

# **SB 54 Informal Rulemaking Workshop**

## **SB 54 Plastic Pollution Prevention and Packaging Producer Responsibility Act Regulations**

**June 29, 2023**

**Department of Resources Recycling and Recovery**

**SB 54 Regulation Implementation Team, Packaging EPR Section,  
Knowledge Integration Section**

**Regulations Unit, Legal Affairs Office**

**Topic: SB 54 Impacts on Local  
Jurisdictions**

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## Overview and Purpose of Workshop

The Department of Resources Recycling and Recovery (CalRecycle) has scheduled a workshop on [June 29, 2023](#), from 10:00AM to 4:00PM, in the Byron Sher Auditorium, located on 2nd Floor, 1001 I Street, Sacramento, CA 95814, to consult with the public, the regulated community, and other interested persons to solicit feedback on some of the requirements outlined in [SB 54 \(Allen, Chapter 75, Statutes of 2022\)](#).

The topic of this discussion document will be on SB 54 impacts to local jurisdictions, disadvantaged communities and low-income communities. This topic is split into two parts:

- **Part I** will be an informational session, providing background information on the requirements discussed in this document.
- **Part II** will discuss several regulation concepts to solicit feedback to help prepare for the draft regulatory text.

The purpose of this document is to provide interested parties with an overall outline of what is going to be discussed and the type of feedback CalRecycle plans on soliciting in advance of the workshop. All requests for feedback or informational items to share with will be specified in a gray textbox.

This document and corresponding section of the workshop will not address the following topics:

- Needs Assessment
- Recyclability
- Recycling Rates
- Compostability
- Responsible End Markets\*
- Covered Material Category Determination
- Source Reduction\*
- Enforcement
- PRO Plan
- Budgets\*
- Document submittals\*
- Annual reports

The topics above marked with (\*) are topics that were covered in previous workshops and others will be addressed at a subsequent workshop. Workshop information can be found on the SB 54 [webpage](#) under *Events*.

## **Part I. Background and Informational Items**

Local jurisdictions, disadvantaged and low-income communities and their recycling service providers play an integral role in the collection, sort, and transportation of covered materials. SB 54 ensures that they are not only recognized for the role they play but also made financially whole for their efforts.

### **Abbreviations and Acronym List**

- CalRecycle: California Department of Resources Recycling and Recovery
- Department: California Department of Resources Recycling and Recovery
- PRO: Producer Responsibility Organization
- PRC: Public Resources Code (California Statute)

### **Relevant Definitions**

Listed below are the existing statutory definitions relevant to the June 29, 2023, rulemaking workshop. CalRecycle may further refine these definitions in regulations.

#### *Curbside collection – PRC 42041(g)*

“Curbside collection” means a program that includes the collection of material, including, but not limited to, covered materials, by a local jurisdiction or a recycling or composting service provider under contract with a local jurisdiction.

#### *Disadvantaged community – PRC 42041(i)*

“Disadvantaged community” means an area identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code or an area identified as a disadvantaged unincorporated community pursuant to Section 65302.10 of the Government Code.

#### *Local jurisdiction – PRC 42041(l)*

“Local jurisdiction” means a city, county, city and county, regional agency formed pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code or Article 3 (commencing with Section 40970) of Chapter 1 of Part 2, or special district that provides solid waste collection services.

#### *Low-income community – PRC 42041(n)*

“Low-income community” means any area with household incomes at or below 80 percent of the statewide median income or with household incomes at or below the threshold designated as low income by the Department of Housing and Community Development’s list of state income limits adopted pursuant to Section 50093 of the Health and Safety Code.

#### *Processing – PRC 42041(v)*

“Processing” means to sort, segregate, break or flake, and clean material to prepare it to meet the specification for sale to a responsible end market.

*Recycling Service Provider – PRC 42041(ac)*

“Recycling service provider” means a solid waste enterprise that provides solid waste handling services on behalf of a local jurisdiction.

