

0:04

Morning everyone. Thank you for signing in to our second informal workshop for the RDRS rulemaking.

0:12

Our workshop is scheduled to begin, you know, right now, but we'll wait another few minutes for people to trickle in.

0:20

So we are, we will say, we will begin presenting in our intros at around 10:05.

Thank you.

4:44

Good morning, everybody.

4:45

So, it's 10:05, and we will get going here. So my name is Dan Brown. I'm the Manager of the Knowledge Integration Section within CalRecycle's Policy Development and Analysis Office. I want to thank you all for attending our second informal rulemaking discussion for changes to the Recycling and Disposal Reporting System, or RDRS. As many of you know, SB 343 and AB 881 were passed into law last year, requiring CalRecycle to gather new information in RDRS. And we see this as an opportunity to gather a greater understanding of the types of materials that are being processed at California facilities and identifying contaminants in that processing. We also see this as an opportunity to streamline, clarify, and improve our regulations based on our, now over two years of experience using the system, with your input and help along the way.

5:39

So your participation and feedback are really appreciated and truly are critical to crafting regulatory changes that are effective and feasible. And so with that, I am going to turn things over to our excellent team here.

5:55

Thanks for that, Dan.

5:56

My name is Eric. I work under Dan in the policy office.

6:00

I am organizing our rulemaking and I'll be the one giving the presentation.

6:06

And I'll turn it over to Priya who is my co-organizer for the rulemaking.

6:11

Hi, my name is Priya.

6:12

As Eric mentioned, I'm also a co-organizer for the rulemaking and work in the knowledge integration section and welcome to today's presentation.

6:24

With that, let's get started.

6:26

I'll turn off my webcam during the presentation, just so we can be as distraction free as possible.

6:36

Ok, so, good morning, everyone.

6:38

Welcome to the second, informal workshop related to our upcoming rulemaking for the Recycling and Disposal Reporting System, or RDRS.

6:48

As I said earlier, my name is Eric, Priya and I are co-organizing the rulemaking. At the first workshop about a month ago, we overviewed the changes to the regulations that we're making pursuant to AB or Assembly Bill 881, and SB or Senate Bill 343.

7:06

In this workshop, I'm going to present other changes that we're making not based on AB 881 and SB 343.

7:15

We're making these other changes to clarify existing points of confusion, fix errors, and so on.

7:22

Please note that this workshop is being recorded. We will post the recording online once we have made it accessible.

7:32

In this presentation, I'll be covering the following: a brief background about the rulemaking,

7:38

A timeline of our rulemaking and RDRS updates, a quick note on an Economic Impact Survey, and an overview of the main changes to each section in RDRS. At the end

7:50

We will have time for questions and comments.

7:55

RDRS regulations are based on AB 901, which is codified in Public Resources Code 41821.5. While AB 901

8:07

And Senate Bill 343 require updates to RDRS, we're not limiting the rulemaking to these statutes alone.

8:15

Over the past few years of RDRS implementation, several points of confusion have come up.

8:20

We're going to try to clarify these areas and in general, adjust reporting to improve RDRS.

8:27

We're also making several non-content changes, such as fixing typos.

8:31

In this presentation, I'm not going to cover these minor changes.

8:36

Because the main changes do not reflect one topic and are spread throughout the regulations, I'm going to cover each section in order starting with 18815.2.

8:49

But first, a note on timing.

8:51

We're currently in informal rulemaking, which will continue through around September or October of this year.

8:59

We anticipate beginning formal rulemaking around October or November, and assuming we use the entire year that we are allowed for formal rulemaking, regulations will hopefully be approved and enforced by January 2024.

9:14

However, as currently written, our regulations are the changes therein, and will not take effect until quarter 4 of 2024, meaning reporting in RDRS will not change until quarter 4.

9:27

So, hopefully, there will be plenty of time for everyone to prepare for the changes.

9:33

As part of the rulemaking, we will have to perform an economic assessment of the cost of the regulations to the regulated community.

9:42

If your facility is subject to RDRS regulations, then we would like your help in estimating these costs.

9:49

As such, we have created an online survey that will ask questions about the costs of the new regulations to you.

9:56

If you choose to complete this survey, then we ask that you do so by August 16th.

10:02

We will send around to the listserv and post on the rulemaking website, the link to the survey.

10:12

So, while you are not required to complete the survey, we hope that you will because your input will help us improve the regulatory package.

10:19

If we have time at the end of today's workshop, I will go through the survey questions and just show you what it looks like generally.

10:28

Ok, now I will overview the updates to the RDRS regulations for each section.

10:34

As a reminder, this overview excludes minor changes without regulatory effect,

10:39

And those changes that stem from AB 881 and SB 343.

10:45

I will cover definitions, registration, reporting for each of the activity types in RDRS, and finally the methods section.

10:55

First, definitions.

10:57

There are two main updates to the definitions outside of changes due to AB 881 and SB 343.

11:05

First, we have clarified that solid waste includes material from a mixed waste organics collection stream.

11:13

This change shouldn't affect anyone's reporting, but we wanted to emphasize that transfer/processors should consider this material as an inflow of solid waste.

11:28

The biggest change to our definitions relates to source sector.

11:31

Currently, solid waste in RDRS is associated with 1 of 3 source sectors: contract hauled commercial, contract hauled residential, and self-hauled.

