uyfw2eqeo9NVEpZgMpaWS6dlmjAZC6rcsTSU%2FQgpshDg%2BVKILIm5BNYNi93v%2FpKnqtA9IHjRx2YDw%3D%3D](https://wamssopr.doe.gov/oamfed/idp/samlv20?SAMLRequest=hVLLbslwEPyVyHcISVALVKAkBCQkWiH6OPRSWclSLMWPejQ%2Fn3toFJ6KD3ZGs94Z8bOUajG8qKlvd7Cewtl0YdqNPLuYMJap7kRKJFroQA5VfyhuFvztD%2Fg1hkylWnYheS6QiCCi2k0i1blhL3OZlmapuUyK%2BfjZHRbzLIbvX0tl%2BNFspHlBYuewaHnT5iXexFiCyUxNJDR5aJAOe4OkI6SPyYhnGR%2BOXlhU%2BgxSC%2BpUeyKLPI6PQiEa6%2Bo%2BWNF%2FM4fYCLWDOpa1jYPvQ%2BqvnXuNEG6%2BlqE6kXjVOufXnlS2kZUkFi2Nq6CrcsJ2okElhjc%2BszzAGSm%2BKwjDWgXuAdxBVvC0Xf%2FYhWpvzk6DvdgapC2gDcPZNA8Y79pw079FCKjUgkQeX%2FLz05vf%2B2SrcmO8%2Bc9gXYI%2FggdE1r1dR%2BXkhEbpC%2FCRmsYc5w4E%2BZjKWmDx9DTy98%2BafgE%3D&RelayState=https%3A%2F%2Fecho.epa.gov%2Fnode%2F22%3Fcheck_logged_in%3D1%26check_logged_in%3D1%3Fcheck_logged_in%3D1&SigAlg=http%3A%2F%2Fwww.w3.org%2F2001%2F04%2Fxmldsig-more%23rsa-sha256&Signature=R9x9L7u6z9qfPDr1EalAFwLClJGC0i9TfuU674li0dkvg7gkmuxUC9o06nD8ANzva8J7K6a13zc2TOMV%2B79fUPyBuZOkZmySkSt28v%2B7OW%2FCN7fe2cDploQy820FKISzb91IKTfvF%2FkklwlsNZvg0rDMNTy417fj7KCjTwBlpnt7W2XlVnCCNPXJRki4nJCilhgMwLImTcTp5lso5QqVF18j1bl9jBHQF%2F%2BPT6XyDif7Mv0zJuTsycYZns1HegNBkxkSJq4K1Uyfw2eqeo9NVEpZgMpaWS6dlmjAZC6rcsTSU%2FQgpshDg%2BVKILIm5BNYNi93v%2FpKnqtA9IHjRx2YDw%3D%3D))

For more guidance, contact [julie.pettijohn@dtsc.ca.gov](mailto:julie.pettijohn@dtsc.ca.gov).

### **2023 Biennial Report Cycle is Now Open**

The federal 2023 Biennial Hazardous Waste Report cycle opened on January 2, 2024. The federal and state hazardous waste regulations require certain federally-regulated (RCRA) hazardous waste generators, as well as, facilities that treat, store, or dispose of RCRA hazardous waste, to report their hazardous waste activities biennially in odd-numbered calendar years. The Biennial Report is filed electronically through U.S. EPA's RCRAInfo Biennial Report module and is due by March 1, 2024. If you receive any questions from your stakeholders regarding the Biennial Report, refer them to the information below.

Website: <https://dtsc.ca.gov/biennial-reports-information/>

FAQ: <https://dtsc.ca.gov/biennial-frequently-asked-questions-faqs/>

Email: [BRSstaff@dtsc.ca.gov](mailto:BRSstaff@dtsc.ca.gov)

Toll-free Number: 1-800-618-6942, Monday to Friday from 9AM-3PM Pacific Time.

### **2023 Electronic Verification Questionnaire (eVQ) Report Cycle Closed**

The 2023 eVQ report cycle was closed on December 29, 2023. Hazardous waste ID number holders will need to complete the respective form based on their ID number type (federal or state) to reactivate an ID number. For more information on how to reactivate an ID number, go to <https://dtsc.ca.gov/reactivate-epa-id-number>.



## **Cal FIRE OSFM**

### **Aboveground Petroleum Storage Act (APSA) Advisory Committee**

The next APSA Advisory Committee will be held on January 24, 2024. An agenda will be posted at least 10 days before the meeting on the [APSA Advisory Committee](https://osfm.fire.ca.gov/committees/aboveground-petroleum-storage-act-apsa-advisory-committee) website.

(<https://osfm.fire.ca.gov/committees/aboveground-petroleum-storage-act-apsa-advisory-committee>)

### **APSA Rulemaking**

The 45-day comment period for the APSA Program regulation package will end on January 19, 2024.

A public hearing will also be held on January 19, 2024, from 9:00 AM – 12:00 PM. The public hearing will be held in person and virtually via Microsoft Teams.

#### In person:

CAL FIRE

710 Riverpoint Court, Suite 150

Conference Room 101

West Sacramento, CA 95605

#### Teams (remote participation):

Meeting ID: 240 154 319 261

Passcode: y2dfQe

[Click here to join the meeting](https://teams.microsoft.com/join/240154319261?url=https://teams.microsoft.com/join/240154319261) or copy and paste the full link text below in your browser.

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Teleconference Number (audio only):

+1 650-564-3271

Phone Conference ID: 712 737 262#

Copies of the APSA Program regulation package are available on the OSFM Code Development and Analysis Division Title 19 rulemaking website at <https://osfm.fire.ca.gov/what-we-do/code-development-and-analysis/title-19-development>.

