



July 12, 2023

Recycling and Disposal Reporting System Notice of 15-Day Changes to Proposed Rulemaking

The Department of Resources Recycling and Recovery (CalRecycle) proposes to revise regulations relative to the Recycling and Disposal Reporting System (RDRS). The proposed regulations establish and clarify requirements related to RDRS. CalRecycle intends to adopt the proposed regulations described herein after considering all recommendations, alternatives, comments, and objections regarding the proposed action.

On July 12, 2023, CalRecycle will initiate a 15-day written comment period for the proposed revisions to RDRS. This 15-day written comment period follows an initial 45-day public comment period that began on January 27, 2023, and ended on March 15, 2023. On March 15, 2023, CalRecycle held a public hearing to receive public comments. After considering the comments received from interested parties, CalRecycle has decided to make revisions to the proposed regulatory language and add an updated Economic and Fiscal Impact Statement (STD 399) to the rulemaking file.

AVAILABILITY OF UPDATED DOCUMENTS AND TEXT OF PROPOSED REGULATIONS

A copy of the proposed revised regulations is available on the [RDRS rulemaking website](#) and attached to this notice. A summary of the proposed changes is also included within this notice.

Additionally, these documents are available for public inspection during normal business hours at CalRecycle, 1001 "I" Street, 24th Floor, Sacramento, CA 95812. To schedule a time to inspect these documents, please contact Donnet McFarlane at regulations@calrecycle.ca.gov or (916) 327-0089.

15-DAY WRITTEN COMMENT PERIOD

The 15-day written comment period permits any interested person, or their authorized representative, to submit written comments addressing the proposed amendments to CalRecycle. Written comments, which offer a recommendation and/or objection, or support the proposed amendment, should indicate the amended section to which the comment or comments are directed. CalRecycle will only consider written comments sent to CalRecycle and received during the **15-day written comment period, which begins on July 12, 2023 and ends on July 27, 2023 at 11:59 PM**. Written comments received by CalRecycle after the close of the 15-day public comment period will not be responded to in the rulemaking file.

CalRecycle is required to respond to comments received during this 15-day public comment period only if the comments are related to the newly proposed changes to the regulations.

Please submit your written comments by email to regulations@calrecycle.ca.gov or by mail to:

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Department of Resources Recycling and Recovery, Regulations Unit
1001 "I" St., MS-24B, Sacramento, CA 95814

In the Final Statement of Reasons, CalRecycle will respond to all relevant comments received during the initial 45-day comment period and this new 15-day comment period.

SUMMARY OF PROPOSED REVISIONS

As stated above, a copy of the proposed revised regulations is available on the [RDRS rulemaking website](#) and attached to this notice.

The originally proposed regulatory language that was made available during the initial 45-day public comment period is shown in single underline to indicate additions and ~~single strikethrough~~ to indicate deletions.

The newly revised regulatory language that is being made available via this public notice is shown in double underline to indicate new additions and ~~double strikeout~~ to indicate new deletions.

The specific changes to the originally proposed regulatory language are thus:

[Title 14, Sections 18815.1 – 18815.9](#)

TITLE 14. NATURAL RESOURCES

DIVISION 7. DEPARTMENT OF RESOURCES RECYCLING & RECOVERY

CHAPTER 9. PLANNING GUIDELINES AND PROCEDURES FOR PREPARING AND REVISING COUNTRYWIDE INTEGRATED WASTE MANAGEMENT PLANS

ARTICLE 9.25. RECYCLING AND DISPOSAL REPORTING SYSTEM

SECTIONS 18815.1 THROUGH 18815.9

§18815.2. DEFINITIONS.

Subsection (a)(10.5)(A)

The regulatory language has been changed to update “self-hauled residential mixed recycling” to “self-hauled mixed recycling.” The word “residential” was removed in response to feedback received from interested parties during the 45-day public comment period, in which said parties expressed opposition to the separation of self-hauled material into residential versus commercial self-haul. Based on these comments, CalRecycle decided to remove the regulatory language splitting the self-haul source sector into residential and commercial, which is discussed later in this 15-day notice (e.g., subsection 18815.9(c)(1)(A)). Consequently, because a component of collection method is source sector, subsection 18815.2(a)(10.5)(A) was altered to remove the reference to “self-hauled residential” so that the collection method definition would not explicitly or implicitly require that self-hauled material be split into residential versus commercial.

Subsection (a)(25.5)

The regulatory language has been changed to explain that when determining the destination for an outflow of material, the material shall be considered sent to wherever the material was received by the recipient. This so-identified destination shall then be considered to be exported or not according to the definition of export in Public Resources Code 41781.4(c) and California Code of Regulations, Title 14, Section 18815.2(a)(25.5). Note that this change does not alter the intended meaning of the definition of outflow relative to the originally proposed regulation. The purpose of this amendment is to clarify the intent of the definition.