11:41

Because self-haul is a mixture of residential and commercial, we don't actually know how much solid waste is residential or commercial.

11:50

So we're going to ask reporting entities to start separating self-haul into residential versus commercial.

11:57

I'll come back to our proposed methods for reporting later in the presentation.

12:04

Next, we have made a few minor changes to entities that must register within RDRS.

12:10

First, we have clarified in the regulations that brokers and transporters that take control of material outside of California do not need to register within RDRS.

12:22

Second, we have changed reporting for new entities, such that if a new entity becomes subject to RDRS

12:29

regulations, then they must start reporting in the same quarter in which they became subject, whereas currently, these entities would get a one quarter pass where they did not need to report.

12:42

Now, let's talk about some clarifications to how users must register within RDRS.

12:49

RDRS includes both organization/sites and reporting entity activities. What do those terms mean?

12:56

In RDRS, rather than an organization referring to a parent corporation, such as Turner's Recycling Corp., organization refers to a single physical address or several adjacent physical addresses.

13:10

Multiple entities can be housed within the same parent organization site, but these entities must be located at the same location and have the same operator.

13:20

Consider this map.

13:22

If each star, and there are six of them, was a facility of Turner's Recycling Corp, then Turner would create six separate organizations in RDRS, one for each physical address.

13:35

Within each organization, Turner would create a reporting entity for each facility at each address.

13:41

Our regulatory updates are clarifying this process.

13:47

Continuing with the registration theme, the RDRS regulatory updates will require one new piece of information during registration.

13:56

If an entity is registered in the Solid Waste Information System or SWIS, then the entity must provide their SWIS number and SWIS activity type.

14:05

Currently, providing SWIS information is optional.

14:08

We often get requests from the public and internally, for data organized by SWIS number, so this will help us produce more informative data for requesters.

14:19

Next, we're clarifying the process that entities use to claim that they do not need to report.

14:26

To be released from reporting, entities must request exemption or prove that they are inactive or closed. Let's talk about that process.

14:35

First, the entity will submit their request for exemption, inactivity, or closure.

14:41

Each request must justify why the entity is exempt, inactive, or closed.

14:46

Our existing regulations do not clearly note when justification is required, so we are fixing that.

14:54

The department will then review the request,

14:57

And while the department reviews, our regulatory changes are clarifying that the entity must continue to report as if they are required to.

15:06

Further, the department will also not approve a request if an entity has not submitted any quarterly reports that are missing.

15:16

The department will approve or deny the request within 60 days, and if the department approves the request, then our regulatory changes clarify that the request will take effect on or after the request date.

15:34

In addition to registration standards, the regulations specify a process for correcting errors and an entity's registration information, or within an entity's submitted quarterly reports.

15:47

First, the updated regulations clarify that entities will have 10 days unless the department grants additional time, to fix errors or respond to a notification from the department about potential errors.

16:00

The updated regulations also explain that correcting discrepancies between reporting entities is the responsibility of the reporting entities, not CalRecycle.

16:10

We can identify errors in reports, but we cannot resolve them for reporting entities.

16:18

Thus far in the presentation, I have covered definitions, and registration, and general reporting.

16:25

Next, I will overview the updates to the reporting requirements for each type of entity in the regulations.

16:33

Let's start with haulers.

16:35

For haulers, the main change is that they will need to provide jurisdiction of origin to the destination entity for all tons hauled, rather than only for solid waste, as is currently the case.

16:49

We're requiring origins for mixed material, for all materials because of AB 881, which requires origins for mixed plastic waste,

16:58

And so that downstream facilities can attempt to provide origins for residual solid waste that comes from recyclables and general processing.

17:11

Next, transfer/processors, for which there are two changes in the general updates category.

17:17

First, if a T/P sends materials to a destination facility, and if the destination facility requests the jurisdiction of origin for those tons,

17:27

Then the sending transfer/processor, or T/P, shall provide those origins to the destination rather than in RDRS.

17:36

Second, we are changing the regulations to allow transfer/processors to report inflows from other transfer/processors as direct haul in a very specific circumstance.

17:49

Consider the situation where transfer/processor one receives tons from Davis and Sacramento via contract hauler.

17:57

The transfer/processor's contract mandates that the Davis tons eventually go to Yolo Landfill, and the Sacramento tons should eventually go to Kiefer Landfill.

18:07

However, transfer/processor one sends these materials first to transfer/processor two, who then sends the tons to the landfill.

18:16

In RDRS, if transfer/processor number two sends the tons to Yolo and Kiefer, the only way that RDRS can know that Davis tons go to Yolo and Sacramento go to Kiefer is for transfer/processor number two to report the inflow from transfer/processor number one as direct haul.

18:36

So, we're adjusting the regulations to allow this reporting.

18:40

In this situation, T/P two would request jurisdiction information from transfer/processor number one, who would need to provide it for the reporting pathway to be successful.

18:54

Disposal facilities.

18:56

So like transfer/processors, the regulatory updates will require disposal facilities to provide jurisdiction of origin for tons sent if requested by the destination facility, and this would not be reported in RDRS but rather to the destination.

19:12

We're also clarifying the regulations to emphasize that if a disposal facility receives and directly transfers solid waste, disaster debris and designated waste, then the disposal facility should report as a transfer/processor

19:27

For these tons, and for these tons only.