Submit comments to [title19regulations@fire.ca.gov](mailto:title19regulations@fire.ca.gov).

If you have any questions, contact Jennifer Lorenzo at [Jennifer.Lorenzo@fire.ca.gov](mailto:Jennifer.Lorenzo@fire.ca.gov).

**APSA Tank Facility Statement**

**Question:** When is the tank facility statement required to be submitted to the California Environmental Reporting System (CERS)?

**Answer:** On or before January 1st, annually.

**Question:** Is the tank facility statement required to be submitted to CERS if a tank facility has already submitted a **complete** Hazardous Materials Business Plan (HMBP)?

**Answer:** No. However, to indicate your tank facility has submitted a **complete** HMBP in lieu of the tank facility statement as allowed under Health and Safety Code, Section 25270.6(a)(2), your tank facility should complete the 'Aboveground Petroleum Storage Act Documentation' by selecting 'Provided Elsewhere in CERS', choose 'Hazardous Materials Inventory', and then click on the 'Save' button.

Your tank facility may download the Tank Facility Statement form under the Resources section at <https://osfm.fire.ca.gov/what-we-do/pipeline-safety-and-cupa/certified-unified-program-agency/aboveground-petroleum-storage-act>.

More information on APSA CERS submittals may be found on the following OSFM websites:

- Aboveground Petroleum Storage Tank Facility Statement Reporting Requirements  
<https://osfm.fire.ca.gov/what-we-do/pipeline-safety-and-cupa/certified-unified-program-agency/aboveground-petroleum-storage-act/aboveground-petroleum-storage-tank-facility-statement-reporting-requirements>



- Is My Facility Regulated Under APSA?  
<https://osfm.fire.ca.gov/what-we-do/pipeline-safety-and-cupa/certified-unified-program-agency/aboveground-petroleum-storage-act/is-my-facility-regulated-under-the-aboveground-petroleum-storage-act>
- Preparing an APSA Submittal in CERS  
<https://osfm.fire.ca.gov/what-we-do/pipeline-safety-and-cupa/certified-unified-program-agency/aboveground-petroleum-storage-act/preparing-an-aboveground-petroleum-storage-act>

***References or links to information cited in this newsletter are subject to change. CalEPA is interested in your comments and suggestions regarding the Unified Program monthly newsletter. Please email your comments and suggestions to: [cupa@calepa.ca.gov](mailto:cupa@calepa.ca.gov).***

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### CalEPA

#### **CERS**

##### **CERS Stale User Account Deletion**

A California Environmental Reporting System (CERS) regulator or business user account that has been inactive for one or more years is considered a stale account. Stale accounts pose a security risk as each account offers a malicious actor opportunity to gain access to CERS. To comply with CalEPA's Information Security policies, any CERS account with no login activity within one year will be disabled and removed. This includes first responder and other government account types.

CalEPA will be emailing users with no recent login activities to prompt a log-in. Please ensure users provided access to CERS who have not logged into CERS within the last year, log in before March 15, 2024, to prevent impacts to user access.

Unified Program Agencies (UPA) shall continue CERS access procedures remain in place per CCR, Title 27 as follows:

- Section 15180(e)(4), requiring established written procedures for providing HMRRP information to emergency response personnel and other appropriate government entities in accordance with HSC Section 25504(c); and



- Sections 15185(f) and 15100(b)(2)(B)(i)(c), requiring access to the information collected in CERS to be provided to local information management systems, and to agencies with shared responsibilities for protection of the public health and safety and the environment.

### **CalARP/HMBP Unit**

#### **Proposed Changes to Hazardous Materials Business Plan (HMBP) and California Accidental Release Prevention (CalARP) Regulations**

On January 25, 2024, CalEPA proposed changes to the HMBP and CalARP regulations by submitting a rulemaking package to the Office of Administrative Law (OAL) pursuant to California Code of Regulations, title 1, section 100. The changes are needed as a result of Assembly Bill 148 (Chapter 115, Statutes of 2021), which transferred the responsibility for the HMBP and CalARP program from the California Governor's Office of Emergency Services (Cal OES) to CalEPA.

As further articulated in the Explanatory Statement (see link to the document below), CalEPA proposed to amend and relocate portions of California Code of Regulations, title 19, division 2, chapters 4 and 4.5 into a new division. CalEPA also proposed, among other things, to revise cross-references and add and delete definitions. While the changes to California Code of Regulations, title 19 are numerous, it is CalEPA's position that they will not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element.

The following documents were submitted to OAL for review and approval:

- [Explanatory Statement](https://calepa.ca.gov/wp-content/uploads/sites/6/2024/01/Explanatory-Statement-Final.pdf)  
(https://calepa.ca.gov/wp-content/uploads/sites/6/2024/01/Explanatory-Statement-Final.pdf)
- [Form 400 attachment \(sections affected\)](https://calepa.ca.gov/wp-content/uploads/sites/6/2024/01/Form-400-Attachment.pdf)  
(https://calepa.ca.gov/wp-content/uploads/sites/6/2024/01/Form-400-Attachment.pdf)
- [Proposed Regulatory Text \(underline/strikeout version\) – HMBP](https://calepa.ca.gov/wp-content/uploads/sites/6/2024/01/19-CCR-Div-5-Ch-1-Underline_Strikeout.pdf)  
(https://calepa.ca.gov/wp-content/uploads/sites/6/2024/01/19-CCR-Div-5-Ch-1-Underline\_Strikeout.pdf)
- [Proposed Regulatory Text \(underline/strikeout version\) – CalARP](https://calepa.ca.gov/wp-content/uploads/sites/6/2024/01/19-CCR-Div-5-Ch-2-Underline_Strikeout.pdf)  
(https://calepa.ca.gov/wp-content/uploads/sites/6/2024/01/19-CCR-Div-5-Ch-2-Underline\_Strikeout.pdf)

OAL has 30 days from the date of submission to determine whether the submission is a change without regulatory effect. After OAL has completed its review of the submission, OAL will send a written notification of the determination to CalEPA. If OAL determines that the submitted change is a change without regulatory effect, OAL will file the



changes with the Secretary of State and have it published in the California Code of Regulations.