Subsection (a)(43)

The regulatory language has been changed to update the definition of recycling in a few ways. First, the definition has been amended to clarify that the changes proposed in the initial notice (i.e., 18815.2(a)(43): “recycling shall also include all activities considered recycling for purposes of section 41821.5 of the Public Resources Code”) only apply for the “purposes of determining facilities’ reporting obligations under this article” (18815.2(a)(43)). The changes to the definition of recycling do not apply outside of RDRS. Second, the definition was altered to clarify that the recycling activities listed in subparagraphs (A) through (D) are meant to be examples of activities that may constitute recycling rather than an exhaustive list of all possible activities. Whether any given activity is considered recycling for the purposes of RDRS reporting depends on whether those activities meet the definition of recycling provided in section 18815.2(a)(43). These latter amendments do not change the effect of the originally proposed regulatory language and are for clarity only.

Subsection (a)(58)(D)

CalRecycle received feedback from interested parties in opposition to the separation of self-haul residential versus self-haul commercial, which has been addressed through the proposed amendments to section 18815.2(a)(10.5). In line with this amendment, section 18815.2(a)(58)(D) is also being amended to remove the separation of self-haul into residential and commercial self-haul. In addition, CalRecycle removed the fourth category of source sector, “Reporting entity other than contract hauler or transfer/processor”. CalRecycle removed this category because interested parties objected to the other source sector change, interested parties found the fourth category confusing, and CalRecycle determined that the benefits provided by the fourth category alone (i.e., in absence of the split between self-haul residential and commercial) were not justified by the potential cost to affected parties. Thus, CalRecycle restored source sector to its original definition. Note that doing so required additional minor amendments to the regulatory language to correct grammar and punctuation.

§18815.3 registration, reporting and exemptions.

Subsection (f)(1)

The regulatory language has been changed to state that the originally proposed amendments will take effect in 2025 Q1 (i.e., commencing 1 January 2025) and not 2024 Q4 (i.e., 1 October 2024). CalRecycle implemented this change because interested parties requested a later effective date, 2025 Q1, for this requirement during the 45-day public comment period.

Subsection (n)(5)

The regulatory language has been changed to update the time to resolve inter-entity reporting issues. The originally proposed amendments required reporting entities to resolve such issues within 10 business days. The new changes allow entities to obtain an additional extension of up to 10 business days for those issues to be resolved, based on a notification from the reporting entity to CalRecycle that lists the reasons why additional time is needed. The purpose of this amendment is to allow more time than the originally proposed time limit of 10 business days and is in response to feedback received by CalRecycle from interested parties during the 45-day public comment period.

Subsection (q)(1)

The regulatory language has been changed to clarify that multiple entities on the same site shall report together only as allowed in section 18815.3(d). This amendment clarifies the effect of existing regulations to better reflect the intended purpose of the regulation as originally promulgated.

Subsection (q)(2)(B)(iii)

The regulatory language has been changed to state that the originally proposed amendments will take effect in 2025 Q1 and not 2024 Q4. CalRecycle implemented this change because interested parties requested a later effective date, 2025 Q1, for this requirement during the 45-day public comment period.

§18815.4 REPORTING REQUIREMENTS FOR HAULERS**Subsection (a)**

The word “origin” was inappropriately underlined in the originally noticed regulatory text that was published for public comment during the 45-day public comment period. The purpose of this amendment is to remove the erroneous underline and to clarify that the word “origin” is already included in the existing regulations.

Subsection (d)(2)(G)

The regulatory language has been changed to update the reference from section 18815.9(l)(2) to 18815.9(l) to clarify that this reporting requirement starts in 2025 Q1 (i.e., commencing 1 January 2025), which is specified in (l). CalRecycle implemented this change because interested parties requested a later effective date, 2025 Q1, for this requirement during the 45-day public comment period.

Subsection (d)(3)

The regulatory language has been changed to state that the originally proposed amendments will take effect in 2025 Q1 and not 2024 Q4. CalRecycle implemented this change because interested parties requested a later effective date, 2025 Q1, for this requirement during the 45-day public comment period.

18815.5 REPORTING REQUIREMENTS FOR TRANSFER/PROCESSORS.**Subsection (a)(3)(C)**

The regulatory language has been changed to update the reference to section 18815.9(a)(3) to 18815.9(a)(1)(C). This amendment is necessary because subsection 18815.5(a)(3)(C) directs readers to a subsection of 18815.9(a), but due to changes to 18815.9(a), the appropriate subsection has changed from 18815.9(a)(3) to 18815.9(a)(1)(C). The changes to 18815.9(a) are detailed later in this 15-day notice and are in response to feedback received by CalRecycle during the 45-day public comment period.

