

Questions and Answers from the workshop, "RDRS Regulations Rulemaking Workshop 3"

Workshop Date: 08/30/2022 10:00 AM – 12:00 PM

Workshop Public Notice Hyperlink: <https://www2.calrecycle.ca.gov/PublicNotices/Details/4738>

Number Questions Asked: 27

Table 1: Questions asked during workshop 3 and their corresponding answers.

Last Name	First Name	Question Asked Date/Time	Question Asked	Answer Given
Beach	Dylan	10:36:14 AM	What time will we be talking about SB 343?	The workshop covered the changes to the regulatory sections 18815.1 through 18815.11. SB 343 was addressed in the relevant sections.
Boisson	Edward	10:17:29 AM	I don't think these draft regulations include newly defined material types and forms. Will that also be defined later during implementation?	Edits to the material types list will be made outside of the rulemaking process.
Boisson	Edward	10:23:26 AM	Thanks. When will that list be developed?	The material types list will be edited once the updates to the regulations are finalized.
Boisson	Edward	11:54:29 AM	Please confirm - plastics 3, 6 and 7 are considered disposal even if sent to a California market?	Plastics are considered disposal only if they are exported out of country (except to Canada or Mexico) and if the export does not contain only plastic #1, #2, or #5.
Chavez	Carlos	10:37:17 AM	no mic - section (n) should also ask for notices to CalRecycle when discrepancies are caused by the RDRS system itself, which we cannot correct ourselves, and note that CalRecycle gets the same 10-day period to correct the issues.	Thanks for the comment. If the comment has not been addressed in the first draft of the formal rulemaking, then please make the comment again during the first comment period.
Chavez	Carlos	10:54:08 AM	no mic - If we're sending material to a facility in California, why would we have to report recycling origins if we are not exporting it?	If the destination facility is a reporting entity, rather than an end user, then the sending entity would have no way of knowing what the destination facility will do with the material. If the destination facility exports the material, then the destination must report origins for that material in RDRS. In order to do so, the destination facility necessarily must have received origins from the sending facility.

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Chavez	Carlos	11:06:28 AM	What percentage of California's mixed plastics are exported?	Unknown. We do not have reporting on the generation of these materials. As a result, we have no way of knowing how much of the mixed plastic that is produced is exported.
Garcia	Kat	10:14:54 AM	Does the definition need to capture POTWs and their unique collection methods?	We believe that the existing definition of collection method will allow us sufficient flexibility to create collection method options that apply to wastewater treatment facilities.
Garcia	Kat	10:36:21 AM	Within 10 days of discovery or what? Can that be clearer in the regulations	Where the regulations specify that an error must be corrected in 10 days, that refers to 10 days from the discovery of the error. If you believe that the regulations are unclear, please make a comment regarding the specific regulatory section during the first comment period.
Garcia	Kat	11:59:34 AM	Can you give an example of how the wastewater treatment plant would put for origins? Is it regional? City?	Wastewater treatment plants would provide origins in RDRS only for mixed plastic that they export out of country. If the facility is itself not exporting any mixed plastic waste, then the facility would not report origins in RDRS. If the facility is sending residual solid waste to disposal at a landfill, then the facility could <i>elect</i> (but is not required) to provide origins for those residuals to the landfill (rather than report in RDRS). To do so, the facility could – for example – determine origins based on jurisdiction of inflows. If the facility's wastewater inflows are 60% jurisdiction X and 40% jurisdiction Y, then the residuals could be assigned 60% jurisdiction X and 40% jurisdiction Y.
Not provided	Jim	11:51:13 AM	Hi, would it possible to address/include specifically POTW's biosolids sent to a composting facility? Thanks.	Regulations for biosolids sent to a composting facility are not changing.
Mauck	Rick	10:08:26 AM	Are the revisions highlighted/strikeouts on the Draft?	Additions to the text are underlined. Deletions are in strikeout .
Mauck	Rick	10:14:02 AM	Is there a revised defined list of types of Material streams you want identified?	The material types list will be edited once the updates to the regulations are finalized.

