

Comment Code (ID)	Comment Period	Received From Name	Received From Affiliation	Received Date	Comment Type	Comment	Section	Comment Category	Response
						"These statutes direct RDRS to collect additional information related to disposal and diversion." Is this specifically for recyclables, not food waste or other diversion goals?			CalRecycle rejects this comment. No response is required because the comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process.
45-E-1	First 45 Day	Pam Bond		1/28/2023	Email		18815.1	Other	Instead, this comment is asking about a line from the NOPA. "These statutes" refers to AB 881 and SB 343. AB 881 focuses on exported mixed plastics, which may or may not be recycled. SB 343 focuses on providing "information to the public sufficient for evaluating whether a product or packaging is recyclable in the state...and [a] of material types and forms that routinely become feedstock used in the production of new products or packaging." (PRC 42355.51(a)(1)) Note: The quoted text in the comment is from the NOPA.
45-E-1A	First 45 Day	Pam Bond		1/28/2023	Email	"These regulations update RDRS to collect the jurisdiction of origin for exported mixed plastics for assignment of disposed tons as disposal to that jurisdiction of origin in order to comply with AB 881." Was the jurisdiction of origin not collected in the past? How did this work before? Does this mean that "mixed plastic" is assumed to be disposed of and not recycled when it is exported?	18815.2	Mixed Plastics Export	CalRecycle rejects this comment. No response is required because the comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process.  Prior to AB 881, exported mixed plastic was not considered disposal, so there was no reason to collect jurisdiction for these materials. With the passage of AB 881, exported mixed plastic will be considered disposal for the purposes of jurisdictions' AB 939 calculations. In order to calculate such jurisdiction disposal, CalRecycle needed to adopt regulations collecting jurisdiction of origin for exported mixed plastic, which is what the proposed regulations do. Note: The quoted text in the comment comes from the NOPA.
45-E-1B	First 45 Day	Pam Bond		1/28/2023	Email	"These regulations update RDRS to gather the collection method for the materials that are recovered as required by SB 343." What is meant by the collection method? What would be an example of this? And does this only apply to recyclables, not compostables?	18815.2	Collection Method	CalRecycle rejects this comment. No response is required because the comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process.  Collection method is defined in the proposed regulations. The materials for which collection method will be gathered are explained in the regulations for each reporting entity activity type (e.g., for contract haulers, see 18815.4(d)(G); for transfer/processors, see 18815.5(a)(1)(D); see 18815.6 through 18815.8 for the other reporting entity activity types).
45-E-1C	First 45 Day	Pam Bond		1/28/2023	Email	"CalRecycle has determined that the proposed regulations do not impose a mandate on state agencies, local agencies, or school districts." I was not sure if this means that school districts do not need to report on their recyclables or items that might be considered recyclable but are not (mixed plastics category, etc)?		Other	CalRecycle rejects this comment. No response is required because the comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process.  The quoted text is from the NOPA and is part of the rulemaking process. The California Constitution requires that whenever a state agency mandates a new program or higher level of service from a local agency or school district, that the state reimburse the local entity. As part of the rulemaking, CalRecycle has to determine whether the new regulations would create this mandate or higher level of service and thus require reimbursement. CalRecycle has determined that the proposed regulations would not require reimbursement. This determination has no bearing on whether any entity must report in RDRS.
45-E-1D	First 45 Day	Pam Bond		1/28/2023	Email	I am thinking specifically about construction debris and artificial turf fields. Would someone be responsible, if not the school district, to report on a disposed artificial turf field?		Reporting and/or Registration	CalRecycle rejects this comment. No response is required because the comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process.  Who is required to report and for what material categories is covered extensively in 18815.3(a) and (b). The proposed regulatory changes do not alter these requirements.  If an artificial turf field is sent to disposal at a landfill, then the landfill would report the tonnage associated with that turf field in RDRS. But, note that material type is not required for landfill disposal, so RDRS would not know that the landfill disposed artificial turf fields specifically.
45-E-1E	First 45 Day	Pam Bond		1/28/2023	Email	Relating to this [artificial turf fields], is there already a chain of custody rule related to artificial turf fields in California? I just want to be sure that this data is captured and that it is not considered "recyclable".		Other	CalRecycle rejects this comment. No response is required because the comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process.  Whether a material is considered recyclable is not covered by the RDRS regulations. However, if RDRS reporting entities report sending artificial turf fields to disposal, then jurisdiction of origin (i.e., the location from which the materials originated) would be tracked for these tons. But, note that jurisdiction of origin would be tracked for the solid waste disposed as a group, not specifically for each material type in that solid waste.
45-E-1F	First 45 Day	Pam Bond		1/28/2023	Email	It seems like compostable waste collection is not part of this. But I thought I would ask in case you know - how are school districts made aware of mandatory commercial organics recycling? I have been in contact with our local outreach person for our waste hauler (West Valley Collection and Recycling) and they made it clear to me that while our school is in compliance in terms of having collection bins on site, they will be doing period random inspections of waste and possibly imposing penalties or notices of non collection if waste isn't being diverted to green waste bins.	18815.2	Other	CalRecycle rejects this comment. No response is required because the comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process.  Organics collection requirements are controlled by SB 1383 and corresponding regulations. Please visit this website for further information about SB 1383 requirements: <a href="https://calrecycle.ca.gov/organics/prc/">https://calrecycle.ca.gov/organics/prc/</a>
45-E-1G	First 45 Day	Pam Bond		1/28/2023	Email	When I bring this up at a district meeting, no one seems to care and my principal seems to see this as a Student Council or parent volunteer project rather than a job for employees of the school to make permanent. I can see our parent group helping to set things up but ultimately volunteers shift and move on and I won't be a consistent program by any means. We had been collecting at our school before the pandemic and it was really pretty easy for the kids to follow the signs we made. Everyone thinks it's so complicated. But really I think we just need to make it happen. Is there anything I can tell district staff or our district board that might convince them to set this as a priority?  Especially now that lunches are free, more kids are getting the school lunch but also dumping a good amount of food waste because they don't like it.  I appreciate any clarification of the proposed rulemaking and school waste diversion.	18815.2	Other	Same response as comment 45-E-1F.
45-E-2	First 45 Day	Melanie Leverett	K&D Enterprises LLC	1/30/2023	Email	We would like to lodge a formal complaint that we are one of two legal companies in the county that report to Cal Recycle which you are forcing to be compliant to your laws. We would like to bring it to your attention that there are three other known entities that are not in compliance. The City of Modesto does not have the facility to comply with your recycling regulations on their various sites. By doing research we have estimated that City of Modesto has processed over 400,000 tons of material at one of their three sites in Modesto. DJ Rocha has also been importing, processing, and exporting recycled material at the South West corner of Faith Home Road and West Harding Road causing unfair business practices. Machado Brothers Backhoe Service has also been recycling on Cogswell in Hickman. We have tried to bring this to your attention prior to this, and see no actions taking place. If we are to comply with State requirements, all businesses need to be monitored for compliance to be fair. You keep adding to your reporting regulations for honest businesses, while not making sure that everyone is being compliant.		Other	CalRecycle rejects this comment. No response is required because the comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process.  Complaints against parties that are not reporting or misreporting in RDRS should be directed to CalRecycle's RDRS complaints page. <a href="https://www2.calrecycle.ca.gov/RecyclingDisposal/Reporting/Complaints">https://www2.calrecycle.ca.gov/RecyclingDisposal/Reporting/Complaints</a>
45-E-3	First 45 Day	Lucy Pierce	GreenBlue	1/30/2023	Email	I went to register for the zoom meeting at this link: <a href="https://calrecycle.ca.gov/laws/rulemaking/rdrupdates/">https://calrecycle.ca.gov/laws/rulemaking/rdrupdates/</a> and it says the meeting will be held on March 15. However when you open the link it reads this:  Topic: **DRY RUN** Recycling and Disposal Reporting System Regulatory Permanent Regulations Time Mar 7, 2023 10:00 AM in Pacific Time (US and Canada)  wondering if this is correct? Thank you for any clarification you can provide. Thank you very much.		Other	CalRecycle rejects this comment. No response is required because the comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process.  The Zoom link was updated.
