

# Rigid Plastic Packaging Container (RPPC)

## Proposed Regulations

Public Workshop

June 8, 2011

# Workshop Agenda



- 10:00 Introductions and Overview
- 10:10 Certification Process Timelines –  
Presentation and Questions
- 10:40 Compliance Formulas –  
Presentation and Questions
- 11:15 Penalty Formulas –  
Presentation and Questions
- 12:00 Lunch break
- 1:00 Afternoon session

# Discussion #1



## Proposed Revisions: Certification Process Timelines

# Current Regulations



- 17946(b) specifies that certifications are due 90 days after the end of the measurement period (normally a calendar year)
- 17946(e) allows one 30-day extension, requested before the cert due date
- 17946(f) gives 30 days for companies to submit additional information required to complete their certification

# Proposed Regulations



17945.1 outlines the new “Precertification Process” including:

- 90-days for newly identified companies to provide general contact information
- “Pre-cert” notices to be sent at least 1 year before start of the measurement year
- “Certification” notices sent by March 1 during the measurement year

# Proposed Regulations



17945.2 describes the process including:

- (c) Certifications are due 90 days after receipt of the certification notice
- (d) A 30-day extension may be requested prior to the certification due date
- (e) Companies have 30 days to submit additional information required to complete their cert, and another 30 days may be given, for cause

# Discussion #1



See Handout 1A  
for Timeline Summary

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

# Revised Proposed



## Language 14 CCR 17945.1

Create separate subsections for:

- New company identification process
- Pre-certification notice process
- Certification notice process

# Discussion #1



See Handout 1B

for revised proposed regs

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

## Language 14 CCR 17945.1 (a)

### Newly Identified Companies:

- Clarify the ongoing process of gathering general contact information from newly identified product manufacturers
- Clarify and add web address to the list of information to be provided

# Revised Proposed



## Language 14 CCR 17945.1 (b)

### Pre-certification Notice:

- Set a deadline of January 31 of the year prior to the measurement year for the pre-certification notice to be sent to selected companies
- Clarify that companies receiving the pre-certification notice must provide updated contact information

# Revised Proposed



## Language 14 CCR 17945.1 (c) & (d)

### Certification Notice:

- Clarify notice is sent to a selected pool of companies
- Adjust the deadline to March 31 of the certification year for the notice to be sent to companies

# Revised Proposed



## Language 14 CCR 17945.2 (c)

- Clarify that the certification is due 90 days after the end of the certification year
- Set a specific due date
- Allow for future electronic submissions

# Revised Proposed



## Language 14 CCR 17945.2 (d)

- Make the deadline for extension requests prior to the end of the measurement year
- Clarify that the “days” referred to throughout the regulations are “calendar days.”

# Questions

Any other questions on the certification timeline?

# Discussion #2



## Proposed Revisions: Compliance Formulas

# Current Regulations



17946.5 specifies documentation and formulas to determine compliance under various options:

- (a)(1) – Postconsumer Material
- (a) (2) – Source Reduction
- (a) (3) – Reuse
- (a) (4) – Refill
- (a) (5) – Recycling Rate
- (a) (6) – Floral Containers

# Proposed Regulations



- 17945.3 lists the documentation required to determine compliance by compliance option
- 17945.5 shows the compliance formulas with updates to clarify formulas and variables for postconsumer, source reduction, reuse, and refill options

# Discussion #2



See Handout 2 –

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

for revised proposed language for 17945.5  
and we'll now discuss and take  
questions by section

# Revised Proposed



## Language 14 CCR 17945.5

- Move general info to introduction
- Change all formulas into symbols
- Define all variables
- For each option, show both a single line and multiple line formula
- Move statement about threshold compliance level to end of each option

# Revised Proposed



## Language 14 CCR 17945.5 (a)

- Label introductory paragraph as (a) so it can be referenced, and reletter rest
- Clarify that it's the product manufacturer that uses these formulas to calculate compliance
- Add here the usual weights and measures to use

# Revised Proposed



## Language 14 CCR 17945.5 (b)

### PCM Option:

- Have two formulas – one for a single line and one for averaging multiple lines.
- Change the formulas from words to symbols and define all variables

# Revised Proposed



## Language 14 CCR 17945.5 (c)

### Alternative Compliance Option:

- Make title consistent
- Update the formula to include the entire calculation, and define the variables

# Revised Proposed



## Language 14 CCR 17945.5 (d)

### Source Reduction Options:

- Break out the single line formulas by option:
  - (1) container weight reduction only
  - (2) product concentration only
  - (3) combo of container weight and concentration
- Clarify the symbols and variables in the multiple lines formula (subsection (4))

# Revised Proposed



## Language 14 CCR 17945.5 (e) & (f)

### Reuse Option:

- Update the formula to include the entire calculation, and clarify variables

### Refill Option:

- Put the formulas into symbols and defined the variables

# Questions

Any other questions on the compliance formulas?

# Discussion #3



## Proposed Revisions: Penalty Formulas

# Statute

Public Resources Code (PRC) 42322 specifies the overall penalty amounts:

- Up to \$100,000 for any violation of this Chapter, plus
- Up to \$100,000 maximum for civil penalties (which may be up to \$50,000 per each violation)

# Current Regulations

- 17949(c) identifies the types of violations
- 17949(d) specifies how penalties for various violations are calculated to give credit for compliance efforts
- The basic penalty calculation involves multiplying the relative weight of the RPPCs for that line and option by the compliance rate

# Proposed Regulations

- 17949(d) identifies the types of violations
- 17949(e) and (f) specify in more detail the existing process of calculating penalties using a weighted average to give credit for compliance efforts
- “Sample 1” table shows the formulas for postconsumer material, source reduction, reuse, and refill options

# Discussion #3



See Handout 3 –

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

for revised proposed language for 17949(e)  
and we'll discuss and take  
questions by section

# Revised Proposed



## Language 14 CCR 17949 (e)

- Combine subsections (e) and (f) into one as both address the Violation 1
- Update the introductory paragraph to include the general penalty information
- Move the formulas and variables from the Sample Table and various subsections into order by compliance option

# Revised Proposed



## Language 14 CCR 17949 (e)(1) – (3)

- The basic penalty calculation (still same) involves multiplying the relative weight of the material for that line and option by its compliance value (formerly “compliance points”).
- Container line(s) at the minimum compliance levels (e.g., 10% for Source Reduction) still have a penalty of \$0, and those below or above that have a relative + or – amount.

# Revised Proposed



## Language 14 CCR 17949 (e)(1) – (5)

The penalty calculations are now shown by compliance option:

- (1) Postconsumer Material Content and Alternative Method
- (2) Source Reduction
- (3) Reuse or Refill
- (4) Recycling Rate
- (5) Floral Containers

# Revised Proposed



## Language 14 CCR 17949 (e)(6)

Describe how the weighted average is determined, including a table that shows:

- Example of weighting by line and option
- Compliance values by line and option
- Penalty calculations by line and in total

# Questions

Any other questions on  
the penalty formulas?