Subsection (a)(4)

The regulatory language has been changed to state that the originally proposed amendments will take effect in 2025 Q1 and not 2024 Q4. CalRecycle implemented this change because interested parties requested a later effective date, 2025 Q1, for this requirement during the 45-day public comment period.

Subsection (h)(3)

The regulatory language has been changed to state that the originally proposed amendments will take effect in 2025 Q1 and not 2024 Q4. CalRecycle implemented this change because interested parties requested a later effective date, 2025 Q1, for this requirement during the 45-day public comment period.

§18815.6 REPORTING REQUIREMENTS FOR DISPOSAL FACILITIES.

Subsection (a)(2)(B)

The regulatory language has been changed to explain that designated waste and disaster debris are not assigned a source sector. Note that the new language is not a change from existing implementation of regulations. The purpose of this amendment is to align source sector regulations for disposal facilities and transfer/processors. For transfer/processors, source sector is collected only for solid waste (18815.5(a)(3)(B)).

Subsection (b)(4)

The regulatory language has been changed to state that the originally proposed amendments will take effect in 2025 Q1 and not 2024 Q4. CalRecycle implemented this change because interested parties requested a later effective date, 2025 Q1, for this requirement during the 45-day public comment period.

Subsection (g)(3)

The regulatory language has been changed to state that the originally proposed amendments will take effect in 2025 Q1 and not 2024 Q4. CalRecycle implemented this change because interested parties requested a later effective date, 2025 Q1, for this requirement during the 45-day public comment period.

§18815.7 REPORTING REQUIREMENTS FOR RECYCLING AND COMPOSTING FACILITIES AND OPERATIONS.

Subsection (a)(8)

The regulatory language has been changed to state that the originally proposed amendments will take effect in 2025 Q1 and not 2024 Q4. CalRecycle implemented this change because interested parties requested a later effective date, 2025 Q1, for this requirement during the 45-day public comment period.

Subsection (g)(2)

The regulatory language has been changed to state that the originally proposed amendments will take effect in 2025 Q1 and not 2024 Q4. CalRecycle implemented this change because interested parties requested a later effective date, 2025 Q1, for this requirement during the 45-day public comment period.

§18815.8 REPORTING REQUIREMENTS FOR BROKERS AND TRANSPORTERS.

Subsection (a)(7)

The regulatory language has been changed to state that the originally proposed amendments will take effect in 2025 Q1 and not 2024 Q4. CalRecycle implemented this change because interested parties requested a later effective date, 2025 Q1, for this requirement during the 45-day public comment period.

Subsection (d)(2)

The regulatory language has been changed to state that the originally proposed amendments will take effect in 2025 Q1 and not 2024 Q4. CalRecycle implemented this change because interested parties requested a later effective date, 2025 Q1, for this requirement during the 45-day public comment period.

§18815.9 METHODS.

Subsection (a)(1)(B)

Subsection (a)(1)(B) was updated to explain that recycling and composting facilities and operations, brokers, and transporters shall report material type for beneficial reuse according to subsection 18815.9(a)(2). This amendment was necessary because the originally proposed updates to subsections 18815.9(a)(1)(B) through (D) did not provide a method for non-disposal facilities to report material type for beneficial reuse.

CalRecycle implemented this change in response to feedback received from interested parties during the 45-day public comment period.

Subsection (a)(1)(C)

Subsection (a)(1)(C) was changed to further explain the reporting of material type for beneficial reuse inflows and outflows. First, disposal facilities reporting inflows of materials that are actually used for beneficial reuse shall report material type according to subsection 18815.9(a)(3), whereas any entity (e.g., a transfer/processor) reporting inflows or outflows of potential beneficial shall report material type according to subsection 18815.9(a)(2). Second, subsection (a)(1)(C) clarifies that soil shall never be included in potential beneficial reuse tonnages. These changes were necessary because the originally proposed updates to subsections 18815.9(a)(1)(B) through (D) did not provide a method for non-disposal facilities to report material type for beneficial reuse, did not clarify which methods disposal facilities should use, and did not clarify requirements regarding soil and potential beneficial reuse. CalRecycle implemented these changes in response to feedback received from interested parties during the 45-day public comment period.