19:32

For recycler/composters, we have only one main update outside of the changes for SB 343 and AB 881.

19:41

Recycler/composters may elect, but are not required, to provide the jurisdiction of origin for tons sent to destination facilities.

19:50

Here the recycler/composters would be providing the origins information to the destination entity, not to RDRS.

19:58

However, note that this reporting is required, not optional, for mixed plastics due to AB 881 and the proposed corresponding regulations.

20:11

Changes to the broker/transporters are similar to recycler/composters.

20:16

Broker/transporters like recycler/composters may elect to provide jurisdiction of origin for tons sent, but again, passing along origins information is required for mixed plastic.

20:28

The next point actually applies to all entities who send material to broker/transporters, rather than broker/transporters reporting outflows themselves.

20:39

Specifically, let's say that a reporting broker, reporting entity sends tons to a broker/transporter.

20:45

Let's also say that the broker/transporter destination took control of those materials outside of California, such as Nevada.

20:55

In this case, in the new regulations, the reporting entity would report the destination of this outflow as Nevada.

21:02

Under our current regulations, the reporting entity would report the destination as the specific Nevadan broker/transporter.

21:10

So our updated regulations are requiring less granularity for destination information in this particular case.

21:20

Broker/transporters are the last activity type of the regulations, so now I will cover our updates to the methods section for the regulations.

21:29

For the methods, there are four main categories of changes, which I will cover in order: In RDRS at the broadest level materials are classified into streams.

Requirements for reporting vary by stream,

21:45

So, it's important that the regulations are clear about what a given stream a material falls into.

21:52

To that end, we are updating the regulations to clarify solid waste.

21:57

If any material is sent to a disposal facility for disposal, then that material will be considered solid waste, except disaster debris and designated waste, which are always just considered disaster debris and designated waste.

22:12

Further, if any material is contaminated with solid waste to an extent that a recycler would not be able to handle that material, then that material will also be considered solid waste.

22:25

Besides this point about solid waste, we're adding a component to the methods dealing with how material stream for inflows should be reported.

22:33

For example, if Entity X receives a mixed inflow from Entity Y, and if Entity X processes that inflow into several different streams, how should X report that inflow?

22:47

The updates to the regulations clarified this reporting.

22:51

I won't go into all the scenarios here.

22:53

But, as one example, if the inflow were more than 10% solid waste, then the entire inflow should be reported as solid waste regardless of the outflow stream.

23:06

In addition to material stream, RDRS classifies materials into a more detailed material type.

23:13

For material type reporting, the regulations have one change.

23:18

When reporting flows of mixed materials, entities will be required to provide the individual materials within that flow.

23:27

A mixed material is something like mixed plastics, mixed metals, mixed recyclables and so on, it's not mixed solid waste.

23:36

If an entity is reporting an outflow of plastic number one bottles, then note that the entity is already meeting this regulatory requirement.

23:46

So as one example where this new regulation would apply. Let's say that an entity reported an outflow of mixed recyclables.

23:54

In this situation, the entity would need to additionally list the individual materials in that mixture, such as plastic number one bottles, aluminum cans and so on. They would not provide the tonnage.

24:08

Note that in this scenario, the entity is actually selling or transferring the materials as a mixture.

24:14

If the entity is selling or transferring individual materials separately, then the entity is obligated by regulations to report each of those separate outflows individually.

24:28

In addition to material stream and type, our methods updates include changes to jurisdiction of origin.

24:35

These origins changes fall into two categories.

24:39

One, how recyclers, brokers, composters, and transporters should gather origins, and two, assuming a facility generates residuals, how origins for those residual, solid waste tons should be determined.

24:54

I will cover the recycler/composter and broker/transporter situation first.

24:59

For recyclers, composters, brokers, and transporters, the regulatory updates will either require for mixed plastic waste or allow for other materials, the entities to provide jurisdiction of origin for the tons that they sent.

25:15

How are these entities supposed to have obtained jurisdiction of origins information?

25:22

These entities can request origins from the people or enter entities delivering the material, or they could host assign the tons.

25:31

Recycler/composters would host assign to their own jurisdiction whereas broker/transporters would assign to the jurisdiction in which they took control of the material.

25:41

In addition to these methods, entities could use other methods that CalRecycle has approved.

25:48

Currently, in RDRS if the jurisdiction for tons is unknown, then the jurisdiction may be assigned to the location in which the facility handling the material resides.

25:59

Such host assignment may occur for residuals that a facility generates itself

26:04

Or for residuals that a facility accepts for disposal from an entity other than a transfer/processor.

26:12

The updates to the regulations will now allow entities to use other methods to determine this host assignment and the origins here.

26:21

First, if an entity can determine origins for their residuals, then they shall report those specific origins.

26:28

Second, if an entity cannot track origins specifically for residuals, but does know origins for their overall inflows, then the entity can assume the residuals have the same jurisdiction as the overall inflows.

26:44

So, for example, if an entity's, inflows are split 60, 40, between two jurisdictions, X and Y, then the facility could assume that the residuals were also 60% jurisdiction X, and 40% jurisdiction Y.

27:01

Lastly, if an entity cannot do either of the first two options, then the entity would host assign as per normal to their jurisdiction of location.

27:14

Another change, which I mentioned earlier, relates to source sector.