*Rural Area – PRC 42041(ah)*

“Rural area” has the same meaning as defined in Section 50101 of the Health and Safety Code

## **Overview of SB 54 Impacts on Local Jurisdictions, Disadvantaged and Low-Income Communities**

Pursuant to PRC 42040, the Legislature acknowledges the impact of plastic pollution and the management of it on local jurisdictions, disadvantaged and low-income communities. SB 54 intends to shift the burden of costs to collect, process, and recycle materials from these impacted entities to the producers of plastic products which will also minimize the negative environmental and health hazards created from plastic pollution.

### Summary of the PRO’s Plan on the Impacted Entities

The plan describes the method in which the PRO will comply with the statute and regulations and meet the goals of the program. It is an enforceable document. The requirements of what must be included in the plan are detailed in PRC 42051.1 and include items such as:

- A process for notifying local jurisdictions of the PRO’s dissolution and ensure there are sufficient reserve funds to satisfy all obligations. – PRC 42051.1(f)
- A process for determining and paying the costs that will be incurred by local jurisdictions, recycling service providers, alternative collection systems, and others. – PRC 42051.1(g)(1)
- A process to resolve disputes for determining and paying the reasonable costs that arise between the PRO and a local jurisdiction or a recycling service provider. – PRC 42051.1(g)(2)
- Consideration of the needs assessment and any recommended investments to meet the needs identified in the needs assessment and inform the budget; including the funding, providing or facilitating the efficient transport of materials from remote or rural areas to centralized sorting facilities, brokers, or viable responsible end markets. – PRC 42051.1(i)(2)(F)
- A budget designed to fully fund the costs necessary to implement the plan, including but not limited to: Costs incurred by local jurisdictions, recycling service providers, and other collection programs, and costs related to consumer outreach and education; the transportation of covered materials; cleaning, sorting,

aggregating, and baling covered materials as necessary to bring those materials to a viable responsible end market; waste stream sampling and reporting; costs incurred to educate ratepayers to improve the preparation and sorting of covered material; and improvements to collection, sorting, decontamination, remanufacturing, and other infrastructure necessary to achieve recycling rates. These costs include costs related to both curbside and noncurbside collection programs and may be varied based on population density, distance to a viable responsible end market, and other relevant factors. – PRC 42051.1(j)(1)(B)

- Curbside recycling and composting collection for covered materials if the recycling facility and local jurisdiction ensure the material can be collected curbside and effectively sorted by facilities, and agree on the category of covered materials and costs of the arrangement. – PRC 42051.1(l)(1)
  - If a materials recovery facility chooses to send material to another sorting facility for additional sorting and recycling, the PRO shall provide the initial MRF a rebate based on criteria the PRO shall develop to cover transportation costs of the covered materials provided the covered material is free of toxic or hazardous materials – PRC 42051.1(l)(2)
- Ensuring the plan avoids or minimizes negative environmental or public health impacts on disadvantaged or low-income communities or rural areas and vulnerable communities outside the state. – PRC 42051.1(n)

#### PRO's Fee Schedule for Impacted Entities

PRC 42053 states that the PRO shall establish a fee for its participants to ensure that the requirements of SB 54 are implemented. The fee is based on a fee schedule developed by the PRO to ensure the PRO budget included in the plan is fully funded. Pursuant to PRC 42053(d) the PRO shall structure the fee schedule based on:

- Costs incurred by local jurisdictions or recycling service providers in order to process and transport covered materials, including costs to reduce contamination. These costs may vary by local jurisdictions. – PRC 42053(d)(1)(C)
- Costs to ensure that plan implementation avoids and minimizes negative environmental or public health impacts on disadvantaged or low-income communities or rural areas. – PRC 42053(d)(1)(D)
- Costs incurred by local jurisdictions or recycling service providers for sampling and reporting, and any costs to educate ratepayers to improve the preparation and sorting of covered material. – PRC 42053(d)(1)(E)

