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March 13, 2018

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RE: Comments on Proposed AB 901 Regulations

Dear Ms. Manley:

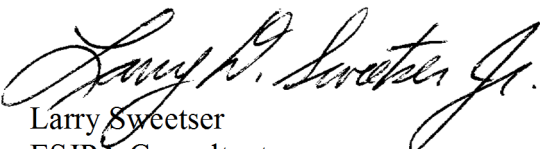
Thank you for the opportunity to provide comments on the proposed AB 901 regulations. There have been significant improvements to these regulations based upon the stakeholder feedback from the informal regulations.

There still are some issues of concern in the January 2018 draft including:

- Average cost per facility for implementing these regulations seems significantly low.
- Clarification that smaller self-haulers that transport their own wastes are not required to report directly to CalRecycle or register.
- Final usage of materials is not known for certain when materials are transported or delivered so transporters and other Reporting Entities should only be required to report what is delivered

Thank you again for the opportunity to provide comments on these proposed regulations. If you have any questions, please contact Mary Pitto at 916-447-4806 or myself at 510-703-0898.

Sincerely,


Larry Sweetser
ESJPA Consultant

Enclosure

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Notice of Proposed Rulemaking

The Notice of Proposed Rulemaking indicates in the section on “Cost Impacts on Representative Person or Business” indicates that “CalRecycle staff estimate the average cost per facility in the first 12 months, due to the proposed regulations, will be approximately \$2,150.” There is no supporting documentation of this estimate and it seems significantly lower than expected.

During the various workshops, some stakeholders have indicated that the costs to modify their scale software to be in excess of \$10,000. Assuming a labor rate of \$30 per hour for a scalemaster and five minutes per hour to input data, the cost of a five day per week operation would be \$5,200 annually. These costs are significantly higher than the quoted \$2,150.

The published cost estimate should be reevaluated.

Sections 17370.2, 17383.3, 17379.0, 17383.3, 17383.4, 17383.5, 17383.6, 17383.7, 17383.8, 17388.4, 17388.5, 17389, 17414, 17869, 17896.45, 20510

The allowance for retaining records at an alternative location subject to Local Enforcement Agency approval is greatly appreciated since some small sites are not conducive to safe storage of records on site.

Self-Haul Reporting Dilemma

The proposed regulations need more clarity that individual self-haul generators, residents and small businesses are not required to individually register with CalRecycle or file reports. Please verify that the following interpretation correctly exempts residents and small haulers from registering and reporting directly to CalRecycle.

Persons that generate wastes may choose to haul their own waste to a facility approved to accept that waste. These self-haulers are common in rural areas. These self-haulers are included in the definition of “Hauler” (Section 18815.2 (28)) and is also a “Generator” (25) “whose activities result in the initial creation of solid waste, organics, or recyclable material.” Haulers, including self-haulers, are also classified as a “Reporting entity” (43).

Section 18815.3 (a) exempts generators from registration and reporting requirements when that generator (3) “generates, processes, and **uses** material all on the same site” and is not a food waste self-hauler (2). Under Section 18815.3 (b), self-haulers are required to register and obtain a RDRS number if two conditions are met: 1) recycles, sells, transfers, processes, composts, or disposes of listed materials, and 2) recycles, sells, transfers, chips and grinds, processes, or disposes 100 tons or more of any combination of recyclable material, organics, or solid waste in a quarter.

Applying all of these requirements does indicate that individual households and small businesses transporting smaller amounts of their own wastes are exempt from registration although they are

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still classified as a "Hauler" and a "Reporting entity" and will have to report jurisdiction of origin and source sector upon arrival at a Reporting entity. If these exemption is not correct, there needs to be an exemption for smaller self-haulers especially individual residents otherwise enforcement will not be possible. A clearer path to indicate this exemption could be included.