27:18

Because we're asking entities to separate between residual and commercial self-haul,

27:23

We're providing methods for entities to do so.

27:27

For example, vehicles with a commercial emblem would be considered commercial. Small vehicles without a commercial emblem would be considered residential. Entities could, of course, also ask the driver.

27:42

Currently, regulations allow other methods in a few situations.

27:48

The last main change to our regulations concerns these other methods.

27:53

Specifically, regulatory updates will require the department to approve these methods.

28:00

We will have 60 days to approve a request, and entities may not use that new method until approved.

28:09

And that concludes the overview of the changes to the RDRS regulations. I want to thank you all for coming, and I hope this presentation was informative.

28:17

In a moment, we'll open the floor to questions.

28:20

Before that, I wanted to highlight that we have one more workshop scheduled for August 30th.

28:25

At this last workshop, we hope to present actual regulatory language.

28:30

If you are not signed up for the rulemaking listserv, but would like to be, then you can use the link shown on this slide.

28:38

So now let's move on to the Q&A portion of the workshop. If you're attending via Go To Webinar, then you can use the Raise Hand, or Ask Question feature.

28:47

We'll also allow you to unmute yourself if you'd like to ask a comment or question verbally.

28:53

Alternatively, you can contact the rulemaking team via the e-mail shown on the slide, SB 343 underscore AB 881 underscore rulemaking at calrecycle dot CA dot gov.

29:07

So with that, thank you

29:09

And let's try to open up the floor to comments and questions.

29:50

So, we have a few questions in the questions area already.

29:54

What time is the August 30th workshop? I'll just answer that, since that's easy.

That workshop will be from 10:00 AM to 12.

30:01

Will language be available prior to the workshop?

30:05

We, hopefully, that is the hope.

30:08

We're trying to organize things and get the regulations all internally approved so we can show them publicly. But I can't make any promises to that

30:20

Right now.

30:24

Ok, so the first question, coming back to the first question, will MRFs be required to report the specific materials included

30:32

in outbound mixed waste paper bales? I think that depends, and, Dan, you should jump in here and say, and correct me if I'm saying something wrong.

30:43

If the mixed, um, if by waste, you mean these are going to disposal, then no, it's just, it's just going to be considered solid waste.

30:57

If you don't actually mean waste and you mean, this is mixed, this is recycling, if, if the paper is different, qualitatively different types, then you should probably report the specific,

31:11

You should be like listing the specific papers.

31:13

But if it's really just, um, all one type of paper, then you would just report that one type of paper, and you wouldn't be held responsible to list the miscellaneous types of paper in that bale.

31:28

Yeah, and I can add onto that, I think you summed it up very well. But, but really, we're not looking for additional sorting. What we are looking for is if your bale specification includes a specific list of different paper types in this case and that's what goes into your mixed waste paper bales, that's what we would want listed. And the purpose behind that is really tied back to SB 343's requirement that we identify the types of materials that are recovered. And so what we're looking for is just additional granularity, and what is, what composes these mixed flows, whether it be mixed plastics, mixed paper, et cetera. And really, just to the level of your specification, so what is by your design included in those bales.

32:19

Not by proportion. So we're not asking you to, you know, actually do bale surveys but just by design, you know, if, if you see this kind of paper type that goes into that bale, that's what we're looking for, is more of a binary, is it, you know, included, or is it not?

32:40

Thanks for that, Dan.

32:42

All right, so let's keep going on through the questions here.

32:47

Will CalRecycle provide guidance on what businesses should do when the SB 343 ban conflicts with other states and foreign jurisdictions' recycling symbols and our chasing arrow requirements? This is not discussed in the law. So the SB 343, we get this question

33:05

A lot, does not authorize CalRecycle

33:09

To one, make any determinations about whether a given material is recyclable, two, to make any determinations about whether a recycling labeling protocol is legal according to SB 343,

33:28

And three, to make any, you know, legal statements about how SB 343 applies to, you know, other, other states, right? You know, California can't regulate other states.

33:39

We can't regulate other countries so I mean

33:42

We as a department can't weigh in on that.

33:45

If you have questions about that law, I personally advise you to seek out your own

33:51

Legal advice, I know that's not incredibly helpful, but, you know, we are public servants and we can only do what, what the law empowers us to do and in this case, the law does not empower us to do any of those things.

34:07

Do you want to add onto that, Dan, or is that sufficient?

34:11

I think you did a great job there and and, you know, I see this specific question talks about recycling solutions that are outside of the curbside recycling scheme.

34:22

And, you know, one thing I'd like to highlight is that there are provisions and criteria regarding that very case in the, the, the statutory package of SB 343.

34:36

So really, uh, reinforcing, what Eric just mentioned, is really encourage people to review thoroughly and engage their own legal counsel in order to properly comply with the law. And we're not able to provide you know, specific directions on how to message your specific product or packaging.

35:02

Thanks for that, Dan.

35:03

That answers the next next question. Uh, one after that, will you make the slide deck available today?

35:09

Yes, we will, we have to make it accessible first, so that'll take a couple of days.

35:13

And once we do that, it will be posted under the public notice. And I'll send an e-mail out to the listserv, so you'll, you'll be informed when the slide deck is available.

35:27

Next question.

35:30

There's a question about, can recycling-specific firms, such as terracycle, continue to claim recyclability?

