

# 17<sup>th</sup> Technical Training Series



**April 3-6, 2017 · Long Beach Hyatt**  
200 South Pine Avenue · Long Beach, California, 90802



# Secondary Material Processing Regulations

17<sup>th</sup> Technical Training Series  
Long Beach Hyatt  
Long Beach, California

April 3, 2017

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# Background

Secondary processors of recycled materials may be receiving materials from MRFs/transfer stations that contain contaminant levels that do not allow them to meet the 3-Part Test.

If 90% of the material received is not recycled and/or the material is over 1% putrescible, the activity could be considered a solid waste operation or facility and subject to permitting requirements.

# Background

## Three-Part Test

- Source separated
- Less than 10% residual, based on a monthly average, and includes material sent for further processing at a solid waste site, as well as sent for disposal.
- Less than 1% putrescible material or not creating a nuisance.



# Background

- Existing glass container processing activities were initially identified as potentially being solid waste facilities.
- Emergency regulations were developed to provide clarity on how these processing activities should be regulated and to allow the activities to continue to operate without disruption.
- Glass container processing operations were placed within the transfer/processing regulatory framework in the EA notification tier.
- Emergency regulations were approved on October 4, 2016 and will be in effect for up to one year.

# Informal Workshop

CalRecycle staff held a workshop on December 21, 2016 to discuss the need for permanent regulations to replace the emergency regulations

Based on comments received at the workshop, CalRecycle staff developed informal draft proposed regulations to replace the emergency regulations.

# Draft Proposed Regulation Text

## Secondary Material Processing Facilities and Operations

- Existing activity whose primary purpose is to receive and process source separated, or separated for reuse, materials from a permitted transfer/processing facility or operation
- Do not meet the residuals and putrescible waste percentages as specified in Section 17402.5(d) (3 part test)

### Facilities

Amount of residuals 40% or higher (monthly basis)

Registration Permit Tier

### Operations

Amount of residuals less than 40% (monthly basis)

Enforcement Agency Notification Tier

# Draft Proposed Regulation Text

In addition to glass container processing activities, materials would also include plastics, paper, and cardboard.

Operating standard for salvaging is revised to better address material processing at secondary material processing facilities and operations.

All emergency regulation sections deleted.



# Informal Workshop

CalRecycle held a workshop on March 15, 2017 to obtain stakeholder input on the draft proposed regulation text.

Based on stakeholder input, the CalRecycle made the following revision to the draft proposed regulation text:

## Secondary Material Processing Facilities and Operations

~~Existing~~ Activity whose primary purpose is to receive and process source separated, or separated for reuse, materials from a permitted transfer/processing facility or operation

# Next Steps

Fiscal analysis of proposed regulations

Request extension of emergency regulations

Request to Director to begin formal rulemaking at CalRecycle Monthly Public Meeting

Submit Notice of Proposed Rulemaking

45 day public comment period

Receive/consider comments

Finalize regulation package

# Information on Rulemaking Process

**Transfer/Processing: Secondary Material Processing Facilities and Operations Rulemaking**

<http://www.calrecycle.ca.gov/Laws/Rulemaking/MtrlProcess/default.htm>

**Transfer/Processing: Secondary Material Processing Facilities and Operations**

**Rulemaking Listserv** <http://www.calrecycle.ca.gov/Listservs/>

**Send comments to:**

[transfer.processing.regs@calrecycle.ca.gov](mailto:transfer.processing.regs@calrecycle.ca.gov)

Questions?