If the submission is approved by OAL, CalEPA will work closely with Unified Program Agencies to implement the new regulatory changes.

If you have any questions or concerns, please contact Elizabeth Brega at [Elizabeth.Brega@calepa.ca.gov](mailto:Elizabeth.Brega@calepa.ca.gov).

### **New Personnel**

CalEPA is excited to announce that we have three new staff that will be supporting the HMBP and CalARP programs as well helping to support inspection and enforcement program development and implementation. Please join us in welcoming Ammaad Akhtar (Hazardous Substances Engineer), Alexa Kostrikin (Environmental Scientist), and Andrea Moron-Solano (Environmental Scientist).

### **DTSC**

#### **New Certified Unified Program Agency (CUPA) Training and Assistance Unit at DTSC!**

We are pleased to announce the CUPA Training and Assistance Unit (Training Unit) is now fully staffed within the DTSC CUPA Support Branch (Branch). The Training Unit complements and supports the work of the existing CUPA Evaluation Unit. The Evaluation Unit is the home to our CUPA evaluators and inspectors under the direction of Dr. Ryan Miya. Many CUPAs are already familiar with Ryan and his team (Mia Goings, Pheleep Sidhom, and Brennan Ko-Madden).

The mission of the Training Unit is to foster collaboration and knowledge-sharing and provide practical training and assistance to the CUPAs and other agencies. We aim to develop a comprehensive hazardous waste training curriculum with in-person and virtual courses, CUPA-specific technical assistance, and support in hazardous waste management. Through our efforts, our goal is to establish and maintain strong working relationships with the 81 CUPAs while promoting collaboration and driving positive outcomes for the communities we all serve.

#### **CUPA Training Unit Staff**

Julie Pettijohn, MPH, CIH, Branch Manager - CUPA Support Branch. Julie is an experienced environmental health and safety professional with over 30 years of experience in both the public and private sectors.

Christopher Thomas, M.Sc., Unit Supervisor. Christopher is an experienced professional with a diverse background, including Lecturer, Research Scientist, Facility Director, and Paramedic Instructor.



Elizabeth Chung, MS., Sr. Environmental Scientist. Elizabeth has experience formerly working as a Project Manager for DTSC's Cleanup Program and as an Industrial Hygienist, Researcher, and Lecturer.

Amineh Aghabali, Ph.D, Sr. Environmental Scientist. Dr. Aghabali holds a Ph.D. in Chemistry from UC Davis. She has a diverse background in the public and private sectors as a Lab Safety Officer, Chemistry Lab Manager, Researcher, and Lecturer.

Marcus Powell-Ford, Environmental Scientist. Marcus is currently completing his master's degree in biology at California State University, East Bay. He was a graduate teaching associate and research scientist in his previous position.

We are looking forward to working with all of you!

Don't hesitate to email us with any questions and comments at [DTSC\\_CUPATrainers@dtsc.ca.gov](mailto:DTSC_CUPATrainers@dtsc.ca.gov).

## **Cal FIRE OSFM**

### **Aboveground Petroleum Storage Act (APSA) Tank Facility Statement**

**Question:** When is the tank facility statement required to be submitted to CERS?

**Answer:** On or before January 1st, annually.

**Question:** Is the tank facility statement required to be submitted to CERS if a tank facility has already submitted a **complete** Hazardous Materials Business Plan (HMBP)?

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- Is My Facility Regulated Under APSA?  
<https://osfm.fire.ca.gov/what-we-do/pipeline-safety-and-cupa/certified-unified-program-agency/aboveground-petroleum-storage-act/is-my-facility-regulated-under-the-aboveground-petroleum-storage-act>
- Preparing an APSA Submittal in CERS  
<https://osfm.fire.ca.gov/what-we-do/pipeline-safety-and-cupa/certified-unified-program-agency/aboveground-petroleum-storage-act/preparing-an-aboveground-petroleum-storage-act>

## Secondary Containment

**Question:** What criteria can be used to verify whether an APSA tank facility meets the ‘sufficient freeboard to contain precipitation’ for secondary containment requirements?

**Answer:** Although the Federal Spill Prevention, Control, and Countermeasure (SPCC) requires a facility to ‘provide a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation,’ the rule does not specifically define the term ‘sufficient freeboard,’ nor does it describe how to calculate this volume.

Some plan preparers use the 25-year 24-hour rainfall events to determine the appropriate freeboard capacity, while others use a ‘110 percent of storage tank capacity’ rule of thumb. However, the Federal SPCC rule does not set any standard as a requirement for freeboard capacity. The certifying professional engineer (PE) (or owner/operator of qualified facilities) determines what volume constitutes sufficient freeboard for precipitation for secondary containment.

For more information on sufficient freeboard, refer to the U.S. Environmental Protection Agency (EPA) *SPCC Guidance for Regional Inspectors*, Chapter 4, Sections 4.3.2 and 4.3.3. The *SPCC Guidance for Regional Inspectors* is available on the US EPA website at <https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations/spcc-guidance-regional-inspectors>.

Although not required under the Federal SPCC rule, it is recommended that the facility owner or operator maintain the secondary containment calculations at the facility for reference.