35:37

Again, that's, you know, another question, where CalRecycle, we can't answer that for you. Have to again, encourage you to read the bill and to talk with your own legal staff.

35:51

So do you envision additional RDRS

35:54

regulatory changes to implement SB 54?

35:58

Um, no.

36:01

There, SB 54 of course is a very large package but there's only sort of targeted changes in RDRS and we don't need to make any changes to our regulations based on SB 54.

36:16

We are doing minor cleanup to the regulations and in particular our definitions that can relate to SB 54 but we don't, we're not changing anything substantial in the regulations based on SB 54.

36:32

There won't be any change in

36:35

The reporting requirements of the regulations based on that.

36:40

And the last question that um, is still here, can you repeat the proposed change to reporting residuals by jurisdiction?

36:50

Certainly.

36:52

Go back.

36:57

So, there are two, um, so the main thing with the residuals is that right now, when facilities accept material from other jurisdictions, where they

37:14

Than where they exist, you know, particularly composters, recyclers, and others and they generate residuals from that processing,

37:23

In RDRS, the only choice that they have is to tell the entity where they send the materials for disposal, that the jurisdiction for the solid waste tons is where I am, which could be Davis.

37:38

But if this facility, accepts material from jurisdictions other than Davis, then that's not really an accurate representation of where these residuals are coming from.

37:49

So, based on 41821.5, we can't require recycler/composters and others to do this.

37:59

So, the way the regulations are going to be written is that if a recycler/composter chooses to provide origins, then they can do it this way. But, they don't actually have to choose to do so.

38:12

And, then, if they do, they can use their kind of current method, which is just a host assign, to say that all of these residual tons came from Davis.

38:22

Or, if they are, they are tracking their jurisdiction for their inflows,

38:27

Like if they know that of there inflows, 60% come from jurisdiction X, and 40% come from jurisdiction Y, then they can just assume that their solid waste residual outflows also have that same proportional break down, 60% jurisdiction X and 40% jurisdiction Y.

38:47

Lastly, if they do go through the effort of specifically tracking what their residuals are, what their origins are for their residuals on the outflows side, then they can report that to the destination facility who would report that in RDRS.

39:11

Ok, I'm sorry, some new questions here, since allocation of residuals has been used for years for contractual compliance but not allowed in RDRS previously, can we amend previous submitted reporting to reflect the residuals?

39:28

I don't think, yeah, there would be anything to stop you from doing that.

39:37

I think it's important to note that amending these previously submitted origin information would really fall upon the landfill that is ultimately disposing, or, you know, basically, the, transfer/processor that is accepting these materials from a recycler/composter.

39:57

Um, so, it's not just the, the composter providing this updated information, but also other facilities downstream that would have to amend their reporting as well to capture those residual jurisdiction allocations.

40:14

So, just want to be clear that, you know, it may require cooperation of multiple entities to revise these records.

40:23

Excellent, thank you. Thank you for that clarification, Dan. That's a great point.

40:26

And I'd also mention that, you know, if you do go ahead and revise previous reports, you know, that's not going to be transmitted to the electronic annual report. Right?

40:37

You know, the Electronic Annual Report for 2020 is closed, so if you go ahead and revise your reports for 2020, I don't know that that's going to make any difference to the jurisdictions for 2020.

40:51

But right, the regulations would not prevent you from doing that.

40:56

Ok, so there's another 343 question.

40:58

If no list is being, is being published listing what packaging meets the criteria listed in 343,

41:05

What information, if any, will be published by CalRecycle for companies to make those decisions on what to claim is recyclable in California? It's a great question.

41:14

Um, so that, the specific section in SB 343 that empowers CalRecycle to publish information is 42355.51(d). And then within (d), the statute says that CalRecycle will update the RDRS regulations, which is what we're talking about here,
41:40

And also, we will conduct a material characterization study.

41:45

So, the RDRS

41:48

regulatory updates, one reason we're doing them for the 343 is to gather, and we talked about this at the first workshop, to gather information related to collection method.

42:01

So, for example, if you are a recycler or you're a transfer/processor and you accept material for recycling, we're going to be asking you to report in RDRS, how did you get that material?

42:14

For example, did that material come from single-bin, a single-bin curbside like residential recycling program, did it come from just mixed, mixed waste because this jurisdiction doesn't have a recycling program and so on.

42:31

And that, we will, and CalRecycle

42:33

Will publish that information online,

42:36

So you'll be able to see that you know, this material is accepted in these programs.

42:45

And we will also more importantly, publish the materials that people send to recycling or recovery activities.

42:55

That's, that's the other thing that SB 343 mandates that CalRecycle do in regards to RDRS.

43:01

They want us to collect and publish information regarding materials that are processed for recovery by large volume transfer/processors. So, we're going to be collecting that information in RDRS which we effectively already do.

43:17

So we're not actually requiring any new reporting in RDRS for these materials that are handled for recovery.

43:24

So we'll, we'll publish that information in a public report.

43:28

So there will be those two sets, and then mostly 42355.51 really refers to the Material Characterization study.

43:38

And there's a separate group besides myself working on that in the Knowledge Integration Section.

43:45

But the general gist is we're going to go around to large volume transfer/processors and sample their materials that are being recovered to figure out you know what, what is recyclable in the state, or what is recovered at transfer/processors.