Subsection (a)(1)(D) and (a)(1)(D)(ii)

Subsection (a)(1)(D) and (D)(ii) were amended to clarify that contract haulers, transfer/processors, and disposal facilities shall refer to subsection 18815.9(a)(1)(C) when reporting material type for beneficial reuse. These changes were necessary to ensure that subparagraph (D) did not conflict with the updates to subparagraph (C), which were made in response to feedback received from interested parties during the 45-day public comment period.

Subsection (a)(2)(D)

The regulatory language has been changed to state that the originally proposed amendments will take effect in 2025 Q1 and not 2024 Q4. CalRecycle implemented this change because interested parties requested a later effective date, 2025 Q1, for this requirement during the 45-day public comment period.

Subsection (a)(2)(E)

The regulatory language has been amended to explain that when any facility reports material type for green material for potential beneficial reuse, material type shall be reported just as “green material.” This amendment was necessary because of the changes made subsection 18815.9(a)(1)(B) through (D), which have the effect that subsection 18815.9(a)(3) applies only to material actually used for beneficial reuse and not to material reported for *potential* beneficial reuse. Thus, because subsection 18815.9(a)(3) dictates that green material used for beneficial reuse be given a material type of green material, subsection 18815.9(a)(2) was amended to explain that green material for *potential* beneficial reuse shall also be assigned a material type of green material. This change was made in response to feedback received from interested parties during the 45-day public comment period.

Subsection (b)(3) through (5)

In the originally proposed amended regulations, subsections 18815.9(b)(3) through (5) dictated the methods for determining origins for different scenarios (e.g., paragraph (3) governs how transfer/processors determine jurisdiction of origin for solid waste, whereas paragraph (5) governs how all entities determine jurisdiction of origin for exported mixed plastic waste). Based on feedback received from interested parties during the 45-day public comment period, which questioned why different scenarios appeared to have different methods, CalRecycle deleted subsections 18815.9(b)(3.5) through (5) and generalized subsection 18815.9(b)(3) to apply whenever entities determine jurisdiction of origin for tons sent. These changes do not alter requirements relative to the proposed regulations. Instead, the amendments more concisely rephrase the regulatory language.

Subsection (c), header

Subsection 18815.9(c) provides the methods that reporting entities must use to determine source sector. In the originally proposed amended regulations, subsection 18815.9(c) allowed entities to use any method listed in the subdivision, except where a specific method was required by subsection 18815.9(c)(5) through (7). However, for reasons discussed in the next paragraph of this 15-day notice, subsection 18815.9(c)(7) was deleted. It was therefore necessary to amend subsection 18815.9(c) such that it referred to only subsections 18815.9(c)(5) through (6).

Subsections (c)(1)(A), (c)(1)(D), (c)(1)(D)(i), (c)(1)(D)(ii), (c)(2)(A), (c)(2)(D), (c)(4), and (c)(6)

In the originally proposed amended regulations, entities were required to separate the self-haul source sector into residential versus commercial self-haul starting in 2024 Q4. Based on feedback received from interested parties during the 45-day public comment period, CalRecycle removed the requirement that entities split self-haul into residential and commercial as of 2024 Q4. Note that doing so also required removing the language that dictated that regulations would apply prior to or as of reporting period 4 of 2024.

Subsection (c)(5)

The regulatory language has been changed to explain that designated waste and disaster debris are not assigned a source sector. Note that the new language is not a change from existing interpretation of regulations. The purpose of this amendment is to align source sector methods regulations with reporting regulations for disposal facilities (subsection 18815.6(a)(2)(B)) and transfer/processors (18815.5(a)(3)(B)).

Subsection (c)(7), deletion

In the originally proposed amended regulations, subsection 18815.9(c)(7) required entities to assign residual disposal and material received from certain reporting entity types to a fourth source sector category, “reporting entity other than contract hauler and transfer/processor.” CalRecycle deleted this subsection (i.e., deleted the new fourth category of source sector) because of feedback received from interested parties during the 45-day public comment period, in which said parties found the fourth category confusing. CalRecycle also determined that the benefits provided by the fourth category alone (i.e., in absence of the split between self-haul residential and commercial) were not justified by the potential cost to affected parties.

Subsection (c)(7), renumbering

This paragraph was renumbered from (8) to (7) because the original paragraph (7) was deleted.

Subsection (d)(4)

The regulatory language has been changed to explain that designated waste and disaster debris are not assigned a source sector. Note that the new language is not a change from existing implementation of regulations. The purpose of this amendment is to align the source sector methods regulations for contract haulers with the other source sector methods and reporting regulations (subsections 18815.6(a)(2)(B), 18815.5(a)(3)(B), and 18815.9(c)(5)).

