

# **Recycling and Disposal Reporting System (*RDRS*) Rulemaking**

**Workshop 2**

**July 26, 2022**

# Outline

- Background
- Timeline
- Economic Impact Survey
  - Will review at end of presentation if we have time
- Changes to RDRS regulations by Section
  - 18815.2 through 18815.9
- Questions/Comments

# Background

- RDRS regulations based on Assembly Bill (AB) 901
  - Public Resources Code (PRC) 41821.5
- Using the rulemaking for AB 881 and Senate Bill (SB) 343 to clarify **other** points and adjust existing regulations
- For this presentation, covering these other changes, but ignoring alterations that have no regulatory effect
- Changes do not reflect one topic and are spread throughout RDRS regulations
  - California Code of Regulations, Title 14, 18815.2 – 18815.9

# Timeline

- Informal rulemaking, June through Sep or Oct 2022
- Formal rulemaking to start in Oct or Nov 2022
- Regulatory updates in force by Jan 2024
- While updates in force by Jan 2024, new RDRS reporting not slated to begin until 2024 Q4
  - Meaning, changes to reporting in RDRS will not start until 2024 Q4

# Economic Impacts Survey

- We want your help in estimating the economic cost of the rulemaking if you are subject to RDRS regulations
- If you represent a facility subject to RDRS regulations, then please complete this survey by **8/16/2022**
  - <https://forms.office.com/g/74Ha33K8Ae>
- Your participation will help us improve the rulemaking package

# Changes to RDRS Regulations

- Definitions – 18815.2
- Registration and General Reporting – 18815.3
- Specific Reporting by activity type
  - Haulers – 18815.4
  - Transfer/Processors (T/P) – 18815.5
  - Disposal Facilities – 18815.6
  - Recycler/Composters (R/C) – 18815.7
  - Broker/Transporters (B/T) – 18815.8
- Methods for Reporting – 18815.9

# 18815.2 – Definitions

- Solid waste includes material from a mixed waste organics collection stream (SB 1383)
- Source sector will include greater granularity
  - Solid waste in RDRS has one of three source sectors:
    - Contract-hauled commercial
    - Contract-hauled residential, and
    - Self-hauled, which is a mixture of residential and commercial
  - Going to ask reporting entities to distinguish between residential and commercial self-haulers

# 18815.3 – Who Must Register?

- Brokers or transporters that take control of material outside of California are not required to register in RDRS
- New reporting entities that become subject to RDRS regulations on or after October 1, 2024 need to start reporting in the same quarter as they became subject, whereas currently, the entities would report one quarter *after*



# 18815.3 – Register How?

- RDRS registration organized into “organization/sites” and “reporting entity activities”
  - An “organization/site” refers to a **single physical** address or several **adjacent** physical addresses
  - Multiple entities within the same organization/site must have the same **physical** address and operator
- On the map, if each of the six stars was a facility of Turner’s Recycling Corp, then Turner would create six separate organizations in RDRS, one for each physical address.
  - Within each organization, Turner would create a reporting entity for each facility at each address.
- Our regulatory updates are clarifying this registration process



# 18815.3 – New Registration Info

- If registered in the Solid Waste Information System (SWIS), then must provide:
  - SWIS number
  - SWIS activity

# 18815.3 – Requesting Exemption, Inactivity, Closure

- Exemption, Inactivity, or Closure Request Submitted. Regulations clarify that:
  - Each request must be justified.
- Department Reviews Request. Regulations clarify that:
  - Entity must continue reporting during review
  - Dept will not approve if quarterly reports are missing
- Department Approves or Denies within 60 days. Regulations clarify that:
  - If approved, takes effect on *request date* or later

# 18815.3 – Errors

- Regulatory updates clarify that:
  - Fixes must be completed within 10 business days, unless the Department grants additional time.
  - Correcting discrepancies between the quarterly reports of separate entities is the responsibility of the entities involved.