#### CalRecycle's Responsibilities to Impacted Entities

Pursuant to PRC 42060, CalRecycle shall adopt regulations by January 1, 2025, to implement and enforce SB 54. The regulations shall:

- Ensure the PRO's budget includes costs incurred by local jurisdictions or a local jurisdiction's recycling service provider, which includes the costs of consumer

education, containers, processing, storage and transportation of covered materials. – PRC 42060(a)(1)

- Minimize the burden of reporting and recordkeeping by using records and information that the local jurisdictions already maintain, to the maximum extent feasible, and data requests will be consistent with the covered material categories established by CalRecycle. – PRC 42060(a)(2)(C)
- Avoid or minimize disproportionate impacts to disadvantaged or low-income communities or rural areas. – PRC 42060(d)

Other responsibilities include:

- Grant extensions of or exemptions from collecting covered materials. Exemptions are reviewed every two years and may extend the exemption. – PRC 42060.5(b)
- Collect data voluntarily provided by local jurisdictions to determine recycling rate. – PRC 42061(b)(2)(G)
- Consult with the PRO and local jurisdictions when developing the needs assessment – PRC 42067(a)
- Ensure participation of a broad diversity of local jurisdictions, recycling service providers, and processors that reflect different needs and challenges in the development of the needs assessment. – PRC 42067(d)
- Establish a 16-member PRO advisory board with three members who
  - Represent a disadvantaged or low-income community or rural area,
  - Represent environmental justice, and
  - Is nominated by a statewide rural county association. – PRC 42070(a)
- Advisory board will provide recommendations on how a PRO will cover the costs incurred by local jurisdictions and local jurisdictions' recycling service providers associated with implementing SB 54 and managing covered materials. – PRC 42070(e)(1)(E)

#### Summary of Impacts to Affected Entities

- Include covered materials in their collection and recycling programs. – PRC 42060.5(a)
  - The PRO is responsible for arranging alternative means for the collection, processing, storage, and transportation of covered materials when the PRO objects to a department exemption – PRC 42060.5(b)
  - A rural county or rural jurisdiction may adopt a resolution to exempt itself from the collection and recycling of covered materials – PRC 42060.5(c)
  - Collection and recycling of covered materials are not required if the recycling facility and local jurisdiction is unable to agree on the category of covered materials that can be collected curbside, effectively sorted by facilities, and the cost of the arrangement. – PRC 42060.5(d)
  - A local jurisdiction is not required to collect a material category if it is subject to an ordinance passed by the local jurisdiction prohibiting the sale

or distribution of that covered material before the publication of the lists of recyclable or compostable material. – PRC 42060.5(e)

- Voluntarily provide data to assist the department in determining the recycling rate. – PRC 42061(b)(2)(G)
- Forty percent of the moneys in the California Plastic Pollution Mitigation Fund shall be expended to various state agencies to monitor and reduce the environmental impacts of plastics, including to restore, recover and protect the natural environment. – PRC 42064(j)(1)
  - At least 50 percent of this will provide benefits to residents living in a disadvantage or low-income community or rural area. – PRC 42064(j)(2)
  - Moneys may be used to support grants for various entities, including local jurisdictions. – PRC 42064(j)(3)
- Be consulted when CalRecycle or a third-party contractor develops the needs assessment – PRC 42067(a)

## **Part II. Workshop of Regulation Concepts**

### **Regulation Concepts:**

The rulemaking process is for implementing, interpreting, or making specific statutes the department administers or enforces. Generally, the rulemaking process must follow the requirements of the Administrative Procedures Act, commencing with Government Code section 11340. Currently, CalRecycle is in the period of public participation prior to the publication of the Notice of Proposed Regulatory Action. This means CalRecycle is informally seeking feedback on proposed regulatory concepts for consideration when drafting proposed regulations to implement, interpret, or make specific provisions of SB 54 necessary for the Department's implementation of its provisions.