45-E-4	First 45 Day	Liz Glusman	Beveridge & Diamond Law Firm	3/6/2023	Email	Hello CalRecycle SB 343 / AB 881 Rulemaking Team,  I'm reaching out in the hopes of getting some clarity on an issue that my colleagues and I have been mulling over regarding to the Proposed Regulatory Text for the SB 343 and AB 881 Rulemaking. A few of my colleagues and I released a web alert about the proposed regulations, and have since realized that we are not 100% clear on how "recycling" is defined. Our question is: under the proposed regulation, would chemical recycling (or perhaps only specific kinds of chemical recycling) be included or excluded from the definition of "recycling"?  Under the proposed text of the Definitions Section 18815.2(a)(43) [with underline text being the proposed additions]:  (43) "Recycle" or "recycling" has the same meaning as defined in section 40180 of the Public Resources Code, <u>except that recycling shall also include all activities considered recycling for purposes of section 41821.5 of the Public Resources Code.</u> A person who engages in recycling is referred to as a "recycler" in these regulations. Recycling does not include "reuse" as defined in subsection (a)(46)(5).  I thought the relevant portion Section 41821.5 is the following [with the underlined text being my added emphasis]:  (f) For the purposes of this section: (1) Recycling operations and facilities are facilities that conduct recycling, as defined in Section 40180, <u>except that recycling is not limited to the processing of materials that would otherwise become solid waste, but also includes processes applied to nonhazardous materials that have value principally as a feedstock for that processing,</u> regardless of whether the materials have been discarded or constitute solid waste. (2) Regardless of whether a recycling operation or facility is required to register and report pursuant to the regulations adopted by the department pursuant to this section, that recycling operation or facility is not a solid waste handler unless the operation or facility is, in fact, handling solid waste.  This "except" in 41821.5 seems to suggest that all chemical recycling would qualify as recycling.	18815.2	Definition of Recycling	CalRecycle rejects this comment. No response is required because the comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process.  However, to the extent that this comment asserts that the proposed regulation is insufficiently clear with the definition of "recycle," no change is appropriate. The revision to section 18815.2(a)(43) only expands the definition to match the scope of the expanded statutory definition of "recycling operations and facilities" stated in Public Resources Code (PRC) section 41821.5.  Regarding that update to PRC 41821.5, the comment appears to be asking whether PRC subsection 41821.5(j)(2) overrides the definition of recycling provided in PRC section 40180. Subsection 41821.5(j)(2) does not override section 40180. Rather, (j)(2) clarifies that facilities that conduct recycling – as defined in 40180 – are considered recycling facilities whether those facilities handle material that was or was not previously discarded. For a "chemical recycling" facility to be considered a recycler, however, it must also meet the definition in 40180.  In addition, CalRecycle notes that the RDRS regulations do not determine what constitutes "recycling" for purposes of the requirements in SB 343 for labeling items as such. Rather, the regulations include a definition of "recycling" solely for the purpose of determining the reporting entities that must report in RDRS.
45-E-4A	First 45 Day	Liz Glusman	Beveridge & Diamond Law Firm	3/6/2023	Email	But I'm not sure how to square that language [the definition of recycling in 41821.5 mentioned in Comment 11] with the definition of recycling under Section 40180 and the definition of transformation from Section 40201 (incorporated therein by reference) to which the proposed regulations refer:  40180: "Recycle" or "recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace. "Recycling" does not include transformation, as defined in Section 40201 or EMSW conversion.  40201: "Transformation" means incineration, pyrolysis, distillation, or biological conversion other than composting. "Transformation" does not include composting, gasification, EMSW conversion, or biomass conversion.  Reading all of these together, we are left wondering whether transformation activities, which take nonhazardous materials and use them as feedstock for reprocessing, are included or excluded from the proposed regulatory definition of "recycling."  Any additional insight or guidance you have would be greatly appreciated.	18815.2	Definition of Recycling	CalRecycle rejects this comment. No response is required because the comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process.  The commenter is asking whether Public Resources Code (PRC) subsection 41821.5(j)(2) overrides the definition of recycling provided in PRC section 40180. Subsection 41821.5(j)(2) does not override section 40180. Rather, (j)(2) clarifies that facilities that conduct recycling – as defined in 40180 – are considered recycling facilities whether those facilities handle material that was or was not previously discarded. For a facility to be considered a recycler, however, it must also meet the definition in 40180, which clearly states that recycling does not include transformation. Thus, if a facility is a transformation entity, it is not a recycler.

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45-E-5	First 45 Day	Michael Caprio	Republic Services	3/14/2023	Email	Dear Ms. McFarlane, Republic Services appreciates the opportunity to comment on the recent draft of the RDRS regulations associated with SB-343 and AB-881. Our review has identified a few segments of the proposed regulations that may require further discussion with your team to ensure that practical implementation of the requirements can occur. Those areas have been identified in the following text and per the instructions provided in the CalRecycle notice on the draft regulations, we have included the specific section, subsection and page number of the draft regulations to aid in your review. Section 18815.3(f)(1) - Page 13 Our review of the draft changes to the regulation would indicate that the revised criteria for data capture are required to be in place beginning Q4 2024. However, the language in this section relative to entities who are subject to the article's reporting requirements prior to October 1, 2024 is a bit confusing. Without listing all of the possible interpretations of the text in this subsection, please clarify for entities who are reporting prior to October 1, 2024 when data capture under the revised criteria will begin. We will assume that the reports following that quarter will incorporate that information unless advised differently.	18815.3(f)	Reporting and/or Registration	CalRecycle rejects this comment. No change was made pursuant to this comment.  Subsection 18815.3(f)(1) does not determine when entities who are already registered within RDRS will report information relative to the new reporting requirements. Instead, this subsection dictates when entities need to begin reporting in RDRS relative to when they became subject to RDRS reporting requirements. Prior to the addition of subsection 18815.3(f)(1), an entity was required to begin reporting in RDRS the quarter after the entity became subject to RDRS regulations. For example, if an entity began operations subject to RDRS reporting as of 1 January 2023 (2023 Q1), then this entity should have registered and began reporting in RDRS as of 2023 Q2 (the next quarter after 2023 Q1). Within the addition of 18815.3(f)(1), however, entities that become subject to RDRS regulations in a quarter that ends after 1 January 2025 (2025 Q1 and later) will report as of that quarter. For instance, if an entity begins operations subject to RDRS reporting as of 1 January 2025 (2025 Q1), then this entity is required to register and report as of 2025 Q1 (the same quarter).
45-E-5A	First 45 Day	Michael Caprio	Republic Services	3/14/2023	Email	Section 18815.3(n)(5) - Page 15 This subsection deals with rectifying discrepancies relative to information submitted by different reporting entities. In the event the discrepancy is between reports submitted by two different reporting entities owned or under the control of the same corporation, the 10-business day timeframe for resolution seems reasonable. However, should the discrepancy occur in reports submitted by two or more unrelated reporting entities, more time may be required to resolve the matter. This could be the case due to variability of software systems used at scale houses, methods of data capture or internal nomenclature for various material types. Our suggestion in this case would be to allow more time if requested by either reporting entity so that an equitable resolution to the matter can be arrived at. The amount of time granted could be 30 calendar days or at the discretion of CalRecycle staff depending upon the complexity of the discrepancy.	18815.3(n)(5)	Reporting and/or Registration	CalRecycle accepts this comment. CalRecycle added language to 18815.3(n)(5) indicating that the entities involved may request an additional 10 business days, creating a total resolution period of 20 business days, which is slightly under 30 calendar days. CalRecycle added language referring to business days rather than calendar days to be consistent with the rest of the regulations, which use business days. CalRecycle set the total resolution time to 20 business days because CalRecycle determined that 10 business days is enough time when only one entity is involved, and thus 20 days should be enough time for two entities. However, because CalRecycle has an interest in the resolution of issues, CalRecycle is requiring entities to inform CalRecycle if the resolution will take longer than 10 business days.