**Note:** One source of data for the 25-year, 24-hour rainfall event may be the National Oceanic and Atmospheric Administration (NOAA) National Weather Service at <https://hdsc.nws.noaa.gov/hdsc/pfds/index.html>.

**Question:** What criteria can be used to evaluate if an APSA tank facility’s secondary containment is ‘sufficiently impervious?’

**Answer:** The UPA may determine whether the facility’s secondary containment is sufficiently impervious based on a review of the SPCC Plan, inspection reports, maintenance records, and an observation of site conditions.



The Federal SPCC rule does not specify permeability or retention time performance criteria. Containment structures can be considered sufficiently impervious if they allow for cleanup to occur in time to prevent a discharge to navigable waters or adjoining shorelines.

For more information on sufficiently impervious secondary containment requirements, refer to the *SPCC Guidance for Regional Inspectors*, Chapter 4, Section 4.4.2.

***References or links to information cited in this newsletter are subject to change. CalEPA is interested in your comments and suggestions regarding the Unified Program monthly newsletter. Please email your comments and suggestions to: [cupa@calepa.ca.gov](mailto:cupa@calepa.ca.gov).***

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# **Agenda Item IX**

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# Tesla sued for allegedly mishandling hazardous waste in California for years

Sean O'Kane @sokane1 / 4:09 PM PST • January 31, 2024

 Comment



 Image Credits: Sam Hall/Bloomberg / Getty Images

Tesla has been sued by 25 California counties alleging the automaker has repeatedly mishandled hazardous waste at facilities throughout the state. The lawsuit was filed after months of settlement talks apparently fell apart.

The [complaint](#), filed in San Joaquin County Superior Court, states that Tesla improperly labeled and disposed of materials like “lead acid batteries and other batteries,” paints, brake fluid, aerosols, antifreeze, acetone, diesel fuel and more at its production and service facilities throughout the state. Tesla also allegedly improperly disposed of the waste, both on-site and at landfills that can’t accept hazardous waste.

The district attorneys in each county are seeking an injunction to force Tesla to properly handle the waste at the facilities going forward as well as civil penalties.

Tesla could be on the hook for as much as \$70,000 per violation per day, [according to Reuters](#), which first reported the suit.

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Tesla first revealed in a 2022 [filing](#) with the Securities and Exchange Commission that it was being investigated by district attorney offices from around the state of California over its waste management practices. The company said it “had implemented various remedial measures, including conducting training and audits, and enhancements to its site waste management programs.”

In October 2023, the company [said](#) it was in settlement talks with those district attorney offices. The lawsuit suggests those talks ended without a resolution. Representatives for the San Francisco and San Joaquin District Attorney’s offices, which led the investigation, did not immediately answer a question about what happened to the settlement talks.

Tesla has previously been scrutinized for the environmental impact of the work it does in California. The company [settled](#) with the Environmental Protection Agency in 2019 over a number of violations at its Fremont, California factory, one of which included the labeling of hazardous waste. That resulted in a \$31,000 fine and a \$55,000 layout to cover the cost of emergency response equipment for first responders. Tesla also paid [a \\$275,000 fine](#) in 2022 for violating the Clean Air Act at the same factory.

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## Astra is the space industry's first SPAC bust of 2024

Aria Alamalhodaie

1:04 PM PST • March 7, 2024



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## NFT platform Zora is offering a novel way for AI model makers to earn money

Jacquelyn Melinek

1:03 PM PST • March 7, 2024



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## Lensrentals acquires BorrowLenses

Haje Jan Kamps

12:11 PM PST • March 7, 2024



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## Bitcoin hits highs, Binance launches a crypto perfume and Coachella partners with OpenSea

Jacquelyn Melinek

12:00 PM PST • March 7, 2024



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## Apple will make it easier to move to Android by fall 2025

Sarah Perez

11:33 AM PST • March 7, 2024

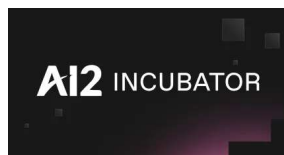


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## AI2 Incubator scores \$200M in compute to feed needy AI startups

Devin Coldewey

11:30 AM PST • March 7, 2024







## Rivian takes the wraps off \$45,000 R2 SUV, its biggest bet yet

Kirsten Korosec

10:59 AM PST • March 7, 2024

## TikTok begs users to tell Congress not to ban it

Amanda Silberling

10:57 AM PST • March 7, 2024



## Rivian surprise announces the R3 hatchback, and it's cute as hell

Sean O'Kane

10:49 AM PST • March 7, 2024



## Databricks keeps marching forward with \$1.6B in revenue

Ron Miller, Alex Wilhelm

10:21 AM PST • March 7, 2024

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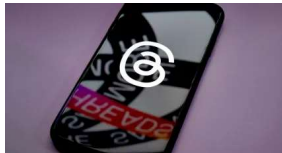
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## Threads now lets all users save drafts and take photos within the app

Aisha Malik

9:42 AM PST • March 7, 2024



## Tracking-ads industry faces another body blow in the EU

Natasha Lomas

9:37 AM PST • March 7, 2024



## Brevian is a no-code enterprise platform for building AI agents

Frederic Lardinois

9:30 AM PST • March 7, 2024



## Oura starts selling its products on Amazon

Ivan Mehta

9:00 AM PST • March 7, 2024



## Uber Eats' new live location-sharing feature helps couriers deliver food to users in hard-to-find locations

Lauren Forristal

8:58 AM PST • March 7, 2024



## PayPal launches 'Tap to Pay' on iPhone for U.S. businesses using Venmo and Zettle

Aisha Malik

8:52 AM PST • March 7, 2024



## Turnitin laid off staff earlier this year, after CEO forecast AI would allow it to cut headcount

Sarah Perez

8:04 AM PST • March 7, 2024



## Nikon buys cinema camera maker RED

Haje Jan Kamps

7:46 AM PST • March 7, 2024



## We tested Anthropic's new chatbot — and came away a bit disappointed

Kyle Wiggers

7:25 AM PST • March 7, 2024



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# Anonymous social apps face another reckoning as UNC System to ban Yik Yik, Fizz, Sidechat & Whisper

Sarah Perez  
7:16 AM PST • March 7, 2024





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## California's food scrap fine goes into effect

Residents could be fined for failing to recycle food waste.