CalRecycle would like to solicit initial feedback on regulatory concepts pertaining to local jurisdictions. The regulation concepts discussed in this workshop include:

- LJ Item 1 – Transportation costs include staffing
- LJ Item 2 – Costs include purchasing and maintaining equipment, signage, and other similar costs
- LJ Item 3 – Definition of Processor
- LJ Item 4 – Definition of Rate Payer
- LJ Item 5 – Exemption Process for Local Jurisdictions

We welcome written feedback and suggestions on the proposed concepts. Guidance for providing written feedback is specified on page 18.

### **LJ Item 1: Transportation costs include staffing**

Statute sections: PRC 42060(a)(1)



As described in PRC 42060(a)(1), the PRO is required to fully fund the costs incurred by a local jurisdiction or a local jurisdiction’s recycling service providers for the processing, storage, and transportation of covered materials to a materials recovery facility, broker, or viable responsible end market.

*Text below is intentionally bolded.*

PRC 42060(a)(1)

(a) By January 1, 2025, the department shall adopt regulations necessary to implement and enforce this chapter and to ensure that the requirements of this chapter and in particular the requirements established in Section 42050 and the policy goal established in section 41780.01 as it relates to covered material are met. **The regulations shall include**, but not be limited to, all of the following:

(1) **Any regulations necessary to ensure the PRO fully funds plan implementation, including** fully funding the budget. This shall include the costs incurred by a local jurisdiction or a local jurisdiction’s recycling service providers to implement this chapter, including, but not limited to, the cost of consumer education and of collection, including **the cost of containers where relevant, as well as the processing, storage, and transportation of covered materials**. Costs may vary based on population density or other relevant factors and shall allow local jurisdictions to protect ratepayers from increased costs associated with the processing and marketing of covered material.

**Regulation Concept:**

CalRecycle is seeking to clarify local jurisdiction compensation by building on concepts using Oregon’s draft regulations. The State of Oregon Department of Environmental Quality, in implementing the “Recycling Modernization Act” ([Senate Bill 582](#)), provided a proposed section on “Local Government Compensation” in its [draft regulations](#), which state in part:

Transportation costs include administrative costs related to the activities described in ORS 459A.890(2). Administrative costs include, but are not limited to, costs related to staffing and the hiring and managing of staff.

CalRecycle proposes that transportation costs can be clarified by including administrative costs with the following:

Transportation administrative costs include, but are not limited to, costs related to staffing and the hiring and managing of staff for the company transporting covered material to a materials recovery facility, broker, or viable responsible end market.

**Request for Feedback:**

CalRecycle is seeking feedback on the proposed concept for local jurisdiction or recycling service provider costs by adding transportation administrative costs related to staffing and the hiring and managing of staff.

**LJ Item 2: Reimbursement costs include purchasing and maintaining equipment, signage, and other similar costs**

Statute sections: PRC 42051.1(j)(1)(B)

Pursuant to PRC 42051.1(j)(1)(B), the PRO is required to fully fund the costs for a local jurisdiction, recycling service providers, and other collection programs for, "...improvements to collection, sorting, decontamination, remanufacturing, and other infrastructure necessary to achieve recycling rates."

*Text below is intentionally bolded.*

PRC 42051.1(j)(1)(B)

(j)(1) **The plan shall include a budget** designed to fully fund the costs necessary to implement this chapter. **The budget shall include**, but not be limited to, fully funding the plan and all other costs associated with implementing the plan, including, but not limited to, all of the following:

(A) Actions and investments identified in the plan to fund the budget and needs and investments identified in the needs assessments.