45-E-5B	First 45 Day	Michael Caprio	Republic Services	3/14/2023	Email	Section 18815.9(c)(1)(D) - Page 32 This section addresses tracking of whether self-haul loads (cash or account customers) originate from commercial or residential sources and in the case of the latter, depends upon the existence of a commercial emblem or commercial license plate. For information purposes, many commercial operators may not have commercial licenses or emblems as they could be using rental vehicles, may not have designated their trailer or vehicle as commercial or the vehicle could be employed in a mix of commercial and residential purposes. Facility operators strive to efficiently move self-haul customers through our facilities. The confusion that will occur in gathering this information in addition to the currently required jurisdiction of origin and material type determinations could very likely cause unnecessary delays. While a large percentage of vehicles entering most of our facilities are considered self-haul, the amount of material that they haul is relatively insignificant. Further, this information is not specifically required as a distinction under the source sector definition. The information gathered relative to whether self-haul loads are either commercial or residential will be suspect and impossible to verify. Therefore, we respectfully request that the requirement to determine whether self-haul customers (accounts or cash basis) are commercial or residential be removed from the draft regulations. Thank you for your consideration of our comments and we appreciate the effort put forth by the Department to date in preparation of the revised regulations and outreach. Regards, Michael Caprio Director Government Affairs- California	18815.9(c)	Source Sector	CalRecycle accepts this comment. The regulatory changes that split self-haul into self-haul residential and self-haul commercial were removed. Note that because collection method was also defined to include source sector, collection method reporting was altered to eliminate the distinction between self-haul residential and commercial. For the changes to source sector, see subsections 18815.9(c)(1)(A), 18815.9(c)(1)(D), 18815.9(c)(2)(A), 18815.9(c)(2)(D), 18815.9(c)(4), and 18815.9(f)(3)(c)(i). For the change to collection method, see 18815.2(a)(10.5)(A).  In addition, when CalRecycle updated the regulations to remove the distinction between residential and commercial self-haul, CalRecycle clarified the regulations regarding source sector of disaster debris and designated waste. Existing regulations require that designated waste and disaster debris always be classified as self-haul (18815.9(c)(5) and (c)(4)). Because of this requirement, reporting entities should not need to report source sector for designated waste and disaster debris, and in fact transfer/processors report source sector only for solid waste (18815.5(a)(3)(B)). Thus, CalRecycle simplified the source sector regulations by:  • Updating 18815.6(a)(2)(B) to explain that disposal facilities report source sector only for solid waste disposed. • Editing 18815.9(c)(5) and 18815.9(d)(4) to explain that designated waste and disaster debris shall not be assigned to a source sector (which is effectively the same thing as never reporting source sector for these streams).
45-E-6	First 45 Day	Veronica Pardo	Resource Recovery Coalition of California (RRCC)	3/15/2023	Email	Dear Donnet McFarlane, The Resource Recovery Coalition of California (RRCC) is a trade association comprised of haulers, recyclers, and composters operating throughout California. We appreciate the opportunity to comment on the developing permanent regulations for the Recycling and Disposal Reporting System (RDRS) to implement new reporting expectations under SB 343 and AB 881, as well as proposed technical modifications. Many RRCC members are reporting entities that will need to implement new data collection protocols to meet the new reporting obligations.  First, we commend CalRecycle for making practical reporting changes that allow facilities to more accurately allocate waste disposal amounts to the jurisdictions they serve, as opposed to allocating the full waste amount to the location of the facility, pursuant to section 18815.9(b)(2.4).	18815.9	Comment in Support	CalRecycle rejects this comment. No response is required because the comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process.
45-E-6A	First 45 Day	Veronica Pardo	Resource Recovery Coalition of California (RRCC)	3/15/2023	Email	We also appreciate the definition change for broker in section 18815.2(a)(7), which clarifies that a broker takes control of material by acquiring the authority to determine the destination of the material. These changes will make reporting more accurate and easier to establish who is expected to report.		Comment in Support	CalRecycle rejects this comment. No response is required because the comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process.
45-E-6B	First 45 Day	Veronica Pardo	Resource Recovery Coalition of California (RRCC)	3/15/2023	Email	Furthermore, we support the changes that align new reporting obligations with SB 343 and AB 881 expectations.		Comment in Support	CalRecycle rejects this comment. No response is required because the comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process.
45-E-6C	First 45 Day	Veronica Pardo	Resource Recovery Coalition of California (RRCC)	3/15/2023	Email	However, we have two requests to make this transition smoother and to reduce extraneous reporting obligations. The first request is to begin new reporting obligations in Q1 of 2025, as opposed to Q4 of 2024. This will provide more time for facilities to update their systems for the new year and not be forced to make significant changes at the end of 2024. Instead, CalRecycle should focus on training in 2024 and beta-testing the RDRS user-interface to address technical issues.		Reporting and/or Registration	CalRecycle accepts this comment. Throughout the regulations, wherever new regulations were slated to take effect 2024 Q4, the quarter was updated to 2025 Q1. Please see: 18815.3(f)(1), 18815.3(q)(2)(B)(ii), 18815.4(c)(3), 18815.4(d)(3), 18815.5(a)(4), 18815.5(b)(3), 18815.6(b)(4), 18815.6(a)(3), 18815.7(a)(8), 18815.7(g)(2), 18815.8(a)(7), 18815.8(c)(2), 18815.9(a)(2)(D), 18815.9(b)(5), and 18815.9(i).  Based on this comment, CalRecycle also realized that the starting quarter was not clear for contract hauler collection method reporting requirements. CalRecycle rectified this issue by changing 18815.4(d)(2)(G) to refer to subsection 18815.9(i) rather than 18815.9(i)(2). This change clarifies that contract hauler collection method reporting requirements begin in 2025 Q1.
45-E-6D	First 45 Day	Veronica Pardo	Resource Recovery Coalition of California (RRCC)	3/15/2023	Email	The second request is to remove the self-hauling distinction of commercial versus residential, described in section 18815.9(c). While we understand CalRecycle seeks additional data, this information will not be accurate enough to justify the additional burden on facilities to capture this data. The proposed reporting of collection method, thanks to AB 881, is already a big lift. Furthermore, we do not believe the self-haul reporting changes are necessary changes for either AB 881 or SB 343. Removing this proposed reporting obligation will reduce anticipated reporting obligations and lessen the regulatory impact on reporting entities.	18815.9(c)	Source Sector	Same response as comment 45-E-6B
45-E-6E	First 45 Day	Veronica Pardo	Resource Recovery Coalition of California (RRCC)	3/15/2023	Email	We have heard good things about the RDRS team, but we also know that the user-interface system is not perfect, and reporting can get tricky if responses are not accepted. When RDRS first kicked off, CalRecycle supported reporting entities with significant technical support. We encourage the agency to do the same for this update, focusing first on training rather than enforcement. If you have any questions, please do not hesitate to reach out to us. Sincerely, Veronica Pardo, RRCC Regulatory Affairs Director		Reporting and/or Registration	CalRecycle rejects this comment. No response is required because the comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process.  However, to the extent that this comment was intended to suggest that the regulations concerning enforcement should be amended or that additional regulations should be added to address training, no response is required because such suggestions are outside the scope of the proposed changes.
45-E-7	First 45 Day	Chuck Muir	City of Palo Alto	3/15/2023	Email	Dear CalRecycle,  Questions regarding SB 343 & AB 881 regulations.  1. What happens if a city is accepting more materials than what is listed in CalRecycle's final list?		Other	CalRecycle rejects this comment. No response is required because the comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process.  However, assuming the "final list" refers to the list of materials present within RDRS, then the system interface allows users to choose an "other" option and enter new material types. Stakeholders can also request that CalRecycle add additional materials to the list of options within RDRS.
45-E-7A	First 45 Day	Chuck Muir	City of Palo Alto	3/15/2023	Email	2. Will the City have to stop collecting the extra material?		Other	Assuming the "final list" refers to the list of materials that CalRecycle will publish pursuant to SB 343, then nothing happens. SB 343 does not stop jurisdictions from accepting materials for recycling. Rather, SB 343 regulates the use of the chasing arrows symbol on products/packaging. To this end, SB 343 requires CalRecycle to publish information that others can use to determine whether products/packaging meet SB 343's requirements for the use of the chasing arrows symbol. If a city accepts materials for recycling that are not included in the information that CalRecycle publishes pursuant to SB 343, then nothing happens to the city. Rather, entities that want to label their products/packaging with the chasing arrows symbol would have to use other sources of information to justify that labeling.
