

High Level Summary of Changes to AB 901 Regulations in the 15-Day Comment Period Version

CalRecycle Policy Development and Analysis Office 5/16/2018

This list does not contain corrections for grammar, capitalization, standardizing references, word usage, renumbering, or other minor clarifications.

Changes to Section 18794.2. Reporting Requirements for Calculations. Reworded pre-existing language, that should not have been struck in 45-day version, and moved it to this section to clarify that CalRecycle will use disposal tonnages reported in the Recycling and Disposal Reporting System (RDRS) to determine total tons disposed annually for each jurisdiction. Much like the current Disposal Reporting System (DRS), RDRS tonnages will be seamlessly uploaded into the jurisdictional Electronic Annual Reporting (EAR) system.

Changes that are Reflected in Multiple Sections.

- Clarified that jurisdiction of origin is only required for solid waste disposal, and green material beneficial reuse at a landfill, not disaster debris or designated waste (since they are typically removed from jurisdiction disposal totals by disposal modifications currently).
- Added the word “potential” before dispositions like recycling or disposal, since delivering entities may not know how a receiving entity will actually use a material.
- Clarified that only brokers and transporters who determine the destination of materials need to report.
- Clarified how to report on materials moved around the same site.

Section 18815.2 Definitions.

- Added definitions for “Automobile Dismantler” and “Automobile Shredder.”
- Clarified that “Beneficial reuse” is at landfills only and listed the covered activities.
- Clarified that only brokers who control and determine the destination of materials need to report.
- Added definition of “Business-to-business post-industrial recycling” so it can be excluded from reporting.
- Clarified that a “composter” is a person that operates a composting facility or operation.
- Added a definition of “Conveyance system” for onsite movement of materials to simplify the reporting.
- Clarified that “fuel consumers” are end users who take materials like biomass and tires. Biogas, ethanol and other liquid or gas fuels are not reportable materials.
- Changed “end product” to “intermediate product” to reduce confusion and clarified the wording.
- Clarified that food reuse (e.g. food banks and direct animal feeding) is reuse, so not a reportable activity.
- Added definition of “Maintenance District Yards” to clarify that they function as generators of material and are not subject to reporting requirements.
- Changed the definition of recycling to remove confusing reference to statute, to exclude reuse, and to clarify it produces intermediate products.
- Removed the definition of “recyclable material” because it was used only a few times and inconsistently.
- Clarified that a “recycler” is a person that operates a recycling facility.
- Added a definition of RDRS as the electronic reporting system for clarity.
- Added a definition of “Reuse” to clarify and distinguish it from beneficial reuse at landfills.
- Clarified that disaster waste and designated waste are to be included in the “self-haul” source sector.
- Clarified that only transporters who control and determine the destination of materials need to report.
- Removed the definition of “permitted landfill” because this term is not used in these regulations.
- Removed the definition of “waste-derived material”, appending verbiage to “beneficial reuse” to clarify that only waste-derived beneficial reuse material is subject to reporting.

Section 18815.3 Registration, Reporting and Exemptions.

- Restructured to include a list of who is out, a list of who is in, and clarify the criteria for everyone who is not listed. These lists are consistent with the original approach and criteria.
- Clarified that the inclusion of materials and their definitions are for examples of materials handled, not definitive definitions for all purposes.
- Clarified that activities with different owners need to register/report separately, even if on same site.
- Changed the registration deadline from November 30 to December 31, 2018 to give people more time.
- Added a subsection clarifying how reporting entities (such as business-to-business post-industrial recycling) who change business operations can request to go inactive, but CalRecycle will review the request.
- Clarified that the start date for RDRS record keeping starts on January 1, 2019.
- Clarified that weekends and holidays extend filing deadlines.

Section 18815.4 Reporting Requirements for Haulers.

- Separated out the specific requirements for self-haulers, food-waste self-haulers, and contract haulers.
- Clarified that self-haulers (other than food-waste self-haulers) do not report to the Department.
- Clarified that all haulers need to tell facilities about the jurisdiction of origin for the solid waste they deliver.
- Clarified that contract haulers do not need to report to the Department unless it takes material from a generator directly to land application or to a person out of the state.

Section 18815.5 Reporting Requirements for Transfer/Processors.

- Clarified that individual end users do not need to be identified in reports to the Department.

Section 18815.6 Reporting Requirements for Disposal Facilities.

- Clarified that material generated on-site at a disposal facility and sent to another reporting entity needs to be reported in tons by material type and end user category if applicable.
- Clarified the reporting requirements for beneficial reuse reporting by more clearly listing the 4 activity types for reporting and referencing the material types. Clarified that soil is not beneficial reuse.

Section 18815.7 Reporting Requirements for Recycling and Composting Facilities and Operations.

- Added the business-to-business post-industrial reporting requirements for other materials/sources.

Section 18815.8 Reporting Requirements for Brokers and Transporters

- Changed the name from “Transporters and Brokers” to “Brokers and Transporters” to avoid confusion with transfer/processors.
- Clarified the reporting requirements for materials going to another broker or transporter.

Section 18815.9 Reasonable Methods.

- Clarified that recyclers need to report disposal by material type (for example “unsorted paper bales” instead of “solid waste”).
- Clarified ADC and AIC material types by listing the standard material types.
- Clarified requirements for small sites without attendants.
- Clarified that if facilities use certified scales, they must report those amounts. If facilities or operations have non-certified scales, they need to use those, instead of using volume-to-weight conversion factors.
- Clarified, in detail, how to report on materials moved around the same site.

Section 18815.10 Procedure for Imposing Civil Liabilities.

- Changed “potential” compliance failure to “alleged” compliance failure as requested.
- Further clarified that reporting entities are not responsible for bad data they get from others.

Section 18815.11 Record Retention Requirements for a Reporting Entity.

- Clarified that entities do not need to create, use or keep records that are not applicable to their reporting entity type.

Section 18815.12 Confidentiality of Reports and Records and Record Review Requirements for a Reporting Entity.

- Clarified in (f) that a reporting entity may designate information as trade secret and that the Department will review the request pursuant to PRC 40062 and implementing regulations.

Section 18815.13 Complaints Regarding Non-Compliance.

- Clarified that anyone can report suspected non-compliance but they need to provide relevant, specific details to the Department.