(B) **Costs associated with this chapter incurred by local jurisdictions, recycling service providers, and other collection programs**, and costs related to consumer outreach and education; the transportation of covered materials to a materials recovery facility, broker, or viable responsible end market; cleaning, sorting, aggregating, and baling covered materials as necessary to bring those materials to a viable responsible end market; waste stream sampling and reporting required by this chapter for local governments; costs incurred to educate ratepayers to improve the preparation and sorting of covered material; and **improvements to collection, sorting, decontamination, remanufacturing, and other infrastructure necessary to achieve recycling rates**. These costs include costs related to both curbside and noncurbside collection programs and may be varied based on population density, distance to a viable responsible end market, and other relevant factors.

**Regulation Concept:**

CalRecycle is seeking to clarify local jurisdiction compensation and is building on concepts using Oregon's draft regulations. The State of Oregon Department of Environmental Quality, in implementing the "Recycling Modernization Act" ([Senate Bill](#)

582), provided a proposed section on “Local Government Compensation” in its [draft regulations](#), which state in part:

(4) Costs to receive, consolidate, load and transport covered products include, but are not limited to, purchasing and maintaining equipment, signage, and other similar costs of operating the recycling depot or recycling reload facility not already covered under other sections of ORS 459A.860 through ORS 459A.975.

CalRecycle proposes to clarify costs by integrating Oregon’s draft language into PRC 42051.1(j)(1)(B) as underlined below.

(j)(1) **The plan shall include a budget** designed to fully fund the costs necessary to implement this chapter. **The budget shall include**, but not be limited to, fully funding the plan and all other costs associated with implementing the plan, including, but not limited to, all of the following:

(A) Actions and investments identified in the plan to fund the budget and needs and investments identified in the needs assessments.

(B) **Costs associated with this chapter incurred by local jurisdictions, recycling service providers, and other collection programs**, and costs related to consumer outreach and education; the costs to receive, consolidate, load, and transport covered materials to a materials recovery facility, broker, or viable responsible end market; cleaning, sorting, aggregating, and baling covered materials including, but not limited to, purchasing and maintaining equipment, signage, and other similar costs as necessary to bring those materials to a viable responsible end market; waste stream sampling and reporting required by this chapter for local governments; costs incurred to educate ratepayers to improve the preparation and sorting of covered material; and **improvements to collection, sorting, decontamination, remanufacturing, and other infrastructure necessary to achieve recycling rates**. These costs include costs related to both curbside and noncurbside collection programs and may be varied based on population density, distance to a viable responsible end market, and other relevant factors.

**Request for Feedback:**

CalRecycle is seeking feedback on the proposed concept for local jurisdiction or service provider costs by adding:

Costs to receive, consolidate, load, and transport covered products, which include, but are not limited to, purchasing and maintaining equipment, signage, and other similar costs of operating the materials recovery facility, broker, or viable responsible end market.

### **LJ Item 3: Definition of Processor**

Statute sections: PRC 42041(v), PRC 42051.1(c)(6), PRC 42067

The term *processor* is used in conjunction with the word *recycler* in SB 54. Processor is not defined in statute and does not provide a distinction between what a processor does compared to a recycler.

PRC 42041(v) states that “processing” means to sort, segregate, break or flake, and clean material to prepare it to meet the specification for sale to a responsible end market.

PRC 42051.1(c)(6)

(c) The plan shall include objective and measurable criteria whenever possible, and describe all of the following:

(6) Arrangements with processors or recyclers to ensure that covered materials that are not collected through a curbside collection program are collected and recycled at a viable responsible end market, including any investment that will be made to cover the cost of the covered material being processed or recycled by processors or recyclers.

PRC 42067

(d) The department shall guide development of a needs assessment, which shall be developed in collaboration with the PRO and a broad diversity of local jurisdictions, recycling service providers, and processors that reflect the different needs and challenges faced by urban, suburban, and rural communities and a variety of different population densities and socioeconomic perspectives and that choose to participate in the development of a needs assessment.