45-E-7B	First 45 Day	Chuck Muir	City of Palo Alto	3/15/2023	Email	3. Or will it be ok to continue as long as there's some sort of proof of recycling?		Other	CalRecycle rejects this comment. No response is required because the comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process.
45-E-7C	First 45 Day	Chuck Muir	City of Palo Alto	3/15/2023	Email	4.What happens when the CA broker sells waste materials to a non-CA broker? The chain of custody gets broken and there is no way to know the waste materials final destination?		Reporting and/or Registration	CalRecycle rejects this comment. No response is required because this comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process.  However, to explain the process for how outflows to broker/transporters are reported: If the first broker/transporter takes possession of material in California and the second broker/transporter takes possession out of California, then the new regulations, 18815.8(a)(4), would require the first broker/transporter to report the destination in RDRS as the region where the second broker/transporter took possession of the material. If the second broker/transporter takes possession of the material in California, then that information would be reported in RDRS as the region where the second broker/transporter took possession of the material.
45-E-7D	First 45 Day	Chuck Muir	City of Palo Alto	3/15/2023	Email	5. Will materials sent to non-CA brokers be considered recyclable if sent to a non-CA broker/processor that is located within the United States? What if the processor is located in another country?		Definition of Recycling	CalRecycle rejects this comment. No response is required because this comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process.  However, to the extent that the question is asking how the regulations, as amended, affect whether and when materials can be considered "recyclable" under California law, the RDRS regulations do not concern such determinations. Instead, the regulations define "recycling" activity for the purpose of identifying activities that must report in RDRS so that the Department can collect the data required pursuant to statute, including the newly added requirements of Public Resources Code section 42355.51(d)(1)(A)(i). The proposed regulations only modify the current definition of recycling by incorporating the recent statutory change to Public Resources Code section 42355.51(d)(1)(A)(i), which slightly modified the definition of "recycling" solely for purposes of RDRS reporting.

Comment Code (ID)	Comment Period	Received From Name	Received From Affiliation	Received Date	Comment Type	Comment	Section	Comment Category	Response
45-E-8	First 45 Day	Dorothy Poole	Rural County Representatives of California (RCRC)	3/15/2023	Email	<p>Dear Ms McFarlane:</p> <p>On behalf of the Rural County Representatives of California (RCRC), we appreciate the opportunity to provide input into on the proposed Recycling and Disposal Reporting System (RDORS) Regulatory Permanent Regulations. RCRC is an association of forty rural California counties, and the RCRC Board of Directors is comprised of an elected supervisor from each of those member counties.</p> <p>In addition, twenty-six member counties have formed the Rural Counties' Environmental Services Joint Powers Authority (ESJPA) to provide assistance to solid waste managers in rural counties. These solid waste managers have been charged with ensuring that their respective counties meet state-imposed requirements to reduce waste being disposed in landfills and increase recycling/re-use efforts for certain products. Our counties' solid waste managers are dedicated to providing meaningful, environmentally conscious, and cost-effective solid waste services to their residents and businesses.</p> <p>Overall, the objective of the proposed regulatory changes is to incorporate the provisions of SB 343 and AB 881. Major issues of concern about the proposed regulations include: ...[see comment 28 through 33] ...</p> <p>If you have any questions regarding these comments, please reach out to Staci Heaton, RCRC Senior Policy Advocate, at sheaton@rcrcnet.org or 916-447-4806 or Larry Sweetser, ESJPA Consultant, at sweetser@hazman.us or 510-703-0898 with any questions on these comments. Enclosure</p>		Other	<p>CalRecycle rejects this comment. No response is required because the comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process.</p>
45-E-8A	First 45 Day	Dorothy Poole	Rural County Representatives of California (RCRC)	3/15/2023	Email	<p>• Requiring Collection Methods (10.5) for all materials and not just products and packaging is inconsistent and excessive with the requirements of SB 343.</p> <p><u>Section 18815.2 Definitions, (10.5) "Collection Methods", page 3</u></p> <p>The examples of collection methods listed do not recognize the reality that received materials from haulers and generators are not always discreet in how the materials were collected nor will the facility know if the material was required to be segregated by the jurisdiction of origin. Many facilities receive loads from multiple jurisdictions with different means of collection. Commercial and residential loads are often mixed in the same hauler or generator vehicle. The listed examples are not always the consistent categories that the Initial Statement of reasons indicates. Section 42955.51 of SB 343 is directed at whether products or packaging might have deceptive or misleading recyclability claims. This section was not directed to determine collection method for all materials received by reporting entities. Imposing determination for collection method for all materials is not consistent with SB 343 and is not necessary to achieve the objectives of SB 343.</p> <p>In order to account for these scenarios and fulfill the requirements of SB 343, the proposed language should provide broader options such as indicated below:</p> <p>(10.5) "Collection Method" means the method through which a reporting entity receives materials, as follows:</p> <p>(A) For loads containing only products and packaging material received from a hauler or generator, collection method includes, at a minimum, the source sector, pursuant to paragraph (58), material stream, and whether the material was required to be segregated for collection or receipt, and, if so and if known, how (e.g., contract-hauled commercial mixed waste, contract-hauled residential 1-bin recycling, self-hauled residential mixed recycling), and any collection-related information that haulers or generators otherwise must provide to reporting entities pursuant to this article.</p>	18815.2(a)(10.5)	Collection Method	<p>CalRecycle rejects this comment. CalRecycle did not alter the definition of collection method due to this comment, but the methods for collection method were updated.</p> <p>CalRecycle did not update the definition for several reasons. First, the comment asserts that collection method will be collected for all materials. This is not correct. Collection method will be gathered for materials that are handled for purposes other than disposal or beneficial reuse. Second, the comment proposes to narrow the definition of collection method by focusing it to "loads containing only products and packaging." However, this change does not narrow the definition. All materials could conceivably be classified as either a product or a package. Further, if "products and packaging" were their own class of items, it seems unlikely that contract haulers would know if their loads contained only such items. Third, CalRecycle contends that it simplifies logistics if entities report collection method on all materials handled for purposes other than disposal or beneficial reuse, rather than having to determine whether a particular load qualifies for collection method based on the material type of that load. If the regulations implemented the latter approach (requiring collection method for specific materials), then reporting entities would have to inspect loads to determine whether they qualify. However, reporting entities should generally know when a load comes in whether that load is destined for disposal or beneficial reuse, which will determine whether the load requires a collection method.</p> <p>Regarding the comment's point about mixed loads, CalRecycle updated 18815.9(f). Specifically, CalRecycle added a paragraph (4) explaining how collection method should be determined for mixed loads. If a load represents a mixture, then the collection method of that mixture should be determined as the highest level of aggregation represented by that mixture. For example, if a load is a mixture of solid waste and recyclables, then the material stream portion of the load's collection method should be assigned as solid waste. If a load is a mixture of 1-bin and 2-bin recycling, then the load should be considered 1-bin. If a load is mixture of residential and commercial, then the load should be classed as self-haul, unless the reporting entity knows that the load is a majority residential or commercial, in which case the majority sector should be used.</p>
45-E-8B	First 45 Day	Dorothy Poole	Rural County Representatives of California (RCRC)	3/15/2023	Email	<p>• The definition of (38.4) "Mixed plastic waste" is not consistent with AB 881 and should be revised.</p> <p><u>Section 18815.2 Definitions, (38.4) "Mixed plastic waste", page 6</u></p> <p>The proposed definition indicates:</p> <p>"Mixed plastic waste" is a mixture of plastics and any other materials, other than solid waste and green material for potential beneficial reuse, where such mixture does not comprise only high-density polyethylene, polypropylene, polyethylene terephthalate, or a combination of those three resin types.</p> <p>The Proposed Initial Statement of Reasons indicates this definition is needed to conform to AB 881 sections 41781.4 and 41821.5 (b)(4). However, AB 881 limits "mixture of plastic wastes to only "polyethylene, polypropylene, or polyethylene terephthalate" intended for export. These regulations should not expand the definition of mixed plastic waste beyond that intended by AB 881 especially to include "any other materials", which is a vastly arbitrary inclusion that might include other materials that are not even petroleum based. It could even include all other recyclables such as cardboard and metal. The term "mixed plastic waste" is used later requires reporting of tons of mixed plastic waste exported. Including "any other materials" as mixed plastic wastes with result in excess reporting and be contrary to the intent of AB 881. The definition should be limited solely to AB 881 mixed plastics as follows:</p> <p>"Mixed plastic waste" is a mixture of plastics consisting of high-density polyethylene, polypropylene, polyethylene terephthalate, or a combination of those three resin types.</p>	18815.2(a)(38.4)	Mixed Plastics Export	<p>CalRecycle rejects this comment. The comment proposes to exclude other materials from the definition of mixed plastic, instead limiting mixed plastic to only high-density polyethylene, polypropylene, polyethylene terephthalate, or a combination of those three resin types.