Stefan Redel | stock.adobe.com

POSTED BY SHELLEY MANN | JANUARY 03, 2024

Starting Jan. 1, an enforcement provision has gone into effect for California's compost law, which means throwing away food scraps rather than recycling could bring a fine.

The bill mandates city and county governments to recycle organic waste to reduce methane greenhouse gas emissions in landfills in line with the state's goal to have 75 percent of all organic waste recycled.



California's Department of Resources Recycling and Recovery (CalRecycle) is overseeing implementation of the program, according to KCRA in Sacramento, and reports 75 percent of all California cities have incorporated the recycling program for residents.

In Sacramento, for instance, the [Sacramento Recycling and Solid Waste Division](#) asks residents to throw food waste in the green bin with leaves and yard trimmings. The city launched its organics waste recycling program in July of 2022 to comply with the state bill, giving away free organic waste bins to keep on the kitchen counter.



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With cameras on all collection trucks, the city has tracked four months of pick-ups and found a 14 percent increase in organic



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In the city of Rancho Cordova, those residents found to be out of compliance with state law will receive a notice of violation and a 30-day opportunity to correct, in addition to education.

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- Tribal group receives recycling center funding
- Glacier receives \$7.7M to expand its AI and robotics in the recycling sector
- Heritage Environmental Services appoints CEO
- Baltimore resumes weekly curbside recycling collection
- Washington Teamsters ratify WM contract
- M&J shredder line boasts energy efficiency
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## More from **Waste Today**

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## WastAway names new chief communications officer



## Hendrickson introduces HLC Series 1 Air Kits





Tennessee accepting solid waste management grant applications



Hendrickson introduces Roadmaax Z rear air suspension system



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LRS reportedly defers Illinois barge plan

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Miguel Gutierrez Jr. / CalMatters

Recicladora Temarry de Mexico S.A. de C.V. in Tecate, Baja California, Mexico on Oct. 19, 2023.

## California exports the risk from its hazardous waste. One neighborhood in Mexico shows the consequences



By Robert Lewis and Wendy Fry

Published December 21, 2023 at 1:43 PM PST



The fumes that wandered into Martha Beatriz León's preschool on the outskirts of Tecate, Mexico smelled way worse than usual, like rotting garbage. Or maybe it was ammonia. One woman compared it to spent gunpowder.

Whatever it was, León said it gave her a headache. Later that day in March 2022 her teachers began feeling sick, she said. Children throughout the neighborhood of San



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"It was a hard day," León said. "We didn't know what was going on."

On social media, warnings spread about a chemical release that came from behind the tall concrete and corrugated metal walls just across the road, a toxic waste recycling plant called Recicladora Temarry de Mexico.

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Less than two miles across the border from inland San Diego County, Temarry is a startling example of how California exports the risk from its hazardous waste. The plant handles thousands of tons of the Golden State's toxic detritus each year.

Here, Tesla has sent flammable liquids from its Bay Area manufacturing plant. Sally Beauty Supplies stores have gotten rid of old aerosols in Tecate, Sherwin-Williams has relied on Temarry to recycle its paint waste and the U.S. Navy has shipped its used solvents that can cause dizziness, nausea and respiratory failure.

California's own government agencies have sent their waste here too, including old paint thinner from the state prisons and ink from the office that prints government forms.



Please print or type. (Form designed for use on elite (12-pitch) typewriter.) Form Approved. OMB No. 2050-0039

<b>UNIFORM HAZARDOUS WASTE MANIFEST</b>		1. Generator ID Number <b>CAD000051433</b>	2. Page 1 of <b>2</b>	3. Emergency Response Phone <b>800 424-9300</b>	4. Manifest Tracking Number <b>008128684 FLE</b>		
5. Generator's Name and Mailing Address <b>Tesla, Inc. P.O. Box 1886 Fremont CA 94538</b>			Generator's Site Address (if different than mailing address) <b>Tesla, Inc. 45500 Fremont Blvd Fremont CA 94538</b>				
Generator's Phone: <b>510 320-1389</b>							
6. Transporter 1 Company Name <b>Temarry Recycling, Inc.</b>			U.S. EPA ID Number <b>CAR000194217</b>				
7. Transporter 2 Company Name			U.S. EPA ID Number				
8. Designated Facility Name and Site Address <b>RECICLADORA TEMARRY DE MEXICO Carretera Federal No 2 Mex San Pablo, Tecate BC</b>			U.S. EPA ID Number				
Facility's Phone: <b>619 270-9453</b>			<b>MXC130619001</b>				
GENERATOR	9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	10. Containers No. Type		11. Total Quantity	12. Unit Wt./Vol.	13. Waste Codes
	<b>X</b>	<b>1. UN3175, Solids containing flammable liquid, n.o.s. (Acetone, Isopropanol), 4.1, PGII, R14-5418 Flammable Debris</b>	<b>12</b>	<b>CF</b>	<b>2948</b>	<b>P</b>	<b>352</b>
		<b>2. Non-RCRA Hazardous Waste, Solid (Zinc Compounds, T R14-5383 Non-RCRA Debris</b>					
		<b>3. Non</b>					

Illustration by Miguel Gutierrez Jr. / CalMatters / iStock

A shipping manifest shows a load of hazardous waste to Temarry from one of the company's biggest customers in recent years — Tesla.

