



**CalRecycle**

# **AB 901: RULEMAKING**

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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](mailto: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

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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 (ie, 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.

## 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-site 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 tacking 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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