

Department of Resources Recycling and Recovery
Illegal Disposal Permanent Regulations

FINAL STATEMENT OF REASONS

UPDATE TO INITIAL STATEMENT OF REASONS

The Initial Statement of Reasons (ISOR), released on July 18, 2025, is incorporated by reference herein. The ISOR contained a description of the rationale for the proposed amendments. On July 18, 2025, all Documents Relied Upon and identified in the ISOR were made available to the public.

SPECIFIC PURPOSE AND NECESSITY OF THE PROPOSED REGULATIONS

Only nonsubstantial changes were made to the proposed regulations after noticing on July 18, 2025. The following are the specific purposes and necessities of those changes.

Title 14. Natural Resources

Division 7. DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

CHAPTER 3. Minimum Standards for Solid Waste Handling and Disposal

ARTICLE 6.2. Operating Standards

Section 17409.5.12. Transfer/Processing EA Verification Requirements.

Subsection (c)

The purpose of this amendment is to update the section that references the physical contamination limits under the land application definition.

The amendment is necessary because the regulatory language in this subsection that referenced the physical contamination limits under the land application definition in 14 CCR Section 17852(a)(24.5) was relocated to the new standalone regulatory section in 14 CCR Section 17862.4. This amendment is necessary to ensure this section is consistent with proposed change.

**CHAPTER 3.1. Compostable Materials Handling Operations and Facilities
Regulatory Requirements**

ARTICLE 2. Regulatory Tiers for Composting Operations and Facilities

Section 17862.1. Chipping and Grinding Operations and Facilities.

Subsection (d) and (e)

The purpose of this amendment is to update the section that references the maximum metal concentration, pathogen reduction requirements, and physical contamination limits under the land application definition.

The amendment is necessary because the regulatory language in this subsection that referenced the maximum metal concentration, pathogen reduction requirements, and physical contamination limits under the land application definition in 14 CCR Section 17852(a)(24.5) was relocated to the new standalone regulatory section in 14 CCR Section 17862.4. This amendment is necessary to ensure this section is consistent with proposed change.

CHAPTER 3.2. In-Vessel Digestion Operations and Facilities Regulatory Requirements

Article 4. Record Keeping Requirements

Section 17896.45 Record Keeping and Reporting Requirements

Subsection (a)(7)

In the Initial Statement of Reasons made available on July 18, 2025, the explanation for this provision was mistitled as “Subsection (a)(5)”. This is being noted in this Final Statement of Reasons, and the purpose and necessity as published in the Initial Statement of Reasons is otherwise unchanged, but is being republished here:

The purpose of this amendment is to add the volume, delivery date and destination address of where material is sent to the list of record keeping requirements for in-vessel digestion facilities and operations.

This amendment is necessary for CalRecycle and EAs to review the specific facts in the records to verify that material sent offsite for land application meets the requirements of section 17852(a)(24.5) and allow EAs to perform enforcement duties based on those facts. The delivery date is required because it will assist CalRecycle and EAs with being able to trace the load of material from operator to person receiving the material. The volume is required because it will assist CalRecycle and EAs with verifying the total amount actually sent to the person receiving the material. The weight of the material is required because it will assist CalRecycle and EAs with being able to evaluate the amount of the material. The volume and weight of the material will assist CalRecycle and EAs in identifying the amount of material land applied at a location. The destination address is required because it will assist CalRecycle and EAs with verifying delivery location.

Article 6. Digestate Handling Standard

Section 17896.57. Digestate Handling.

Subsection (a)(3)(B)

The purpose of this amendment is to update the section that references the land application requirements under the land application definition.

The amendment is necessary because the regulatory language in this subsection that referenced the land application requirements under the land application definition in 14 CCR Section 17852(a)(24.5) was relocated to the new standalone regulatory section in

14 CCR Section 17862.4. This amendment is necessary to ensure this section is consistent with proposed change.

Chapter 12. Short-Lived Climate Pollutants

Article 12. Procurement of Recovered Organic Waste Products

Section 18993.1. Recovered Organic Waste Product Procurement Target.

Subsection (f)(4)(A)

The purpose of this amendment is to update the section that references the physical contamination, maximum metal concentration, and pathogen density standards for land application under the land application definition.

The amendment is necessary because the regulatory language in this subsection that referenced the physical contamination, maximum metal concentration, and pathogen density standards for land application under the land application definition in 14 CCR Section 17852(a)(24.5) was relocated to the new standalone regulatory section in 14 CCR Section 17862.4. This amendment is necessary to ensure this section is consistent with proposed change.

LOCAL MANDATE DETERMINATION

CalRecycle has determined that this regulatory action will not result in a mandate to any local agency or school district the costs of which are reimbursable by the state pursuant to Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code.

CONSIDERATION OF ALTERNATIVES

For the reasons set forth in the ISOR, in CalRecycle's summary and response to public comments, and in this FSOR, CalRecycle has determined that no alternative considered by CalRecycle would be more effective in carrying out the purpose for which the regulatory action was proposed, would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the action taken by CalRecycle.

Statement Regarding Small Business Alternatives

No alternatives were considered by CalRecycle nor otherwise identified and brought to CalRecycle's attention that would lessen any adverse economic impact on small business, pursuant to Government Code section 113646.9(a)(5).

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE ILLEGAL DISPOSAL PERMANENT REGULATIONS 45-DAY COMMENT PERIOD AND PUBLIC HEARING

Summary of Comments Received

Written comments were received by CalRecycle during the 45-day comment period which began on July 18, 2025, and ended on September 9, 2025. Written and oral comments were additionally received at a public hearing on September 2, 2025.

The comments received during the 45-day comment period and public hearing are included on the attached Illegal Disposal Rulemaking Comment Matrix, which shows the corresponding comment code, California Code of Regulations (CCR) section that the comment is in reference to (if applicable), the commenter's name, their organization, and CalRecycle's response to the comment. Please refer to the Illegal Disposal Rulemaking Comment Matrix for the list of 59 total comments received during the 45-day comment period and public hearing. The Illegal Disposal Rulemaking Comment Matrix is included in the final rulemaking file and is incorporated by reference.

Please note that the comment submission code I-3-1 became unnecessary during the drafting process and was not used in the Illegal Disposal Rulemaking Comment Matrix, therefore CalRecycle's response was intentionally left blank. Despite this skipped code I-3-1, all of the comments received in the Illegal Disposal Rulemaking have been considered and responded to by CalRecycle.

CalRecycle's Response to Comments Received

CalRecycle would like to express its appreciation to the numerous organizations, agencies, and individuals that participated in the Illegal Disposal Permanent Regulations 45-Day Comment Period and public hearing. All comments are responded to in the Illegal Disposal Rulemaking Comment Matrix.

CalRecycle concluded that nonsubstantial amendments to all regulatory language that cross-referenced the requirements from the land application definition in 14 CCR Section 17852(a)(24.5) were required to accurately reference a new standalone regulatory section, titled as land application requirements in 14 CCR Section 17862.4.

Business Report

In the Notice of Proposed Action, CalRecycle stated that the proposed regulation does not require a report, nor does the report requirement apply to businesses and that it is necessary for the health, safety and welfare of the people of the state that the regulations and reporting requirements apply to businesses.

To clarify, CalRecycle intended only to say that "The proposed regulation does not require a report, nor does the report requirement apply to businesses."