As an ongoing CalMatters investigation has shown, California companies and government agencies have found it easier and far less expensive to avoid the Golden State's strict environmental regulations by shipping the waste across state borders.

The result isn't a cleaner environment. New reporting reveals that Temarry has faced allegations that it improperly handles materials that can cause serious damage to human health and the environment. In California court records, its former owner has been accused of illegally dumping waste in an open pit and misrepresenting on legal documents the type of waste exported to Mexico. And, in their public statements, Tecate's mayor and top officials have suggested the company covered up the 2022 chemical release.

A lawyer for Temarry's founder denied allegations the company mishandled waste under his supervision and referred questions on the March 2022 incident to the current owners, Massachusetts-based Triumvirate Environmental Inc. Triumvirate and its attorneys did not respond to multiple interview requests nor a detailed list of questions.



One of California's top hazardous waste regulators acknowledged the state should be making sure its hazardous waste isn't harming people outside of state lines.

"I think we have a responsibility to make sure our decisions here in the state – they don't disproportionately impact other vulnerable communities and that may mean vulnerable communities in other countries," said Katie Butler, the Department of Toxic Substances Control's hazardous waste management program deputy director, speaking at a recent public event.

Asked if the department is doing that, she was unequivocal. "No," Butler said.

Other department officials stress the limits of their authority. They can't seal the borders, can't cite companies outside of California and don't have the legal authority to regulate interstate or foreign trade.



*Miguel Gutierrez Jr. / CalMatters*

Just across the road from Temarry is a small neighborhood of tightly packed homes and two-story apartments. Residents said a chemical leak at the company in March 2022 gave them headaches and left children throughout the community vomiting.





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The San Pablo community near the Recicladora Temarray de Mexico S.A. de C.V. plant in Tecate, Baja California, Mexico, on Oct. 19, 2023.





The San Pablo community in Tecate, Baja California, Mexico on Oct. 19, 2023. The community is near industrial plants, including Recicladora Temarry de Mexico S.A. de C.V.

State officials have stonewalled CalMatters' attempts to learn more about the waste California sends to Temarry, which also operates a transportation company in San Diego to handle exports. In March, we filed a California Public Records Act request for the records of all shipments sent to Temarry since 2019 (records before that had been available online). The department still hasn't even formally responded to the request, something it's required to do under law within 10 days. It's been 289 days.

Following the request, shipping records that had shown up in an online search of the Mexico facility in the state's public database suddenly disappeared – a loss of some 25,000 records from 2014 to 2018.

On paper, Mexico's laws and regulations for handling hazardous waste are similar to those in the United States. And toxic waste facilities in California have certainly had their share of accidents and chemical releases. But advocates in Mexico blame corruption and limited resources for shoddy oversight.

"The whole world knows how things function in Mexico," said Maria Magdalena Cerda Baez, a policy advocate with the Environmental Health Coalition, which has offices in National City and Tijuana and works on cross-border pollution issues. She said U.S. hazardous waste going to her country is unjust. "How can you be so rich and commit these crimes against people's health and future?"





*Photo by Miguel Gutierrez Jr. / CalMatters*

Magdalena Cerda Baez, Border Environmental Justice Policy Advocate at Environmental Health Coalition, stands near the former site of Metales y Derivados, a formerly U.S.-owned battery recycling factory, in Tijuana, Baja California, Mexico on Oct. 18, 2023. The site was shut down after complaints by residents of environment contamination.

Authorities were first alerted to the odors coming from Temarry by a call from a nearby school, the mayor said on Facebook Live the night of the incident. Once the city's top safety officials arrived, company representatives wouldn't let them in to fully inspect, Tecate leaders alleged in press conferences. The city officials reported that Temarry workers were evacuating.

"We do not know what really happened," Mayor Darío Benítez said at a press conference after the incident. "We're left with the company's version of events."

## **Temarry's deep California roots**

Temarry's story traces back to 1990 in Los Angeles when California toxic substances regulators ordered a place called Davis Chemical to stop handling hazardous waste.

The state was leading a national movement to regulate the handling of toxic and dangerous chemicals and Davis wasn't keeping up with the times. Regulators found



unlabeled drums, shoddy operations plans, and open and leaking containers, inspection records show. And it was treating hazardous waste without a permit.

After Davis Chemical closed, one of its operators' grandchildren – Matthew Songer – opened a new solvent recycling business on the other side of the border. According to Temarry promotional material, he wanted to handle waste for some of the family's old customers. Along with his then-wife and his uncle, Songer shipped the family's equipment south to launch the new venture, and they mashed the names of three collaborators together to create a new company: Temarry.

Over the next two decades, Temarry worked to build an image as an environmentally friendly destination for hazardous waste, releasing reports and authoring blog posts with titles like "Can Hazardous Waste Be Part of the Circular Economy?" and "How to Achieve the Highest Level of Sustainability." The company also touted the benefits of exporting waste in a report titled "How to Legally Transport Your Hazardous Waste to Mexico."

The company's specialty was recycling used solvents – the flammable, toxic liquids used for things like degreasing metal parts or removing nail polish. It's waste that can explode and release toxic material into the air and groundwater if not properly handled.





*Miguel Gutierrez Jr.*

The Temarry Recycling Inc. plant in San Diego on Oct. 18, 2023.