</p> <p>However, the definition of mixed plastic must include other materials. For example, if a reporting entity exports mixed materials (e.g., unsorted recyclables including paper, glass, and plastic #3, #4, #6, and #7), then AB 881 would classify the mixed materials as disposal (since the mixture is not only plastic #1, #2, or #5). Excluding such mixed materials from the definition of mixed plastic simply because the materials also include paper and glass would circumvent the intent of AB 881 and is inconsistent with statute.</p> <p>Further, it's important to note that AB 881 has two implicit definitions for exported mixed plastic waste: diverted vs disposed exported mixed plastic waste. AB 881 defines disposed exported mixed plastic as those materials that do not meet the definition of diverted exported mixed plastic. Diverted exported mixed plastic is mixed plastic comprising only high-density polyethylene, polypropylene, polyethylene terephthalate, or a mixture of those plastics, which is exported to a country following all laws of the country. In the RCORS regulations, CalRecycle is creating a definition of mixed plastic waste that is used in the context of disposal export, rather than diversion export. Thus, the definition uses the logic that mixed plastic is anything that is not what is indicated as diversion by AB 881. If CalRecycle were to define mixed plastic as only high-density polyethylene, polypropylene, polyethylene terephthalate, or a combination of those three resin types, then that definition would refer to diverted mixed plastic, which would be inappropriate in the context of the regulations.</p>
45-E-8C	First 45 Day	Dorothy Poole	Rural County Representatives of California (RCRC)	3/15/2023	Email	<p>• The definition (43) "Recycle" or "recycling does not provide clarity and is not consistent with the Initial Statement of Reasons.</p> <p><u>Section 18815.2 Definitions, (43) "Recycle" or "recycling", page 7</u></p> <p>The proposed addition "that recycling shall also include all activities considered recycling for purposes of section 41821.5 of the Public Resources Code" is confusing since that section does not specifically identify activities considered as recycling. Section 41821.5 refers Public Resources Code section 40180 and "except that recycling is not limited to the processing of materials that would otherwise become solid waste, but also includes processes applied to nonhazardous materials that have value principally as a feedstock for that processing, regardless of whether the materials have been discarded or constitute solid waste." Public Resources Code section 40180 which states:</p> <p>"Recycle" or "recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace. "Recycling" does not include transformation, as defined in Section 40201 or EMSW conversion.</p> <p>Section 40180 clearly limits "recycle and recycling" to processing and returning materials to the "economic mainstream in the form of raw material". The inclusion of activities listed in as in (43)(A) through (D) and registration as a "recycler" for activities that only process various materials is inconsistent with section 40180 and 41821.5 that require return to the economic mainstream or as a feedstock. Many of the activities listed in (43)(A) through (D), such as sorting, cleaning, and baling, are common activities that may occur at a transfer station or landfill. Including these activities would result in those transfer stations and landfills also being required to register as recyclers.</p> <p>Without clearly indicating that recycle or recycling is limited to returning the materials to the economic mainstream or feedstock, locations that sort carpet, furniture, or brown and white goods, as well as other simple activities would be required to register as recyclers.</p> <p>The proposed Initial Statement of Reasons indicates the change is needed to update the definition to address changes to reuse.</p> <p>Since the proposed addition of Section 41821.5 is overly broad and inconsistent with the intent to address reuse, the addition of "except that recycling shall also include all activities considered recycling for purposes of section 41821.5 of the Public Resources Code" should be removed.</p>	18815.2(a)(43)	Definition of Recycling	<p>CalRecycle accepts this comment. In response to this comment, CalRecycle has updated the proposed regulation to address the lack of clarity identified by the commenter: whether the activities in subparagraphs (A) through (D) are limited by the definition of "recycling" pursuant to PRC sections 40180 and 41821.5(i).</p> <p>To the extent that the commenter asserts that a facility can only be required to report if it is directly involved in the final step of the overall recycling process described in PRC section 40180 ("returning [materials] to the economic mainstream"), no further change is required because statute does not require facilities to perform that final step for the obligation to report as a recycling facility to apply. Under PRC sections 40180 and 41821.5(i), a facility is a recycling facility if it processes materials as part of the overall process described in those sections. Moreover, 41821.5(i) specifically states that recycling facilities include those that process materials "regardless of whether the materials have been discarded or constitute solid waste"; in other words, it is irrelevant whether materials are ever removed from the "economic mainstream" to begin with.</p> <p>Moreover, multiple other provisions in the RDORS make clear that CalRecycle's authority to require reporting of activities listed in subparagraphs (A) through (D) is not limited to activities that encompass the entire recycling process. For example, PRC section 41821.5(b)(1) states that reporting by recycling facilities includes materials sent to other recycling facilities, and users, exporters, brokers, transporters, and disposal facilities. More generally, 41821.5(c) authorizes CalRecycle to adopt regulations that "provide a representative accounting of solid wastes and recyclable materials that are handled, processed, or disposed." Requiring facilities that perform the activities listed in subparagraphs (A) through (D) to report as recycling facilities is consistent with that authority.</p> <p>Regarding the comment's claim about inconsistency in the Initial Statement of Reasons (ISOR), the ISOR explains that the change with respect to "reuse" is nonsubstantive. This change just updates the paragraph number for referencing the definition of reuse. The reuse change is independent of the other changes to subsection 18815.2(a)(43).</p>
45-E-8D	First 45 Day	Dorothy Poole	Rural County Representatives of California (RCRC)	3/15/2023	Email	<p>• Additional time beyond 10 days may be needed to resolve discrepancies and should be allowed as well as allowing an opportunity and time to contest the alleged discrepancy.</p> <p><u>Section 18815.3 (n)(5), Discrepancy notification page 15</u></p> <p>This proposed section requires resolving a reporting discrepancy within 10 business days. If there is agreement on the discrepancy, 10 business days is sufficient time to resolve the discrepancy. If there is not agreement with the discrepancy or if the discrepancy requires coordination and cooperation with many other parties, 10 business days will not be sufficient.</p> <p>The regulations should allow for additional time to resolve the discrepancy. This proposed allowance could be similar to:</p> <p>(5) If the Department notifies reporting entities of a discrepancy between their submitted reports, or if the reporting entities discover a discrepancy themselves, then it shall be the responsibility of the reporting entities to compare relevant records and resolve the discrepancy in each of their reports within 10 business days. If more than 10 days are required to resolve the discrepancy, the reporting entities should notify the Department of the reasons for the delay and propose a new deadline for resolution.</p>	18815.3(n)(5)	Reporting and/or Registration	<p>Same response as comment 45-E-8A.</p>

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45-E-8E	First 45 Day	Dorothy Poole	Rural County Representatives of California (RCRC)	3/15/2023	Email	<p>• Requiring self-haul to be separated into residential and commercial is not necessary and the default distinction using commercial emblems or licenses are arbitrary.</p> <p>Section 18815.9 Methods (c)(1)(D), page 32</p> <p>This proposal seeks to create and arbitrary distinction between self-haul commercial and selfhaul residential based upon whether the vehicle has a commercial emblem or commercial license plate. The Proposed Initial Statement of Reasons indicates this change is proposed "to increase the accuracy of source sector data". Increasing accuracy of data can be helpful but notification is provided as to why that increased accuracy is beneficial and justifies the level of effort needed by reporting entities to capture this data.</p> <p>Requiring this distinction for allocating self-haul by commercial and residential should be removed as a requirement since it is not necessary as a required distinction of source sector.</p> <p>The proposed distinction between commercial and residential is arbitrary. Larger pickup trucks are usually assigned commercial plates even if solely used for personal use. Many residents, especially in rural areas, have vehicles they use for both business and personal use so delivered loads are often combined residential and commercial and this proposal has no means of allocating a load between the two proposed source sectors. Rental moving vehicles are often used for moving residential materials and are issued commercial plates. As proposed, a resident in a personal vehicle hauling their own materials would be classified as self-haul residential but if they rented a moving truck or van, the wastes would be classified as commercial even if it is the same waste from the same residential source. This arbitrary distinction based upon commercial emblems or licenses will result in skewed allocations and not provide the accuracy claimed in the proposed Initial Statement of Reasons.</p> <p>This section should be revised to eliminate the arbitrary distinction.</p> <p>(1) Assigning source sector based on vehicle type, such as: (A) small vehicles, such as automobiles, pickups and small trailers, and flat beds as "self-hauled." (B) Side loaders as "contract-hauled single-family residential." (C) Front loaders, and rear loaders, and roll-off trucks as "contract-hauled commercial/multi-family."</p> <p>This elimination should be imposed on all of the commercial and residential self-haul distinctions throughout the proposed regulations, especially throughout Section 18815.9 Methods, since this distinction is arbitrary, inconsistent, and the effort to capture that data is not justified.</p>	18815.9(c)	Source Sector	Same response as comment 45-E-8B.