Subsection (I), header

The regulatory language has been changed to state that the originally proposed amendments will take effect in 2025 Q1 and not 2024 Q4. CalRecycle implemented this change because interested parties requested a later effective date, 2025 Q1, for this requirement during the 45-day public comment period.

Subsection (I)(3)(C)(i)

The regulatory language has been amended such that, when determining collection method, self-hauled material is not segregated into residential versus commercial self-haul. This change was implemented in response to feedback received from interested parties during the 45-day public comment period, in which said parties opposed the separation of self-hauled material into residential versus commercial self-haul. Based on these comments, CalRecycle decided to remove the regulatory language splitting the self-haul source sector into residential and commercial, which is discussed earlier in this 15-day notice (e.g., subsection 18815.9(c)(1)(A)). Consequently, because a component of collection method is source sector, subsection 18815.9(I)(3)(C)(i) was altered to remove the language requiring that self-hauled material be split into residential versus commercial. Note that this change was also made to match the updates to subsection 18815.2(a)(10.5)(A).

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Subsection (l)(4)

The regulatory language was changed to clarify how collection method should be determined for mixed loads. For loads that represent multiple levels of segregation (e.g., 1-bin and 2-bin recycling), the most aggregated segregation level shall apply (e.g., 1-bin). For loads that represent multiple source sectors, the proportion from each sector shall be estimated or the majority sector shall be assigned. If estimation is not possible and the majority sector is not known, then loads shall be assigned to the self-haul sector. CalRecycle implemented these changes because, during the 45-day public comment period, interested parties expressed confusion about determining collection method for mixed loads.

Title 14, Section 18794.2

**TITLE 14. NATURAL RESOURCES
DIVISION 7. DEPARTMENT OF RESOURCES RECYCLING & RECOVERY
CHAPTER 9. PLANNING GUIDELINES AND PROCEDURES FOR PREPARING AND
REVISING COUNTRYWIDE INTEGRATED WASTE MANAGEMENT PLANS
ARTICLE 9.0. ANNUAL REPORTING REGULATIONS
SECTION 18794.2**

§18794.2 REPORTING REQUIREMENTS FOR CALCULATIONS.

Subsection (c)(7)

The regulatory language has been changed to state that the originally proposed amendments will take effect January 1, 2025 rather than October 1, 2024. CalRecycle implemented this change because interested parties requested a later effective date, 2025 Q1, for this requirement during the 45-day public comment period.

ECONOMIC AND FISCAL IMPACT STATEMENT (STD 399)

New Changes

The Economic and Fiscal Impact Statement (STD 399) has been updated to revise the estimated costs of the proposed regulations in response to the amendments that are being noticed via this 15-day public notice. The economic cost estimates changed in two primary ways. First, because the regulations creating additional reporting burden for source sector are being removed through this 15-day notice, the economic costs of source sector reporting have declined (relative to the 45-day notice). Second, because certain regulations are now proposed to take effect in 2025 Q1 rather than 2024 Q4, the total period over which economic costs were estimated increased (2024 Q1 through 2025 Q4, rather than 2024 Q1 through 2025 Q3). However, the reduction in source sector costs outweighed the increase due to the calculation interval change. Meaning, the total economic cost of the regulations as currently proposed in this 15-day notice is less than the initially proposed regulations.

Economic Impact Statement. B. Estimated Cost

1. This amount has changed from \$84,686,870 to \$84,108,245.
 - a. This amount has changed from \$3772 to \$3746.
 - b. This amount has changed from \$3772 to \$3746.

Corrections

The following sections have been updated to correct mistakes that occurred during the PDF conversion of the Economic and Fiscal Impact Statement (STD 399) noticed on January 27, 2023.

ECONOMIC IMPACT STATEMENT

B. Estimated Cost

4. This answer was updated to only “NO” and cost per housing unit was removed.
5. The explanation for the need for state regulation was updated. Any additional costs was removed.

C. Estimated Benefits

1. The summary of benefits of the regulation was updated.
2. The explanation was updated.
4. The description of any expansion of businesses was updated.

D. Alternatives to the Regulation

1. List of alternatives was updated.
2. The values were updated.
3. The quantification issues were updated.
4. The answer was updated to “NO” and the explanation was updated.

E. Major Regulations

1. Answer was updated to only "NO".
2. Alternatives were removed.
3. Values were removed.
5. All the descriptions were updated.

FISCAL IMPACT STATEMENT

A. Fiscal Effect on Local Government

1. All answers were removed.
2. All answers were removed.
6. Explanation was updated.

B. Fiscal Effect on State Government

1. Additional expenditures amount was missing, the update correctly notes the amount as \$164,667.

CONTACT PERSONS

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

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