Section 18815.4 Reporting Requirement for Haulers

Haulers, including self-haulers, will continue to report jurisdiction of origin and source sector (self-hauled). It would be helpful to clarify the exemptions related to self-hauled reporting. The following change is proposed.

(c) In its report to the Department, a hauler shall provide the following information for tons hauled, using the reasonable methods described in section 18815.9 of this Article, unless exempted from reporting per Section 18815.3:

Section 18815.5 Reporting Requirements for Transfer/Processors.

Transfer/Processors sending materials and wastes to other facilities, including for disposal and beneficial reuse, are not certain that the materials will be disposed or used beneficially. The material may not meet the quality standards and would need to be redirected. The determination of how the material will be handled is made by the receiving facility, sometimes after the material has been delivered. The management method could change after receipt of the material. Transfer/Processors do know the amount and types of material that are delivered. The following changes are requested:

(4) For disaster debris sent ~~for to~~ disposal inside or outside of California, report the total tons sent to each facility by jurisdiction of origin, and the facility's contact information, and RDRS number if the facility has one.

(5) For designated waste sent ~~for to~~ disposal inside or outside of California, report the total tons sent to each facility by jurisdiction of origin, and the facility's contact information, and RDRS number if the facility has one.

~~(6) For material sent for beneficial reuse to a landfill or other transfer/processor inside or outside of California, report the tons sent to each facility by material type pursuant to section 18815.6(c)(4) of this Article. Green waste material sent for beneficial reuse at a landfill shall be reported in tons by jurisdiction of origin.~~

Section 18815.6 Reporting Requirements for Disposal Facilities

This section requires disposal facilities to report "material types" used for ADC, AIC, and construction. Currently, there is a requirement to report this information by the following categories: Ash, Auto Shred, Construction and Demolition, Compost, Contaminated Sediment,

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Green Waste, Mixed, Sludge, Tires, and Other. The proposed requirement is to report using the reasonable methods in Section 18815.9. Section 18815.9 lists various material types but does not include material types for beneficial use at disposal facilities. The current list should be continued in the proposed regulations to provide data consistency.

Section 18815.8 Reporting Requirements for Transporters and Brokers.

As indicated in comments for Section 18815.5, the final fate of materials is not always known upon delivery. The following changes are proposed:

- (1) For materials sent ~~for disposal or beneficial reuse~~ to a transfer/processor, disposal facility, broker, or transporter inside or outside of California, report the total tons of each material type, pursuant to section 18815.9(a) of this Article, sent to each person or facility and their contact information, and RDRS number if the person or facility has one.
- (2) For materials sent ~~for recycling or composting~~ to a recycler, composter, broker, or transporter inside or outside of California, report the tons of each material type, pursuant to section 18815.9(a), sent to each person or facility and their contact information, and RDRS number if the person or facility has one.

Section 18815.7 Reporting Requirements for Recycling and Composting Facilities and Operations

As indicated in comments for Section 18815.5, the final fate of materials is not always known upon delivery. The following changes are proposed:

- (1) For materials sent ~~for disposal or beneficial reuse~~ to a transfer/processor, broker, transporter, or disposal facility inside or outside of California, report the total tons of each material type, pursuant to section 18815.9(a) of this Article, sent to each person and their contact information, and RDRS number if the person or facility has one.
- (2) For materials sent ~~for recycling or composting~~ to recycler, composter, broker, or transporter inside or outside of California, report the tons of each material type, pursuant to section 18815.9(a), sent to each person and their contact information, and RDRS number if the person or facility has one.

Section 18815.9 Reasonable Methods

Per the comments for Section 18815.6, the following language should be added to:

- (a) (3) A disposal facility shall report beneficial reuse by the following material types: Ash, Auto Shred, Construction and Demolition, Compost, Contaminated Sediment, Green Waste, Mixed, Sludge, Tires, and Other.

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In addition, continuing the exemptions for installing expensive scales for smaller facilities and operations is greatly appreciated and definitely a reasonable method.