#### **Regulation Concept:**

The definition of “processor” as used in PRC 42051.1(c)(6) and PRC 42067(d) can be clarified to distinguish between the entities processing covered material to produce recycled material such as plastic pellets, recycled paper, metal ingots, glass cullets, or compost, and the manufacturers or end users who use those materials to manufacture finished products, amend soil, or to be processed for source separation for composting or anaerobic digestion.

California’s carpet EPR program defines “processor” in PRC 42971(l) as:

“Processor” means a company that uses a process, including, but not limited to, shredding, grinding, sheering, or depolymerization, to convert discarded whole carpet into finished recycled output that is ready to be utilized as an input material for manufacturing products.

CalRecycle will promulgate regulations to define “processor” using the proposed definition below:

“Processor” means an entity that will process, or is processing as defined in PRC 42041(v), covered material, that is ready to be used as an input material for manufacturing products or processing of organic materials for methods including but not limited to recycling, composting, or source separation.

**Request for Feedback:**

CalRecycle is seeking feedback on the proposed definition of *processor*.

### **LJ Item 4: Definition of Ratepayer**

Statute section: PRC 42040(b)(3)(B), PRC 42051.1(j)(1)(B), 42053(d)(1)(E), 42060(a)(1)

SB 54 ensures that ratepayers are educated about the new law and not financially burdened by its implementation. The term *ratepayer* is used inclusively, not statutorily defined, and may cause confusion as to who it applies to.

*Text below is intentionally bolded.*

PRC 42040(b)(3)(B)

(B) It is the intent of the Legislature to establish a producer responsibility program designed to ensure that producers of single-use packaging and food service ware covered by this program take responsibility for the costs associated with the end-of-life management of that material and ensure that the material is recyclable or compostable. This standardization will reduce consumer confusion regarding recycling and composting, **reduce costs to ratepayers**, and increase system efficiency.

PRC 42051.1(j)(1)(B)

(j)(1) The plan shall include a budget designed to fully fund the costs necessary to implement this chapter. The budget shall include, but not be limited to, fully funding the plan and all other costs associated with implementing the plan, including, but not limited to, all of the following:

(A) Actions and investments identified in the plan to fund the budget and needs and investments identified in the needs assessments.

(B) Costs associated with this chapter incurred by local jurisdictions, recycling service providers, and other collection programs, and costs related to consumer outreach and education; the transportation of covered materials to a materials recovery facility, broker, or viable responsible end market; cleaning, sorting, aggregating, and baling covered materials as necessary to bring those materials to a viable responsible end market; waste stream sampling and reporting required by this chapter for local

governments; **costs incurred to educate ratepayers to improve the preparation and sorting of covered material**; and improvements to collection, sorting, decontamination, remanufacturing, and other infrastructure necessary to achieve recycling rates. These costs include costs related to both curbside and noncurbside collection programs and may be varied based on population density, distance to a viable responsible end market, and other relevant factors.

PRC 42053(d)(1)(E)

(d) A PRO shall structure the fee schedule required pursuant to subdivision (a), delineated by covered material category and based on the following factors:

(1) The costs to ensure each covered material category meets the requirements of this chapter. Covered material that is easier and less expensive to recycle or compost or that is designed to be recycled into a similar covered material or a material that is easier to be composted shall be subject to lower fees. The costs may include all of the following:

(E) Costs incurred by local jurisdictions or recycling service providers for any waste stream sampling and reporting required by this chapter and for any costs incurred to **educate ratepayers to improve the preparation and sorting**, as needed, of covered material.

PRC 42060(a)(1)

(a) By January 1, 2025, the department shall adopt regulations necessary to implement and enforce this chapter and to ensure that the requirements of this chapter and in particular the requirements established in section 42050 and the policy goal established in section 41780.01 as it relates to covered material are met. The regulations shall include, but not be limited to, all of the following:

(1) Any regulations necessary to ensure the PRO fully funds plan implementation, including fully funding the budget. This shall include the costs incurred by a local jurisdiction or a local jurisdiction's recycling service providers to implement this chapter, including, but not limited to, the cost of consumer education and of collection, including the cost of containers where relevant, as well as the processing, storage, and transportation of covered materials. Costs may vary based on population density or other relevant factors and shall allow local jurisdictions to **protect ratepayers from increased costs associated with the processing and marketing of covered material**.

