AB 901: RULEMAKING

Disposal and Recycling Reporting Regulations

August 2016
AB 901 Summary and Intent

• AB 901 (Gordon, 2015)

• Update and Streamline Procedures
  • Utilize technology to improve procedures
    • Online Reporting, notifications, contact updates, etc...
  • Direct reporting to CalRecycle

• Improve Data Quality
  • Expand reporting facilities
  • Remove manual data input
  • Further CalRecycle’s Mandates

Questions: AB901.Reporting@calrecycle.ca.gov
The Regulatory Development Process and Project Timeline

- Informal Workshop(s)
  - Input from regulated stakeholders
  - Scoping for Regulations

- Formal Rulemaking Process
  - Governed by the Office of Administrative Law (OAL)
  - Strict timelines, procedures, and comment periods
  - Tentatively scheduled to begin late 2016
  - Expected to be complete in 2017

- Online reporting system will be developed alongside formal rulemaking process

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MAJOR TOPICS

Of each of the 8 workshop sessions in August
1. Thresholds Topics

- Quarterly minimum to trigger registering
- Quarterly minimum to trigger reporting
  - Some entities may need to register but not have to report
  - By material type or by facility?
    - If a large MRF handles 2-3 pounds of household batteries a month incidental to their other operations, do they need to report the flow of batteries?
- Different thresholds for different material types?
  - Bulky and/or wet materials (such as green waste, compost, concrete, etc)
  - “Traditional” materials (such as MSW, mixed recyclables, paper, plastics, etc)
  - Small volume/high hazard materials (household batteries, electronic devices, etc)

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1. Thresholds Topics (cont)

- Minimum transfers/sales to trigger individual destination reporting
  - How much do you need to sell to an end user or processor in order to be required to report the specific destination rather than reporting the destination type?
- Material type definitions for recycling or composting flows of “mixed recyclables”, “mixed compostables”, and “mixed solid waste”
  - When a load is being sold or transferred for the purposes of recycling but in a mixed state rather than sorted (i.e., not bales of OCC or PET or aluminum).
    - We need the flexibility for a reporting entity to report a mixed stream and need to identify the criteria for determining which type of mixed stream it is.

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2. Organics Topics

- Unique organics situations
  - POTW, rendering, direct land application, biosolids, digestate, etc
  - What’s in and what’s out?
    - Special reporting needs or considerations related to these?
- Mass loss and % residual reporting issues
- Existing reporting obligations to other entities

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3. Penalties and Enforcement

- How will facilities’ be reassured that they will not be penalized due to other entities’ mis-reporting or late reporting?
- What steps will be taken to give facilities an opportunity to correct problems prior to fees being assessed or enforcement action being taken?
- How will facilities or jurisdictions identify a non-reporter or a mis-reporter to CalRecycle for further action?
- What measures will be taken to ensure that minor clerical errors will not result in fines and penalties?
4. Multiple Operations

- Operations where material is generated, processed, and used on-site
- Operations where material is generated, processed on-site but shipped off site for use
- Operations where material is generated off-side but processed and used on-site?
- Single companies that participate in multiple steps of the processing.
  - A hauler and processor
  - A processor and an end user
  - A recycler and a disposal facility
5. Jurisdictional Requests and Confidentiality

- What information will be made available to local jurisdictions and when?
- What information can local jurisdictions obtain with their own authority
  - Via AB 901 or otherwise.
- What information provided to or obtained by CalRecycle will be kept confidential?
  - Which will always be completely confidential vs what will be obfuscated by means of aggregated reporting or other means?
6. Methods for Jurisdiction of Origin and Source Sector

• How can Jurisdiction of origin be estimated? How will it be reported?

• How can Source sector be estimated? How will it be reported? How will facilities be protected from enforcement due to inaccuracies?

• What information is already being collected by facilities?
  • What would represent a new data collection effort?
  • What is hard to get vs what is impossible to get?

• Special considerations
  • No scales, no manned gatehouse, etc...
7. Material Types and Products

• Which products should be included/excluded?
  • What does it mean for a product to be in or out?

• How should we define material type reporting?
  • Bale specs?
  • Contamination rates?
  • Sales contracts?

• What product names list does the industry use for commodities?
• Mixed waste vs mixed recyclables vs mixed compostables
• ADC/AIC/beneficial reuse

• What happens if CalRecycle or another governmental entity is already collecting some data associated with one of the material types or targeted products?
7. Current List of Products

- Carpet and padding
- Mattresses
- White goods
- Furniture
- Electronics devices
- Textiles
- Household batteries
- Architectural paint
- Used tires
8. General Discussion

- Registration
- Coordination with other CalRecycle databases and reporting obligations
- Reporting timelines
- Can you take material to a facility without a DDRS number?
- End User definition
- What/How is the industry tackling right now?
NEXT STEPS

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Next Steps

• Complete topic-focused workshops
• Review questions and comments received during workshops
• Written comments due by September 12
• Provide a revised draft
• Begin formal regulatory process as soon as feasible
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