45-E-8F	First 45 Day	Dorothy Poole	Rural County Representatives of California (RCRC)	3/15/2023	Email	<p><u>Section 18815.2 Definitions, (58) "Source Sector", page 8</u></p> <p>The addition of (D) is not clear what the name of the term to be used for this source sector.</p> <p>The addition indicates, this new source sector as:</p> <p>(D) Reporting entity other than contract hauler or transfer/processor. Commencing with reporting period 4 of 2024, residual disposal from, and material sent by, recyclers, composters, brokers, transporters, and disposal facilities shall be assigned to this source sector.</p> <p>The change is not clear as to whether this new source sector is one sector such as "other" or is the intent to have source sectors for each of the entities listed separately as recyclers, composters, brokers, transporters, and disposal facilities. Grammatically, the proposed language seems to classify all of the entities as one source sector. Clarification is needed as to the specific source sector.</p>	18815.2(a)(58 ) and 18815.9(c)(7)	Source Sector	<p>CalRecycle accepts this comment. The new source sector category was removed.</p> <p>The new source sector category was removed because CalRecycle eliminated the distinction between residential and commercial self-haul. Given stakeholder feedback that splitting self-haul into residential and commercial was not worthwhile, CalRecycle decided that the new fourth category of source sector would provide limited benefit relative to cost to the regulated community. Thus, CalRecycle reverted source sector to its original form, which did not include the fourth category. See subsections 18815.2(a)(58), 18815.9(c)(6), and 18815.9(c)(7) (the 7) that was struck out).</p> <p>Note that within 18815.9(c), the last paragraph was renumbered from (8) to (7) because the original paragraph (7) was deleted. The renumbering of (8) to (7) is nonsubstantive and without regulatory effect.</p>
45-E-8G	First 45 Day	Dorothy Poole	Rural County Representatives of California (RCRC)	3/15/2023	Email	<p>Section 18815.9 (c)(7) Methods, Residual, page 32</p> <p>This section deals with assigning source sector but assigns the residual to the reporting entity. The proposal is not clear what the term for this new source sector is to be named.</p>	18815.9(c)(7)	Source Sector	Same response as comment 45-E-8F.
45-E-8H	First 45 Day	Dorothy Poole	Rural County Representatives of California (RCRC)	3/15/2023	Email	<p><u>Section 18815.2 Definitions, (25.3) "Export", page 5</u></p> <p>This definition is confusing in that the first sentence limits the meaning "as in subdivision (c) of section 41781.4 of the Public Resources Code" which indicates "export" means export out of the country". However, the second sentence indicates "Material shall be considered exported to the location where the material is received by the recipient, regardless of any address or location associated with the exporting reporting entity." The location where material is received may be in the United States. This definition should be clarified to indicate that, "Material shall be considered exported to the location out of the county where the material is received by the recipient."</p>	18815.2(a)(25.5)	Mixed Plastics Export	<p>CalRecycle accepts this comment. The original definition of export did not include the phrase "out of country" because the statute, 41781.4(c), currently exempts materials sent to Canada and Mexico from being considered disposal. Further, because the RDRS regulations seek to capture outflows of mixed plastic that are considered disposal rather than diversion, the definition of export is focused only on exported materials that will be considered disposal. If the proposed language had included the phrase, "out of country," then that would have included materials sent to Canada and Mexico, which are not currently considered export (i.e., disposal) according to 41781.4(c).</p> <p>That being said, CalRecycle updated the definition of export, 18815.2(a)(25.5), to clarify that the sentence of interest was meant to be used to identify the destination rather than whether or not the destination counted as export. That is, to determine whether a destination should be considered export, one first needs to identify the destination. When identifying the destination, entities need to use the location where the material is actually received (e.g., if a facility has a business address in California but receives the material in Canada, then the destination would be Canada). Whether the identified destination (e.g., Canada) will be considered "export" will depend on 41781.4(c).</p>
45-E-8I	First 45 Day	Dorothy Poole	Rural County Representatives of California (RCRC)	3/15/2023	Email	<p><u>Section 18815.3, (c) Multiple reporting entities on single site, Page 16</u></p> <p>This allowance seems to allow multiple reporting entities on a single site to report as one site. If this is the intent, this allowance is much appreciated to streamline reporting and avoid multiple activities on the same site from reporting to each other and allow transfer of materials between these multiple entities that is not easily allowed under the current reporting system.</p>	18815.3(a)	Reporting and/or Registration	CalRecycle rejects this comment. 18815.3(c) does not allow multiple entities on the same site to report together. For clarification, CalRecycle edited 18815.3(c)(1) to say that sites with multiple reporting entities should refer to 18815.3(d) for how to report.