It is big business. In 2021, federal records show Temarry Recycling took 6,099 shipments from its San Diego center to its Mexico affiliate – 31,237 metric tons of waste. The state’s tracking system lists only four facilities in California as having received more tons of hazardous waste that year.

When Matthew Songer and Teresita Ruiz Mendoza divorced, he sold the company for \$25 million to Triumvirate Environmental in 2021. The Massachusetts company kept Songer on to run the operations for \$550,000 a year with a bonus of up to \$5 million over four years, according to his employment agreement, which was filed in court as part of a lawsuit.

What did he have to do for that bonus? Bring even more of America’s toxic trash across the border with Mexico to the Tecate neighborhood of San Pablo, a community of small homes and two-story apartments in neat rows surrounded by scrubland and the industrial sites that employ many of the residents.

Residents there said they’ve long been accustomed to chemical smells filling the neighborhood, sometimes leaving them with headaches.

But the fumes of March 24, 2022, seemed worse to them. Families didn’t know what to do as chemical vapors wafted across the two-lane federal highway separating the homes from Temarry. Some holed up – closing windows and wearing the masks they had for COVID. The fortunate fled. Maria Ayón and her family left town for the weekend.

Not everyone could. “They didn’t have anywhere else to go,” Ayón said.





*Miguel Gutierrez Jr. / CalMatters*

The Recicladora Temarry de Mexico S.A. de C.V. plant near the community of San Pablo, in Tecate, Baja California, Mexico on Oct. 19, 2023.

Gloria Romero said she rushed home from work when she heard there was some sort of incident.

“I took my daughters – locked my house, locked up my pets,” she said. Her girls were sick for days, Romero said, and she worries about their long-term health. “Even when there’s no leak it sometimes smells a lot like ammonia.”

León, the preschool principal, said one of her students “was very sick for a week and a half with diarrhea and vomiting.”

Benítez, the Tecate mayor, has been highly critical of the way Temarry officials handled the leak. He alleged the company didn’t call emergency services to report the accident.

That night, Benítez held a press conference at Tecate’s Palacio Municipal. Sitting behind a long table next to a city environmental inspector and other officials, the mayor said he’d been told 16 barrels of hydrogen sulfide spilled. “How do you simultaneously spill sixteen drums of hydrogen sulfide?” he said.





*Miguel Gutierrez Jr. / CalMatters*

Gloria Romero in the San Pablo community of Tecate, Baja California, Mexico, on Oct. 19, 2023. Romero states that her children became dizzy and faint after a gas leak from the nearby Recicladora Temarry de Mexico in March of 2023.

Benítez said he was also told another story – that some sort of chemical reaction on site released fumes, suggesting Temarry was covering up what really happened.

The chemical release generated local media coverage in Mexico. Reporters there revealed the company had been the site of a 2010 explosion that injured a worker.

Tecate officials ordered Temarry to shut down. In a press release posted online, the city’s fire chief, Enrique García, is quoted as [saying](#) that an inspection of the site after the 2022 incident found “critical anomalies ... that put the company at risk of fire, in addition to toxic spills.”

Benítez accused a top Baja state official of pressuring him to let the site keep operating. Eventually, a judge allowed Temarry to reopen.

The chemical leak became an international incident. In May 2022, U.S. Consul General Thomas E. Reott visited Benítez to talk about Temarry. The mayor posted about it on Facebook, sharing a photo of Reott watching him strum a guitar.



## California's regulators won't get involved

More recently, allegations made in California courts raise the question whether the March 2022 incident was part of a pattern of mishandling hazardous waste.

Songer sued Triumvirate after it fired him in June 2023. Songer was actually on leave at the time of the chemical release, according to his attorney. The company filed a counterclaim accusing the former Temarry president of fraud.

In a copy of his termination letter filed in court, the company wrote that Songer was being fired for among other things “misrepresenting on legal documents the type of waste [he] exported from the United States to Mexico” and for “authorizing and directing the illegal dumping of waste at unauthorized facilities in Mexico, including in March, 2022.”



*Miguel Gutierrez Jr. / CalMatters*

Recicladora Temarry de Mexico S.A. de C.V. in Tecate, Baja California, Mexico on Oct. 19, 2023.

Triumvirate says equipment at Temarry's Mexico facility was “not in good operating condition” at the time Songer sold them the company. The equipment was “woefully inadequate to test, analyze and process the waste as represented. Further, the



and processing levels” listed in documents at the time of the sale, according to the counterclaim.

Triumvirate personnel also witnessed Songer in March last year direct a tanker load of waste to an unauthorized location in Mexico and had the driver “dump the waste into an open pit,” the company alleges in court filings.

Songer’s attorney, H. Troy Romero, said his client denies the allegations but declined to provide details because of the ongoing litigation.

Records show state and federal regulators have inspected Temarry’s U.S.-based operations over the years. The company entered into a consent agreement with the Environmental Protection Agency in 2014 after the feds accused Temarry of exporting unauthorized waste to Mexico. In 2016, California toxics regulators cited Temarry for exporting waste that it hadn’t listed in a report to the state. And in 2021 the state cited Temarry’s San Diego-based transporter for keeping hazardous waste in its California facility for too long before shipping it off.

Carlo Rodriguez is a top California Department of Toxic Substances Control enforcement official who works on border issues in San Diego, where Temarry’s export hub is located. He said it’s up to Mexican authorities to oversee Temarry’s operations on the other side of the border.

“We trust them,” Rodriguez said. “We have to trust them so there can be a working relationship.”