**Regulation Concept:**

The definition of "ratepayer" can be clarified to include the variety of methods used to fund, "...the preparation and sorting of covered material..." or "...processing and marketing of covered material." CalRecycle will promulgate regulations to define "ratepayer" using proposed definition below:

“Ratepayer” means a member of the public or business whose method of paying includes, but is not limited to:

- (1) User fees or rates
- (2) Franchise fees on solid waste service providers
- (3) Solid waste facility gate or tipping fees
- (4) Mitigation or host fees on disposal facilities
- (5) Excise tax, parcel tax, property tax, or respective fee
- (6) Voter-approved surcharge or fee

**Request for Feedback:**

CalRecycle is seeking feedback on the proposed definition of “ratepayer,” which includes the variety of methods a member of the public or a business may pay to prepare and sort covered material.

## **LJ Item 5: Exemption Process**

Statute section: PRC 42060.5

Pursuant to PRC 42060.5(b), jurisdictions can apply for an extension or exemption of up to two years if the collection of a specific covered material is not practical.

*Text below is intentionally bolded.*

PRC 42060.5

(a) Except as provided in subdivisions (b), (c), (d), and (e), all local jurisdictions or recycling service providers shall include in their collection and recycling programs all covered material contained on the lists published pursuant to subdivisions (c) and (d) of section 42061. This section does not authorize the department to require mandatory route collection service where it does not already exist. This section shall not limit a local jurisdiction from collecting additional materials for recycling or composting.

**(b) The department shall grant an extension of, or exemption from, a requirement of subdivision (a) upon a written showing by the local jurisdiction or recycling service provider that compliance with the requirement is not practicable for a specific identified covered material because of specific local conditions, circumstances, or challenges.** If the PRO objects to the extension or exemption, the PRO shall be responsible for arranging alternative means for the collection, processing, storage, and transportation of covered materials resulting from implementing this chapter. The department shall review a granted extension or exemption every two years and may renew the extension or exemption after that review. An exemption or

extension for a local jurisdiction or recycling service provider does not in any way relieve a producer or PRO from meeting the requirements of this chapter.

(c) A county board of supervisors of a rural county or a rural jurisdiction, as those terms are defined in section 42649.8, may adopt a resolution to exempt the rural county or rural jurisdiction from the requirements of this section. If a rural jurisdiction is a regional agency composed of jurisdictions that are located entirely within one or more rural counties, the board of the regional agency may adopt a resolution, as prescribed in this subdivision, to exempt the rural jurisdiction from the requirements of this section. An exemption for a rural county or a rural jurisdiction does not in any way relieve a producer or PRO from meeting the requirements of this chapter.

(d) A local jurisdiction or recycling service provider shall not be required to collect material for recycling or composting on the lists published pursuant to subdivisions (c) and (d) of section 42061 that does not meet the criteria described in subdivision (l) of section 42051.1 and is collected and recycled or composted by means other than curbside collection in a producer responsibility plan.

(e) A local jurisdiction shall not be required to collect a material category that is subject to an ordinance passed by the local jurisdiction prohibiting the sale or distribution of that covered material in the local jurisdiction before the publication of the lists of recyclable or compostable material pursuant to subdivisions (c) and (d) of section 42061.