45-E-8J	First 45 Day	Dorothy Poole	Rural County Representatives of California (RCRC)	3/15/2023	Email	<p><u>Section 18815.6 (b) Reporting Requirements for Disposal Facilities, Page 23</u></p> <p>This section assigns a disposal facility with materials that are accepted and directly transported from the disposal facility. This assignment is misleading especially if the jurisdiction or jurisdictions of origin are known or can be allocated. Based upon the same allowance as indicated in Section 18815.9 Methods (b)(4) on page 31. This section should be revised to indicate that allowance such as:</p> <p>A disposal facility receives and directly transfers material that is not solid waste, designated waste, disaster debris, or material for potential beneficial reuse to another reporting entity inside or outside California, then that material is considered as having been generated by the disposal facility unless the jurisdiction of origin is known or allocated per a collection method provided in Section 18815.9 (b)(4).</p>	18815.6(b)	Reporting and/or Registration	<p>CalRecycle rejects this comment. Section 18815.6(b) explains the reporting requirements for material generated on-site. Importantly, material generated on-site can have any material stream (e.g., solid waste or recycling/composting). However, the comment specifically relates to the portion of 18815.6(b) that which explains when material that is not solid waste, designated waste, disaster debris, or beneficial reuse shall be considered generated on-site. Importantly, when material is not solid waste, designated waste, disaster debris, or beneficial reuse, the only remaining options are recycling/composting, and use, brokering/transporting, and exported mixed plastic waste. The reporting requirements for these streams do not vary depending on whether the jurisdictions of origin for the materials are known. Thus, there is no reason to make the commenter's proposed change.</p> <p>In addition, if this comment reflects underlying concern over determining jurisdiction of origin for materials generated on-site, then: When the proposed regulations say that a disposal facility shall consider material generated on-site, generated on-site does not mean that a disposal facility has to host-assign the materials to the facility's jurisdiction. Rather, pursuant to 18815.9(b)(2-4), if the disposal facility knows the specific jurisdiction of origin for the materials generated on-site, then the disposal facility can use those specific jurisdictions rather than the host-assigned location of the facility.</p>
45-E-8K	First 45 Day	Dorothy Poole	Rural County Representatives of California (RCRC)	3/15/2023	Email	<p><u>Section 18815.9 Methods, page 28</u></p> <p>Subsection (A)(1)(b) addresses "material sent for beneficial reuse". Beneficial reuse is determined by the receiving facility not the sending facility. This section should be revised to indicate:</p> <p>(D) With the exception of material received and designated for beneficial reuse, contract haulers,</p>	18815.9(a)	Material Type	<p>CalRecycle accepts this comment. The comment identified that the originally proposed language in 18815.9(a)(1)(B), (C), and (D) required that all entities reporting beneficial reuse report material type of that material according to subsection 18815.9(a)(3). However, subsection (a)(3) dictates how material type should be reported according to beneficial reuse type: ADC, AAC, landscaping, erosion control, and construction. Only landfills will know the beneficial reuse type. So any entity, other than a landfill, that reports beneficial reuse cannot follow (a)(3) to report material type. Thus, CalRecycle updated the regulations to fix this discrepancy. Several changes were made to subsection 18815.9(a)(1):</p> <ul style="list-style-type: none"><li>• Updated subparagraph (B) to delete the introductory clause, "With the exception of material sent for beneficial reuse."</li><li>• Rewrote subparagraph (C) to say, "Disposal facilities reporting inflows of materials that are used for beneficial reuse shall report material type pursuant to paragraph (3). Reporting entities reporting potential beneficial reuse shall report material type pursuant to paragraph (2). No reporting entity shall include tons of clean or contaminated soil in the tons of potential beneficial reuse."</li><li>• Updated subparagraph (D) to delete the introductory clause, "With the exception of material sent for beneficial reuse."</li><li>• Updated subsection (D)(i) to explain that it applies only when subparagraph (C) does not apply: "Except as described in subparagraph (C), all other material..."</li></ul> <p>Because of the above changes, which clarify that material type for potential beneficial reuse (rather than actual use of materials for beneficial reuse at a landfill) should be reported pursuant to subsection 18815.9(a)(2), CalRecycle made the following additional amendments:</p> <ul style="list-style-type: none"><li>• 18815.5(a)(3)(C) was updated to correct a regulatory reference. This subsection originally stated that transfer/processors should report material type of potential beneficial reuse according to 18815.9(a)(3). Based on the changes to 18815.9(a), this reference should read 18815.9(a)(1)(C) instead.</li><li>• To be consistent with 18815.9(a)(3), a new subparagraph (E) was added to 18815.9(a)(2) to clarify that the material type for green material for potential beneficial reuse shall always be reported as green material.</li></ul>
45-E-8L	First 45 Day	Dorothy Poole	Rural County Representatives of California (RCRC)	3/15/2023	Email	<p><u>Section 18815.9 Methods (b)(3.5), (4), and (5), page 31</u></p> <p>The allowance for allocating jurisdiction of origin is much appreciated. Previously, all residuals were assigned to the host jurisdiction which unfairly penalized that jurisdiction. Efforts were made to incorporate this common industry practice into the original RDRS regulations but were rejected. This proposed allowance fixes that host penalty issue. It is not clear as to why transfer/processors (3.5) and reporting entities (5) do not have the same options for allocation as for the other facilities listed under (4). All types of facilities should have the same allowances for allocating tonnages.</p>	18815.9(b)(3) through (5)	Jurisdiction of Origin	<p>CalRecycle accepts this comment. The intent was not to limit transfer/processors relative to other reporting entities. For local transfer/processors sending recycling and composting (paragraph 3.5), and for all local entities exporting mixed plastic waste (paragraph 5), we had assumed that the local entity would calculate inbound percentages based on the inflow methods specified in paragraphs (2) through (2.6). Then, the entity would use the inbound percentages to calculate outflow percentages. If inbound materials are host-assigned, then this method is the same as (4)(C). If inbound materials are not host-assigned, then this method is the same as (4)(A) or (4)(B), depending on how much detail the local entity has about its inflows and outflows.</p> <p>However, for clarity, CalRecycle deleted paragraphs (3.5) through (5) and generalized paragraph (3) to apply whenever any entity (rather than just transfer/processors) is calculating jurisdiction of origin for tons sent pursuant to Article 9.25. Paragraph (3) also now includes language allowing facilities greater flexibility regarding host-assignment (i.e., what was formerly subparagraphs (A) through (C) within paragraph (4) is now included as subparagraphs of paragraph (3)).</p>

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						Dear Director Wagner: On behalf of the undersigned, we thank you for the opportunity to submit comments regarding Recycling and Disposal Reporting System Permanent Regulations implementing SB 343 (Allen, Statutes of 2021, Chapter 507), "Truth in Labeling for Recyclable Materials." We respectfully urge CalRecycle to exercise its regulatory authority to create an on-ramp for materials on track to meeting statewide recycling goals so that they can continue to be classified as recyclable during a critical transition period. The purpose of SB 343 was to provide consumers with accurate information about what is and is not recyclable in California. This information helps consumers make more informed choices when it comes to purchasing products and provides guidance at the end of the product's life on the correct method of disposal or recycling. By making this change, the law seeks to lower recycling processing costs and reduce the amount of non-recyclable plastics that must be sorted to landfill or incineration. SB 343 tightens the requirements around the permissible use of the "chasing arrows" recycling symbol and plastic packaging resin identification code as well as when claims of recyclability can be made. It also requires CalRecycle to publish the types and forms of products and packaging that get recycled according to rules set by the State. In order to determine recyclability, SB 343 set out a two-prong test materials have to meet. This approach created a binary—"in or out"—analysis to determine whether material types and forms can be claimed as recyclable in the state of California based on what is currently recycled at specified rates. Regrettably, this approach creates a pitfall for the state as materials that enjoy growing collection, sortation and end market demand, but may fall short of the thresholds set out in the bill, will lose any recyclability designation or claims, resulting in the likely diversion of these materials to landfills. This is a negative environmental outcome that would undermine millions of dollars of private and public investments to increase the collection and sortation of these materials. It would decrease the state's recycling rates—not increase them. There are two important avenues that provide CalRecycle with rulemaking authority to create an on-ramp for materials on track to meeting statewide recycling targets set under SB 54 (Allen, Statutes of 2022, Chapter 75), the Plastic Pollution Producer Responsibility Act. CalRecycle has authority under Public Resources Code Section 42355.51 (d)(6) to determine that any product or packaging in compliance with "a program established pursuant to state or federal law on or after January 1, 2022, governing the recyclability or disposal of that product or packaging" is in compliance with SB 343 so long as the agency determines it will not increase contamination of curbside recycling or otherwise deceive consumers. Since SB 54 creates such a program, we urge the agency to exercise its authority and create a streamlined process in order to avoid a product by product and package by package determination that could inundate the agency with requests for tens of hundreds of thousands of material types and forms in the marketplace that will result in unnecessary delay and confusion. Since the program referenced above will not be implemented by the effective date of SB 343, SB 54 expressly contemplated an interim on-ramp by giving CalRecycle the authority under Public Resources Code Section 42061 (a)(3)(B) to identify material types and forms that, while not meeting the SB 343 60% thresholds, are trending toward meeting it through statewide recycling programs or alternative programs, such as industry-funded or third party take-back systems, and whose continued collection, sortation, and end market development and investments would be disrupted by a loss of the recyclable designation. The language modified CalRecycle's authority under SB 343 to proactively identify these material types in its first material characterization study. Materials identified may continue to be labeled as recyclable until they are part of and in compliance with the program discussed above. We strongly urge CalRecycle to exercise its authority under both avenues to avoid restricting recyclability claims on materials with growing collection rates and while state-approved Extended Producer Responsibility programs are put into place. Preserving the ability of these identified materials to be labeled as recyclable until they are part of and in compliance with the EPR program established by SB 54 will further accelerate recycling outcomes for these materials if managed effectively and avoid the negative environmental outcome of otherwise recyclable material being landfilled. Thank you for your attention to this matter, and we look forward to further discussions with you on implementation of both legislative measures. Please direct further inquiries or follow up to John Hewitt via jhewitt@consumerbrandsassociation.org. Sincerely, Consumer Brands Association [et al.]			
45-E-9	First 45 Day	John Hewitt	Consumer Brands Association	3/15/2023	Email	Hi, Good afternoon. Veronica Pardo, Resource Recovery Coalition of California. We've submitted comments. I do have a question, a process question seeing the anticipated timeline. Are you anticipating another 15-day comment period, or it sounds like this package is going to go straight for approval, which is in response. So I'm just curious if any of our recommendations might be, you know, added to the final rulemaking.		Definition of Recycling	CalRecycle rejects this comment. No response is required because the comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process.