While it’s true California regulators’ authority ends at the border, officials have long found creative ways to go after contamination and other environmental issues seemingly outside their jurisdiction – crafting incentive-based programs or using enforcement powers to go after operations that pass through the state. And while no actual wrongdoing has been proven on the part of Temarry, there remain open questions about how the company is handling California’s toxic waste – and the state seems uninterested in trying to get answers.

“If you want to close a blind eye and say once it crosses the border it doesn’t concern me anymore. Whatever they do or don’t do, that’s their problem. You can always take that attitude. That’s a typical government bureaucracy approach. The lazy, I don’t give a damn approach” said David Fong, a retired Los Angeles County prosecutor who used



transportation-related statutes in the early 90s to go after pollution in Tijuana. “I saw a catastrophe – and I wanted to do everything I could to stop it.”



*Miguel Gutierrez Jr. / CalMatters*

The San Pablo community in Tecate, Baja California, Mexico on Oct. 19, 2023. The community is near industrial plants, including Recicladora Temarray de Mexico S.A. de C.V.

Back on the dusty streets of the San Pablo neighborhood in Tecate, residents worry about their health, and the health of their children.

“We know there’s some risk,” said Maria Ayón, who had fled the neighborhood during the leak. “Those smells aren’t normal. When you get headaches, when you get dizzy or start to vomit, it’s because something bad is happening over there.”

*Reporting contributed by Miguel Gutierrez Jr., Jeremia Kimelman and Shreya Agrawal*

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# Kelly-Moore Paints halts operations, closes all stores

Chain founded in San Carlos in 1946 operates more than 60 paint stores in Bay Area



(Google Maps)

Kelly-Moore Paints store at 710 Auzerais Avenue in downtown San Jose.



By **GEORGE AVALOS** | gavalos@bayareanewsgroup.com | Bay Area News Group  
PUBLISHED: January 12, 2024 at 3:33 p.m. | UPDATED: January 12, 2024 at 6:20 p.m.

Kelly-Moore Paints, founded in San Carlos in 1946, has abruptly halted operations and closed all of its stores after failing to secure a cash infusion to help it escape a financial quagmire brought on by



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The shutdown affects 61 Bay Area locations, including six in San Jose, five in San Francisco and three in Santa Rosa, according to the retailer's website. Oakland, Concord, Fremont, Mountain View, San Mateo and Santa Clara each has two Kelly-Moore Paint stores.

Except for a distribution center in Union City, "all the company's facilities will be permanently closed effective immediately, including Kelly-Moore's manufacturing facility in Texas, and its retail stores," the company said in a news release. The Union City complex is being kept open temporarily to help Kelly-Moore fulfill existing orders.

Kelly-Moore Paints, whose slogan is "The painter's paint store," said its finances have been eroded by three decades of asbestos claims. The company said it had "conducted an exhaustive process that included pursuing opportunities for new capital investment, a potential sale, merger or reorganization."

Under long-gone prior ownership, Kelly-Moore had used asbestos in cement and texture products. The paint retailer discontinued asbestos in its products in 1981. Even so, the company's finances eventually buckled beneath a mountain of claims.

"Largely due to the asbestos litigation overhang, it was impossible to attract any additional funding or interest to recapitalize, restructure, or reorganize the business," the company stated.

The cash squeeze was so severe that it could not revamp its finances through a bankruptcy proceeding, the company said.

"Neither a bankruptcy reorganization nor an in-court liquidation is viable or advantageous given the company's inability to fund its continued operations," Kelly-Moore stated in the news release.

Kelly-Moore also claimed it had few assets that it could dangle in front of creditors as part of the give-and-take between a debtor and its creditors that frequently accompanies a bankruptcy proceeding.

"The company leases all its facilities and has no unencumbered hard assets that could be made available for distribution to creditors," Kelly-Moore stated.

The abrupt collapse means scores of dark storefronts are about to appear on an already gloomy landscape for the commercial real estate market in the Bay Area.

But many locations could attract retailers, especially since the size of a typical Kelly-Moore store is about 7,000 to 8,000 square feet in size, in the view of David Taxin, a partner with Meacham Oppenheimer, a commercial real estate firm.

"There should be plenty of retailers out there for stores of this size," Taxin said. "There are a lot of ways to re-purpose these buildings."

One employee who contacted this news organization said many workers believed top-level management should have been more upfront and transparent with rank-and-file workers, and provided this news organization with a copy of a letter that Kelly-Moore's chief executive officer Charles Gassenheimer sent to employees on Friday.

Gassenheimer told the workers that the company attempted wide-ranging and intensive efforts to find new investors or some group or individual with sufficient deep pockets to keep the paint retailer afloat, but the quest failed. "We have not been able to secure the additional funding needed to continue

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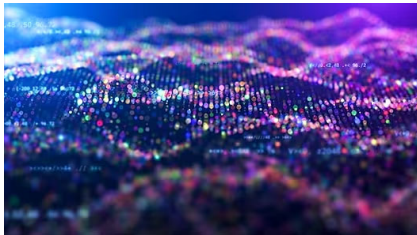
Earlier in the month, Kelly-Moore furloughed 700 workers and halted manufacturing in what appeared to be a last-ditch effort to remain afloat. “We tried to set the business on a course to profitability, but we have now reached the end of the road,” Gassenheimer said.

In 2022, Flacks Group, a Miami-based investment firm whose managing director at the time was Gassenheimer, bought Kelly-Moore Paint Co. for an undisclosed amount. Flacks Group has no retailing experience and purchases companies in an array of industries that present the prospect of profits.

In addition to the displaced workers, professional painters will be jolted by the sudden demise of a familiar retailer.

“Kelly-Moore was the paint store for the painter,” Taxin said. “There will be a lot of painters out there scratching their heads, wondering what happened.”

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