**Regulation Concept:**

CalRecycle proposes to promulgate regulations with the following process to request an extension or exemption described in part, below:

(a) To claim an extension or exemption pursuant to Public Resources Code section 42060.5(b), a representative of a local jurisdiction or designated recycling service provider shall submit to the department in writing, per (d) of this section, the following information:

- (1) The specific identified covered material(s);
- (2) What local conditions, circumstances, or challenges make it impracticable for the local jurisdiction or recycling service provider to include in their collection and recycling programs the specific identified covered material on the lists published pursuant to this chapter.
- (3) Any available supporting documentation to validate the exemption claim.



(4) Whether the local jurisdiction or designated recycling service provider is requesting an extension and the time period requested that is less than two years.

(5) The contact information for the person(s) who represent the local jurisdiction and recycling service provider, if designated by the local jurisdiction, to whom the department shall direct future communication relating to the extension or exemption, shall include but not be limited to the following:

- (A) Name
- (B) Title
- (C) Name of entity or entities represented
- (D) Mailing address
- (E) Email address
- (F) Telephone number

(b) A claim request pursuant to (a) of this section shall be submitted to the department in a format prescribed by the department.

(c) The department will review a complete extension or exemption claim request and approve or disapprove it within 90 calendar days of receipt.

(d) If the department receives an extension or exemption claim request that, upon review does not include all of the information required by this Article, the department will notify the local jurisdiction or recycling service provider and state what additional information or documentation is required. The local jurisdiction or recycling service provider will then have 30 calendar days after receipt of the notice to provide the required information or documentation.

(e) If the local jurisdiction or recycling provider does not provide the required information or documentation prior to the 30-calendar-day deadline, the extension or exemption request will not be approved on grounds of an incomplete request.

(f) If the department disapproves the claim request pursuant to (e), the local jurisdiction or recycling provider may resubmit a final revised claim request within 30 calendar days. The department will review the extension or exemption claim request and provide the final approval or disapproval within 90 calendar days of receipt.

**Request for Feedback:**

CalRecycle is seeking feedback on the proposed concept describing the process for a local jurisdiction or recycling service provider to request an extension or exemption.

## **Process for Submitting Written Feedback**

CalRecycle has developed a process for requesting written feedback or questions from interested parties. While this process is not a specific requirement, CalRecycle requests all written feedback and questions be submitted using the specified format below, for the purposes of maintaining consistency in the way in which the information is received, and to aid with expedited review and processing. All written feedback can be submitted to [packaging@calrecycle.ca.gov](mailto:packaging@calrecycle.ca.gov) with the subject line: *SB 54 Plastic Pollution Prevention and Packaging Producer Responsibility Act Regulations*. Written feedback can be provided prior to the workshop and after. CalRecycle requests all feedback specific to the June 29, 2023 Workshop is submitted no later than **July 13, 2023**. Preferred formats include e-mail, .docx and PDF.

### **Requested Feedback on Specific Regulation Concepts:**

When providing feedback or asking questions on a specific regulation concept, please include (1) the Item Number [e.g., Item 1, Item 2], including the specific title, (2) feedback or questions related to that regulation concept. For example, when providing feedback on *LJ Item 1: Transportation Costs Include Staffing*, the preferred format would be:

LJ Item 1: Transportation Costs Include Staffing:  
*Specific feedback related to this item...*

This process can be repeated for each regulation concept an interested party wants to address. All feedback and questions can be included in the same email or document.

### **Questions or Feedback for Specific Public Resources Code (PRC) Sections:**

When providing feedback or asking questions on a specific section in the statute, please include (1) the full section number, including any subsections associated with it, (2) feedback or questions related to that section. For example:

PRC 42051.1(b)(3)  
*Specific feedback or question related to this section...*

This process can be repeated for each section an interested party wants to address. All feedback and questions can be included in the same email or document.

### **General Questions or Comments:**

When asking general questions or providing general comments on topics related to this workshop that do not focus on a specific regulation concept or specific PRC section, please list each question and comment in numerical order:

Question 1: *General question on this discussion document*

Question 2: *General question on this discussion document*

Comment 1: *General comment on this discussion document*