# Changes to RDRS Regulations – Reporting Entities

- ✓ Definitions – 18815.2
- ✓ Registration and General Reporting – 18815.3
- Specific Reporting by activity type
  - Haulers – 18815.4
  - Transfer/Processors (T/P) – 18815.5
  - Disposal Facilities – 18815.6
  - Recycler/Composters (R/C) – 18815.7
  - Broker/Transporters (B/T) – 18815.8

# 18815.4 – Haulers

- For **all** material hauled, rather than only for solid waste, need to provide the jurisdiction of origin to the destination reporting entity
- Context
  - Mixed plastic origins for AB 881
  - Origins for residuals created by processing

# 18815.5 – Transfer/Processors (T/P)

- If requested by the destination facility, provide jurisdiction of origin to the destination (rather than in RDRS) for tons sent.
- Allowing T/Ps to report inflows from other T/Ps as direct haul:
  - T/P 1 receives tons from Davis and Sacramento via direct haul. A contract mandates that the Davis tons go to Yolo landfill, and the Sacramento tons go to Kiefer landfill.
  - T/P 1 sends materials to T/P 2, which sends the tons to Yolo and Kiefer.
  - For RDRS to know that Davis tons go to Yolo and Sacramento go to Kiefer, T/P 2 must report the inflow from T/P 1 as direct haul

# 18815.6 – Disposal Facilities

- If requested by the destination facility, provide jurisdiction of origin to the destination (rather than in RDRS) for tons sent.
- Disposal facility must report as a T/P if they receive and directly transfer solid waste, disaster debris, and designated waste.
  - Report as a T/P for those tons only.



# 18815.7 – Recycler/Composters (R/C)

- May **elect** to provide jurisdiction of origin to destination facility (rather than in RDRS) for tons sent
  - Such reporting is required for mixed plastics due to AB 881

# 18815.8 – Broker/Transporters (B/T)

- May **elect** to provide jurisdiction of origin to destination facility (rather than in RDRS) for tons sent
  - Such reporting is required for mixed plastics due to AB 881
- Destination information for tons sent **to** broker/transporters
  - The situation
    - Reporting entity sends tons to B/T
    - B/T takes control of the material outside of California
  - Reporting entity will now report destination as **region** in RDRS, rather than the specific B/T

# Changes to RDRS – Methods

- ✓ Definitions – 18815.2
- ✓ Registration and General Reporting – 18815.3
- ✓ Specific Reporting by activity type
- Methods
  - Material Stream & Type
  - Jurisdiction of Origin
  - Source Sector
  - Approving Other Methods

# 18815.9 – Material Stream Methods

- Solid waste clarifications
  - If material sent to disposal, then it's solid waste
  - Material contaminated with solid waste is solid waste
- Inflow stream reporting
  - Entity X receives an inflow. Entity X processes that inflow into several different outflow streams. How should X report the inflow?
  - One example: If inflow were > 10% solid waste, then inflow is solid waste

# 18815.9 – Material Type Methods

- When reporting flows of mixed materials (other than solid waste, designated waste, and disaster debris), will be required to report the individual materials in that flow (not by tons; just the materials)
- Example: For outflow of “mixed recyclables”, would need to provide the individual materials in that outflow.
- In this scenario, the entity must transfer the materials as the mixture.
  - If the entity transfers the individual materials separately, then the entity is obligated by regulations to report each of those separate outflows individually.

# 18815.9 – Jurisdiction Methods, R/C and B/T

- Where updates require (for mixed plastic waste) or allow (for other materials) recyclers, composters, brokers, and transporters to determine jurisdiction, how?
- Requesting jurisdiction from entity/person providing material
- Host assignment to
  - Facility location for R/C
  - Location where B/T took control of the material
- Other methods CalRecycle approves

# 18815.9 – Jurisdiction Methods, Residuals

- When reporting origins for residuals, tons may be 'host-assigned' to the jurisdiction in which a facility exists.
- Updated method for determining origins for residuals:
  - Report actual jurisdiction of such tons if can be derived, or
  - Report estimated jurisdiction based on inflows
    - Ex: if inflows are 60% jurisdiction X and 40% jurisdiction Y, then would assume residuals have same percentages
  - Host assign as per normal if first two options not possible

# 18815.9 – Source Sector Methods

- New methods to discriminate between commercial and residential self-haul
- By vehicle
  - Does the vehicle have a commercial emblem?
  - Is the vehicle small, such as a light pickup truck?
- Asking driver



# 18815.9 – Other Approved Methods

- Other methods must now be approved by the Department
  - Dept will have 60 days to review

# Future Workshops & Resources

- Last informal workshop on August 30. See rulemaking website:
  - <https://calrecycle.ca.gov/laws/rulemaking/rdrsupdates/>
- AB 881 and SB 343 RDRS Rulemaking Listserv:
  - <https://www2.calrecycle.ca.gov/Listservs/Subscribe/169>
- Asking Questions and Providing Comments
  - If viewing via Go To Webinar, use the "Raise Hand" or "Ask Question" feature
  - If viewing via WebCast, use email:
    - SB343\_AB881\_rulemaking@calrecycle.ca.gov. (*case insensitive*)