44:02

We won't make a determination about what is recyclable, so we will publish that material characterization study and Dan

44:10

Correct me if I'm wrong, I believe the date we are going to publish that is January first, 2024.

44:16

And then that will be the last piece of information that CalRecycle will publish, which people can use to determine whether their products or packaging meets the criteria specified in SB 343.

44:30

Yeah, yeah, so we are required to publish the preliminary results of our material characterization study that we'll be doing in calendar year 2023. We'll be publishing the results of that study by January 1, 2024 and then there will be as required by SB 343, a public meeting where we present the results. And then we will finalize within the statutory time period. Following that, I wouldn't say that's the last information because then, you know, as we get this RDRS information, we will be developing public reports that allow for the aggregated information that we're collecting pursuant to SB 343 to be publicly accessible.

45:16

That will obviously be further out because, you know, obviously, we wait until the, the regulatory or I guess the, the reporting requirements take effect, which, in most cases, we're targeting quarter 4 of 2024. So that information may not be available until sometime in early to mid 2025, but, and then we are required to update those material characterization studies on a periodic basis again by the statute. So we will be updating information. We are also permitted to use any additional information that we find relevant to the public and to stakeholders to make this determination, we're permitted to update with any relevant information we may gather.

46:04

And we will, so, as relevant information becomes available to us at CalRecycle, we will make sure to amend our, our documents that are available to the public.

46:22

So we have another question related to 343, and the material characterization study, asking us can you repeat whether you'd be sampling inbound streams or outbound or both?

46:33

Um, so I don't want to get into too much detail on the material characterization study since that's separate from RDRS and we're going to have a whole contract proposal that we're working on and it's kinda part of the details there will be part of the contract.

46:50

So I don't know that we can or should really specify right now what exactly we're going to be doing there, but I encourage you to reach out to our waste characterization e-mail.

47:02

If you have questions about the material characterization study, I can post that in the chat. I just need to find it.

47:14

And I will say, you know, while again, completely agree with Eric, we can't necessarily specify what exact streams we'll be sampling. The intent and goal of the study is to characterize, you know, basically what is being recovered at these MRFs, and what is contamination, or ending up in residual. So, in order to do that, it's likely, we will have to sample, or, our contractors will have to sample at multiple locations, you know, before, after, during, and that, those details are though still dependent on, you know, basically, the proposals and the final awarded contract.

48:03

I've just added the waste characterization study e-mail, which also includes our material characterization to the chat for those who are curious about our material characterization study.

48:18

And just as a heads up, if anyone wants to give their comment verbally, you all have the ability to unmute yourself, if you so desire.

49:18

I'll wait a few more minutes, in case any other questions come up.

49:23

And then I will show you all the economic impact survey for those who want to remain on the line to see that.

49:32

To address a previous question asked by Lauren Shapiro, the second part of the question about products or packaging that don't meet the criteria of being recyclable as defined by CalRecycle, but

49:45

One or more alternative non-municipal recycling solutions are available for that object.

49:50

Like a store take back program, can the product or packaging use the statement recycled through X programs? Or, can CalRecycle provide guidance on how such a product, can communicate how one may recycle it?

50:03

So Lauren, section 42355.51(d) parts four and five in the statute, has language about products that are collected via non-curbside collection programs, and the recycling grade they must demonstrate or reach to claim recyclability. We encourage you to review those sections of the statute, along with your legal department, to help inform those decisions.

50:40

Thanks for that, Priya.

50:42

I also wanted to note, I've been forgetting to mention this, that we do have, you know, we are saving the questions that you all are asking, and we'll type up some formal responses to the questions after the meeting, and, and, we'll make those available, along with the PowerPoint presentation and a copy of the video.

51:02

So, all of the material will be available online from today, eventually.

51:26

Ok, if there are no other questions, but I'm happy, then I think I'll move on to giving you just a brief overview of the survey.

51:36

But, again, if you have questions, please, you know, just shout them out or put them in the questions box as they come. Happy to keep answering questions as they occur.

51:48

So, the, the survey is a Microsoft Forms survey, which you all should have, be able to fill out via the link that I just sent in the chat.

52:01

And I will send that out via the listserv, and, post on their website, so you aren't, you'll have multiple opportunities to get the e-mail.

52:10

When you open the listserv, when you open the form

52:15

Rather, you will see a survey like this, and our first question is, is your facility operated by a government agency?

52:24

And we need that sort of intro question, because the economic impact statement wants us to estimate costs to government agencies versus private corporations.

52:36

And we know that some solid waste facilities in the state are operated by government agencies rather than privately, so we need to get some information for both.

52:46

Before you start the survey, I just want to quick, go over the, go over the, you know, the header here.

52:55

If you are attending this webinar out of curiosity and you're not, you don't represent an entity that is subject to AB 901, then you don't actually need to fill out the survey.

53:06

And we probably wouldn't want you to because your information would not, you're not a stakeholder who's affected by the regulations.

53:14

So, really the survey is aimed at people who are subject to RDRS. If you are not sure whether you are subject, you can check our registration tool, which is here in the header, and also our, this regulations link, which will just take you to 18815.1-13, the RDRS regulations.

53:36

When completing the survey, we ask that if you're reporting for multiple activity types in RDRS,

53:44

Like if you are responsible for both a landfill and a recycler/composter that report separately, then we'd like you if possible, to report separately for both of those activities because the information that you enter might be different for them.