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Meza	VALERIE	11:25:47 AM	So, if you have a mixed recycling container that the public puts mixed recycling into at a landfill. do I need to climb into the roll off to figure it out?	The intent of 18815.9(a)(2)(D) is to capture material types at the granularity at which they are sold or transferred. If the facility to which you transfer the mixed recycling only expects to know that the materials are "mixed recycling," then that's all you would have to report, and no further detail would be required. In these cases, the regulations will allow you to certify that you have no information about the materials in the mixture.
Muir	Chuck	11:50:34 AM	If a jurisdiction collected mixed plastic but sorts it into various types - #1, #2, #3, #5, #7. And as long as the jurisdiction's collector/sorter has a market for each type of plastic will the jurisdiction be able to consider the material recyclable and count its towards their diversion rate?	Plastics are considered disposal only if they 1) are exported out of country to locations other than Canada or Mexico, and 2) are not only plastics #1, #2, and #5. For example, in the scenario presented, if the plastics were sent to a domestic location (so long as it was not disposed), none of them would be considered disposal. Likewise, if plastics #1, #2, or #5 (or a mixture thereof) were sent to Thailand, then these plastics also would not be considered disposal. Alternatively, if plastics #3, #6, or #7 were exported to Thailand, then those plastics (even if sorted) would be considered disposal. Similarly, if plastic #1 and #3 were mixed together and exported to Malaysia, then that plastic would be considered disposal, since it was not <i>only</i> #1 (or #2 or #5).
Numair	Omar	11:59:20 AM	just to clarify, is all mixed plastic waste counted as solid waste, or just plastics 3, 4, & 7?	Only exported mixed plastic that contains #3, #4, #6, or #7, excluding exports to Canada and Mexico.
Pardo	Veronica	10:13:02 AM	When are these new RDRS reporting requirements expected to begin?	Most of the new requirements are slated to take effect 2024 Q4. However, this date may change during the rulemaking.
Pardo	Veronica	10:40:32 AM	Are jurisdictions expected to reflect self-hauler expectations in a local ordinance?	No. However, the regulations will also not stop local governments from doing so if desired. The existing regulations require facilities receiving material from self-haulers to identify the origin of those materials through methods outlined in section 18815.9.

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Pardo	Veronica	11:48:01 AM	When are you accepting comments till?	The formal rulemaking has not yet started. Interested parties may email their comments at any time to sb343_ab881_rulemaking@calrecycle.ca.gov . Once formal rulemaking starts, there will be an official 45-day comment period. If any comments previously sent have not been addressed in the published version of the regulations, then comments should be sent again during the 45-day comment period. Please refer to the NOPA, which will be published as part of the formal rulemaking, for where to send comments during the formal rulemaking.
Pardo	Veronica	11:48:52 AM	Who is best contact for comments?	Prior to formal rulemaking, the best contact is sb343_ab881_rulemaking@calrecycle.ca.gov . During comment periods in the formal rulemaking, please direct comments and inquiries to regulations@calrecycle.ca.gov .
Pardo	Veronica	11:50:56 AM	Do you anticipate further training for upcoming changes?	Once the regulations are finalized and RDRS system changes designed, we will create training videos and may host training webinars.
Sweetser	Larry	10:11:34 AM	Question on why 10.5 Collection method. Many loads are mixed. Meaning, residential and commercial may be in one truck.	If the question is how to report tons for residential vs commercial if one truck carries both mixed together, then we would expect you to estimate residential vs commercial tons using information provided by the contract hauler. For example, if the contract hauler specifically tracks tons from residential vs commercial sources, then obtain that information from the hauler. If the hauler has other records from which tons can be estimated, such as volume of bins estimated from residential vs commercial sources, then use that information to estimate residential vs commercial sources.
Sweetser	Larry	10:23:33 AM	25.5 how do we report wastes from tribal lands	Reporting for solid waste that originates from tribal lands has not changed in the updated regulations. If you have questions on how that material should be reported, please direct those inquiries to RDRS@CalRecycle.ca.gov .
Sweetser	Larry	10:59:15 AM	Disposal, 18815.5(b), page 25: do you have an example of not solid waste, designated waste, disaster ...	Recycling, Composting, End Use, Broker/Transporter.

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Sweetser	Larry	11:12:42 AM	Question back on page 32 - - small vehicles may not always be residential. Roll-offs are also used for residential wastes - e.g., clean outs or renovations. The source is residential but hauled by commercial.	The Department understands that source sector is going to be an approximation. We had considered the possibility that roll-offs would contain residential waste but be hauled by a commercial entity. However, we are trying to limit reporting burden by providing general options for classification. We felt that small vehicles would be residential most of the time and roll-offs would mostly contain commercial waste. If a reporting entity has better methods for determining source sector, the regulations allow the entity to propose that method, 18815.9(c)(8). The reporting entity can also ask every driver of each incoming vehicle, 18815.9(c)(4).
Sweetser	Larry	11:55:47 AM	Page 7 #43 indicates recycling activities in PRC 41821.5 - please elaborate	SB 54 clarified the recycling facilities to which 41821.5 applies. 18815.2(a)(43) simply reflects this change.
Westerhof	Dave	11:55:48 AM	How and when will the recyclable materials list be published or discussed?	The Department will not be publishing a list of recyclable materials according to SB 343. Rather, the Department will publish various information sets (primarily a material characterization study), which the public will be able to use to determine whether products have appropriate recycling labeling. The Department will publish a preliminary study by 1 January 2024.