45-T-10	First 45 Day	Veronica Pardo	Resource Recovery Coalition of California (RRCC)	3/15/2023	Public Hearing			Other	Response from Kris Chisholm at Public Hearing: We haven't made the decision on whether or not to incorporate comments into the rulemaking to change the regulations as they're currently drafted. We'll be making those decisions after we receive all comments at the end of the 45-day period.
						Okay. Thank you for that clarification [where clarification refers to Kris Chisholm's response to comment 45-T-10]. Knowing that then, I think it might be prudent then to reiterate our comments, so we appreciate several changes to the regulations that we think are making them more practical, the definition to broker being one example and the benefit for facilities to better allocate jurisdiction of origin for material. I think those are positive changes. We do have two requests that we put in our written comments. One is to extend the date to Q1 of 2025 for the reporting entities for this obligation.		Reporting and/or Registration	Same response as comment 45-E-6C.
45-T-10A	First 45 Day	Veronica Pardo	Resource Recovery Coalition of California (RRCC)	3/15/2023	Public Hearing		Throughout	Reporting and/or Registration	Same response as comment 45-E-6E.
45-T-10B	First 45 Day	Veronica Pardo	Resource Recovery Coalition of California (RRCC)	3/15/2023	Public Hearing	We do think that you should take the time for beta testing, user interface with reporting entities, and maybe work through some of the expectations with the collection methods. I think that one is a new reporting expectation that might be a little bit tricky for folks, and then		Reporting and/or Registration	Same response as comment 45-E-5B.
45-T-10C	First 45 Day	Veronica Pardo	Resource Recovery Coalition of California (RRCC)	3/15/2023	Public Hearing	we do question the need to further delineate self-haul into residential and commercial. I think the data you'll collect there won't necessarily be that accurate. We've had these conversations before about that kind of data collection, but it's a lot to ask for facilities, and we don't think it's necessarily aligned with the expectations in the new bills that we address in our comments, so anything that's aligned with -- I want to get it correctly -- the AB 881 and 343, I believe, you know, understand -- oh, it's up there; SB 343 --understand those changes, but if anything that's additional and burdensome to facilities, we would prefer to see that removed, so appreciate the opportunity to make these recommendations, and thank you for your time.	18815.9(c)	Source Sector	Same response as comment 45-E-5B.
45-T-11	First 45 Day	Larry Sweetser	Rural County Representatives of California (RCRC)	3/15/2023	Public Hearing	Thank you. Larry Sweetser on behalf of the Rural Counties Representatives of California and the Environmental Services Joint Powers Authority. I've worked with this on the RDRS regs on the previous version, and I'd like to continue and appreciate the opportunity. We did submit written comments, and thank you for confirming they were there. Just a couple of highlights. I want to echo the concern that Veronica Pardo mentioned, in terms of dividing self-haul into residential and commercial. We're really concerned about that because a lot of our residents are tonnages in rural areas is based on self-haul, and the arbitrary distinction of residential and commercial is not very easy to distinguish one over the other. Sometimes it's mixed, and as pointed out in our comments, one of the suggestions was to use the commercial plate or commercial emblems. Many people use those vehicles for multi-purpose, so just that emblem itself may indicate that it was commercial. Also, if somebody rents a vehicle like a U-Haul or one of the other ones or they hire a contractor to use that and they have a commercial emblem, and it would get confusing to use that distinction for commercial, versus residential. We're not sure what the purpose of that distinction would be for us to gather that information, so it wasn't clear in the statement of reasons if it was being made to give more specific or more exact data. We think it tends to more inaccurate data for that, so we look forward to getting clarification on that.	18815.9(c)	Source Sector	Same response as comment 45-E-8A.
45-T-11A	First 45 Day	Larry Sweetser	Rural County Representatives of California (RCRC)	3/15/2023	Public Hearing	Another major concern was the collection method. The 10.5 SB 343 asks for more information on the collection method for plastics and packaging and products, but the definition used also indicates other materials, which we're not sure. That's a very broad category. Packaging and plastic containers could include a lot of things that are other materials, so there's no delineation of what those are, whether they even related to the packaging. It could be organics, it could be metal, cardboard. I mean, it could be all kinds of things that are related to "other," so we're concerned about that broad of a category being used, as far as a collection method distinction.	18815.2(a)(10.5)	Collection Method	Same response as comment 45-E-8B.
45-T-11B	First 45 Day	Larry Sweetser	Rural County Representatives of California (RCRC)	3/15/2023	Public Hearing	And, also, concern is exporting some of the materials. We understand what was in the two legislations, as far as exporting and making sure that material exported, particularly out of the country, is properly managed and actually set for recycling, as opposed to sham recycling or wish recycling, and if it can't be demonstrated, it becomes disposal. We understand the need to do that. It just seems overly broad, in terms of some of the other materials that may be exported in passing on the intent of those two legislations into other materials beyond just the packaging and the materials both for 881 and 343, so that's our major concerns with the proposed package, and we hope to have those addressed and understand a little bit better why those were put in there, so thank you very much.	18815.2(a)(38.4)	Mixed Plastics Export	
45-T-12	First 45 Day	Chuck Helget	Republic Services	3/15/2023	Public Hearing	Chuck Helget representing Republic Services. Just very quickly, lend our support. We've submitted our letter, our comments through a letter but also wanted to lend support to Larry Sweetser's comments and to those of Veronica Pardo presented today particularly regarding the timing of the regs, the self-haul issue, and the collection of the (inaudible).	Throughout	Other	For the timing of regulations, see response to comment 45-E-6C. For the self-haul issue, see response to comment 45-E-5B. For the collection method issue, see response to comment 45-E-8A.
45-T-13	First 45 Day	Chuck Muir	City of Palo Alto	3/15/2023	Public Hearing	Yeah. Thank you. Yeah, this is Chuck Beard (phonetic) with the City of Palo Alto. I actually have a couple of questions. One question is, what happens if a city in accepting more materials than what is listed in CalRecycle's final list? That's kind of one question: Will the city have to stop collecting the extra material or will it be okay to continue, as long as there's some sort of proof of recycling?		Other	CalRecycle rejects this comment. No response is required because the comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process.
45-T-14	First 45 Day	Chuck Muir	City of Palo Alto	3/15/2023	Public Hearing	Thank you. I do have another question if that's okay. Can I ask that? Okay. Yeah. One question I had is what happens when the California broker sells waste materials to a non-California broker? It seems like the chain of custody gets broken, and there may not be a good way to know the final destination of the waste material. Is that something that will be addressed in either 343 or 881?	18815.8	Reporting and/or Registration	See response to comment 45-E-7C.  See below for response from Dan Brown at the Public Hearing.  So on that, again, if you reach out to our RDRS assistance team, we can help walk through some of the logistics of reporting, so I can't necessarily get into those details right now, but we can (inaudible) through the scenarios and make sure you're provided the correct guidance.
45-T-15	First 45 Day	Larry Sweetser	Rural County Representatives of California (RCRC)	3/15/2023	Public Hearing	Yes. This is Larry (inaudible) following up on (inaudible) part of those discussions, as well. We understand the intent is to track materials and make sure it's managed and (inaudible). The difficulty many of us have is that when you send the material off for recycling purposes from a solid waste transportation landfill (inaudible) outpost even, the end destination will pass through many hands. We may not always be privy to it, the final destination, only the next destination, and even if we are told where it goes, it may not actually get there. May be diverted portions, may be diverted, so it's going to be a very tricky complication, so if there are further discussions, we would like to be part of that discussion. Thank you.		Other	To the extent that the comment claims that the regulations could not be complied with because facilities do not know, and therefore cannot report, materials' final destinations, the comment misstates reporting obligations and thus does not merit any modification to the proposed regulations. The comment refers to the situation in which a reporting entity A sends materials to a destination 1, and destination 1 then itself sends materials to another destination, destination 2. The commenter claims that reporting entity A cannot determine the identity of destination 2 and thus cannot report that information. However, existing and proposed regulations do not require entity