54:02

Alternatively, if you report for multiple transfer/processors, then you don't really need to fill out the survey multiple times for each.

54:10

But, if you know your numbers are different for your two surveys, then you can just average them, and just report the one time.

54:16

But, of course, you know, just complete the survey as, as you have time, you know, I want to be cognizant of everyone's time. You know, we're not trying to make this a huge burden for you, and, in fact, the survey has fewer than 20 questions.

54:30

The max number that somebody answers, I think, is only 18, and the exact number depends on, you know, what answers you provide in the survey.

54:40

So, for example, if you say your facility is not operated by a government agency, then we'd like you to tell us whether you're a small business, but you won't see that question if you say no.

54:54

So Carlos asked, can you go through the survey questions now, so

54:57

That's what I'm doing. I'm showing you.

55:00

So I'll show you the kind of the main track here. First,

55:02

So let's say you are not a government agency.

55:06

Small business, you might be yes, no or not sure.

55:09

Are you registered within RDRS?

55:12

Yes.

55:13

We'd like you, but it's not required to enter your RDRS ID.

55:17

So I could say 1005 or something, I don't know who that is, but that, that's just a random number I picked.

55:25

What is the hourly wage of the person who's entering this, who enters your data into RDRS?

55:32

And we do encourage you to have the person who enters your data in RDRS be the one who completes the survey because they're going to know, you know, best, how long it takes them to do things.

55:43

And we're, so this is really important information for our economic impact statement, you know, figuring out the cost of the regulations, but we understand that this might be sensitive information for some people.

55:53

So, rather than, you know, kinda requiring you to enter a number, you can enter a range if you want, say, 25 to 35 dollars. And what we'll do is we'll, we'll use the middle, or the maximum of that range.

56:06

You could do other answers. You know it is a text box in order to allow that.

56:10

So you could write like, you know 15 to 25, or 15 to 30, you know, whatever you want. If you're comfortable providing the specific hourly wage, that's great too.

56:19

You could also, you know, just type 30, whatever that number happens to be, then you'd select your activity type.

56:28

So let's say there are two main threads here.

56:32

If you choose contract, if you choose food waste self-hauler that's going to be the end of the survey since there are no changes in RDRS for food waste self-haulers.

56:41

And then for contract haulers we're going to be asking you, do you collect jurisdiction of origin information for your hauled materials? You might say yes or no. If you say no,

56:52

We're going to ask you, how many hours would it take you to start collecting that information.

56:57

And then how many hours would it take you to actually, you know, do the math to figure out what the origins would be for your outflows, and then give that, give that information to a destination facility.

57:09

So Question 8 and 9 are similar, but slightly different.

57:14

Question 10, does your facility transport mixed plastic waste out of the country? That relates very strongly to AB 881 and the corresponding regulatory changes.

57:24

If you say yes, we're going to ask you some questions about, um, or just one question, how many hours would it take you to enter the origins for that material in RDRS?

57:37

Then we have another question.

57:38

Do you send materials to other facilities for purposes other than disposal or beneficial reuse?

57:45

It's for purposes other than disposal or beneficial reuse

57:49

Because you might be not only sending materials to recycling but to end use, which doesn't neatly fit into the recycling category, always. So, that's kinda why we're using that other language, but it's mostly recycling,

58:03

Is what we're talking about. If you say yes, then we're going to ask you, you know, choose some of the collection methods. I won't go through those right now.

58:13

How many hours would it take you to gather that information, then how many hours would it take you to enter it into RDRS?

58:21

Basically, and each of these questions

58:24

We're asking you to round hours to the nearest quarter hour.

58:28

Say 1.25, but you could round to the nearest hour if you really wanted to, just enter the number two.

58:35

If it takes you multiple staff, you know, we'd say just multiply the time per staff by the number of staff. You know, so, if it takes two staff, two hours each,

58:44

You know, you would just enter four, right, and that would be sufficient.

58:49

Um, and this last question here, how many hours would it take you to record and enter materials within a mixed bale?

58:56

That's what we were talking about earlier when you send like a mixed material bale outflow.

59:02

We're going to be asking you to report just the list of materials in that mixture.

59:07

So how many hours, extra hours, would it take you to do that?

59:12

So that's the contract hauler and broker/transporter section.

59:16

If you choose broker/transporters you'll see the same questions as contract haulers since their reporting requirements are very similar. Recycler/composters, transfer/processors, all of these other entities after broker/transporter they have the same questions.

59:29

So I'll just choose that and show you what's going on.

59:32

So it's very similar to the contract hauler: Do you collect origins for materials that you send for recycling or further processing?

59:41

You might say yes or, assuming you say no,

59:44

We're going to ask you, how long would it take you to start doing that.

59:48

And then how long would it take you to start reporting that information, or pass it, calculating it out, rather, and passing it along to the next entity in the chain.

1:00:00

Why contract haulers and brokers are asking you, do you export material out of the country? If you say no, you won't see the question.

1:00:08

If you say yes, you'll enter how many hours would it take you to report that in RDRS. I imagine most entities are going to say no to this export mixed plastic

1:00:18

Out of the country question.

1:00:19

You know, it's mostly going to be brokers who are doing that.

1:00:24

And does your facility accept materials?

1:00:28

For purposes, for basically recycling, yes or no?

