



November 8, 2023

Recycling and Disposal Reporting System Notice of Second 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 November 8, 2023, CalRecycle will initiate a Second 15-day written comment period for the proposed revisions to RDRS. This Second 15-day written comment period follows the Original 45-Day public comment period, which began on January 27, 2023 and ended on March 15, 2023, a public hearing held on March 15, 2023 to receive public comments, and the First 15-Day comment period, which began on July 12, 2023 and ended on July 27, 2023. Upon review of the regulation text, CalRecycle identified specific additions and one deletion that were not clearly indicated on the Original 45-Day Notice or the First 15-Day Notice regulatory text. Out of an abundance of caution, CalRecycle is holding this Second 15-Day Notice to ensure that the public has an opportunity to comment on these additions and one deletion. Furthermore, CalRecycle found two errors that it is correcting in this Second 15-Day Notice and is seeking any public comment on those corrections as well.

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 95814. To schedule a time to inspect these documents, please contact Donnet McFarlane at regulations@calrecycle.ca.gov or (916) 327-0089.

SECOND 15-DAY WRITTEN COMMENT PERIOD

The Second 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 Second **15-day written comment period, which begins on November 8, 2023 and ends on November 23, 2023**. Written comments received by CalRecycle after the close of the Second 15-day public comment period will not be responded to in the rulemaking file.

CalRecycle is required to respond to comments received during this Second 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:

Donnet McFarlane
Recycling and Disposal Reporting System
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 Original 45-Day comment period, the First 15-Day comment period, and this Second 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 original 45-day public comment period is shown in single underline to indicate additions and ~~single strikethrough~~ to indicate deletions.

The revised regulatory language that was made available during the First 15-day public comment period is shown in double underline to indicate additions and ~~double strikeout~~ to indicate deletions.

The newly revised regulatory language that is being made available via this Second 15-day public notice is shown in annotated comments to indicate new additions and to indicate new deletions.

The specific changes for the second 15-day public notice are as follows:

[Title 14, Sections 18815.1 – 18815.8](#)

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 18815.8

§18815.2. DEFINITIONS.

Subsection (a)(22)(A) and (B)

In the 45-day notice, paragraph (22) was reorganized to have two subparagraphs, (A) and (B). The subparagraph labels, (A) and (B), were not underlined on the Original 45-Day or First 15-Day Notice regulatory text as clearly indicated added language to the original regulatory text. These labels should have appeared as “(A)” and “(B)”. The reorganization of paragraph (22) was discussed in the Initial Statement of Reasons (ISOR), which accompanied the Original 45-Day regulatory text.

18815.3. REGISTRATION, REPORTING, AND EXEMPTIONS.

Subsection (f)

The phrase “and report as follows:” was not clearly indicated on the Original 45-Day or First 15-Day notice regulatory text as added language to the original regulatory text. The addition should have appeared as “and report as follows:”. The purpose and necessity of the “and report as follows” addition is the same as described in the ISOR, section 18815.3(f) header.

Subsection (g)

The word “closes” was not clearly indicated on the Original 45-Day or First 15-Day notice regulatory text as deleted language from the original text. This deletion should have appeared as “~~closes~~”. CalRecycle is deleting the word “closes” due to the rest of the updates to subdivision (g). Edits to subdivision (g) clarify that this subdivision applies to inactivity and closure requests, and if the word “closes” is not deleted, then these edits do not make sense when read.

In addition, two sentences were not clearly indicated on the Original 45-Day or the First 15-Day notice regulatory text as added language to the original regulatory text. The addition should have appeared as “In such request, the reporting entity shall demonstrate to the Department why their status should be changed to inactive or closed. If the Department determines that the reporting entity is inactive or the site is closed, then the Department shall grant the request.” The purpose of adding this sentence was to clarify that reporting entities must demonstrate to CalRecycle why they should be inactive or closed. This change is necessary to align requirements for inactivity and closure requests with the requirements for exemption requests (subsection 18815.3(h)) and because CalRecycle needs to be able to verify that entities are appropriately claiming inactivity or closure.

Subsection (p)

The phrase “related to this notice” was not clearly indicated on the Original 45-Day and First 15-Day notice regulatory text as added language to the original regulatory text. The addition should have appeared as “related to this notice”. The purpose and necessity of the “related to this notice” addition are the same as discussed in the ISOR, section 18815.3(p).

18815.6 REPORTING REQUIREMENTS FOR DISPOSAL FACILITIES.**Subsection (b)(2)(C)(iii)**

The word “takes” is deleted from this proposed section. Deleting “takes” is necessary as its inclusion results in a grammatical error and introduces confusion in the meaning of this clause. The purpose of this change is to ensure that the proposed regulatory language conveys the correct meaning.

18815.8 REPORTING REQUIREMENTS FOR BROKERS AND TRANSPORTERS.**Subsection (d)(1)**

The “s” from “sections” is deleted as only one section is referenced in this paragraph. This deletion is a nonsubstantive change to the proposed language.

CONTACT PERSONS

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

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