1:00:31

Yes.

1:00:32

You'll enter the collection method, and you'll see that there are a few more options here for these other entities than there were for contract haulers and others.

1:00:41

And how many hours would it take you to gather your collection method?

1:00:46

You know, you might do that by asking the hauler who's bringing you the materials, by checking out your billing records, by, you know, doing it manually, by looking at vehicles driving up, or by asking drivers who are coming up.

1:00:58

So how many hours really depend on the method that you think you're going to use. And then how many hours would it take you to summarize that and then report it in RDRS for a given quarter?

1:01:13

Now there's some questions that the contract haulers did not get that only apply to these other entities, so does your facility obtain source sector for accepted materials? And this is because we're asking about, kind of the self-hauler discrimination now in the regulations.

1:01:29

So if you say yes, then we're going to be asking, how many hours would it take you to separate between residential and commercial self-haulers? And again, we have some options for how you might do that.

1:01:40

Asking drivers, billing records, vehicle type.

1:01:44

And then the last question, if you send outflows of mixed materials, then how many extra hours would it take you to record and enter that information into RDRS?

1:01:54

And that's the last question.

1:01:56

So it's, I won't say, you know, it's necessarily easy, because, you know, you'll have to kinda spend some time thinking about it, but it's not, we're trying to make it, you know, not excessively long,

1:02:06

So we're not being too burdensome for the community.

1:02:16

And you should have access, the survey should be online and accepting answers.

1:02:21

You can send our rulemaking e-mail a message, or you can put it in the chat right now, if it's, if you want to check and the survey is not working.

1:02:33

So, I'll give it a couple of minutes while you think about if, or if anyone wants to have any other questions.

1:02:39

And we'll hang on for another couple of minutes here.

1:02:42

If there are no other questions, um, but, if not, thank you for your time.

1:02:48

And I hope this meeting was informative.

1:03:14

Carlos, I see you have a new question, in the Q and A box, is the economic impact only meant to cover reporting expense

1:03:24

Or the total effect of these changes? You can chime in in the chat, or in the methods, or speak out if I'm misunderstanding you.

1:03:31

But I think what you're asking is that: is sort of the cost here supposed to include just whether or just the cost of reporting in RDRS or the total cost of, like, collecting the data, too?

1:03:47

And it's supposed to include both.

1:03:48

You know, since our new regulatory changes

1:03:52

Say, for example, for AB 881 are going to require you to report export, the origins for exported mixed plastic.

1:04:02

Well, that will require you to collect origins to begin with for mixed plastic that's going to be exported.

1:04:09

Um, and that, that information, that cost will be included as part of the questions related to, you know, how long would it take you to gather origins for recyclables?

1:04:21

So the economic impact is supposed to include the cost of all of the regulations not, not just reporting in RDRS, but the, the other steps too which the regulations will, and you know, delineate like you have to collect this information, and then you have to report it. The economic impacts will be, will refer to both of those steps not just step two of reporting in RDRS.

1:05:19

So, there's another question from Larry Sweetser, how can we complete the economic impacts when we do not know the details of the regulations?

1:05:31

That's a great question, Larry, and I apologize that we haven't made the specific regulatory text available, but the economic impact statement and effect analysis in any case is going to be an approximation.

1:05:50

Like, there's never going to be a scenario where we can estimate, we can exactly know what the economic impacts are going to be.

1:05:58

Um, we will do our best, of course, and as part of the rulemaking, you will be allowed to comment on the economic impact statement that we include in the regulatory package.

1:06:10

So, I encourage you to comment on it, then, if you disagree with what we derive.

1:06:16

But, when you are answering the questions on the survey, I suggest that, you, you know, do your best with, we've tried to ask fewer questions, rather than more, so we try to target it to kinda like the main things that we're doing in RDRS.

1:06:35

So, do your best to think about how much time this would take me to do this

1:06:41

Generally, even if I don't know, the exact, what it will look like exactly in RDRS. If you have been reporting in RDRS, you have a general sense of how long things will take you.

1:06:52

And so you might say, well, you know, I don't know exactly what exported mixed plastic waste will look like in RDRS, but I know based on the question

1:07:03

There's, there will be a new origins tab and I know it takes me a couple hours to complete the origins tabs in RDRS, that's just an example, I don't know how long it takes you.

1:07:12

But if it did, then, you could say, well, it'll probably take me that long for the mixed plastic export, so I'll, I'll put that number in.

1:07:19

You know, we expect this to be estimations. You know, it's not graded or anything.

1:07:25

This is really to help us and to help you, so we will take whatever information we can get.

1:07:30

And if you have further questions, you can always send an e-mail to the rulemaking inbox and we'll see, do what we can to help you with your question.

1:08:21

I just stopped sharing my screen because it seemed like we're winding down a little bit, but please, if you have further questions, send them in, and happy to answer them.

1:09:02

So, if there are no additional questions, I think we'll, we'll wrap up around 11:12.

1:09:09

So, if you have additional questions, please decide before then about whether you'll answer ask them, and if not we'll, we'll end it, then.

1:09:18

Thanks again for everyone for attending.

1:10:47

Ok, I think that's about it. Most people have left, thanks everyone for attending our workshop, and hopefully we'll see you again in about a month for our last informal workshop of the rulemaking.

1:10:57

Thanks, again. See you all.