



## DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

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### NOTICE OF PROPOSED RULEMAKING

- Title 14:** Natural Resources
- Division 7:** Department of Resources Recycling and Recovery
- Chapter 9:** Planning Guidelines and Procedures for Preparing, Revising, and Amending Countywide or Regional Integrated Waste Management Plans
- Article 6.3:** Household Hazardous Waste Elements
- Sections:** 18751.2-18751.2.3

### PROPOSED REGULATORY ACTION

The California Department of Resources Recycling and Recovery (Department) proposes to amend California Code of Regulations, Title 14, Division 7, Chapter 9, Article 6.3, commencing with section 18751.2. The proposed regulation is intended to update and streamline the household hazardous waste collection reporting process done by local governments through the CalRecycle Form 303.

### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulation to the Department. **The written comment period for this rulemaking closes at 4:00 p.m. on April 29, 2013.** The Department will also accept written comments during the public hearing described below. Please submit your written comments to:

Emily Wang  
Materials Management and Local Assistance Division  
California Department of Resources Recycling and Recovery  
P.O. Box 4025  
Sacramento, CA 95812-4025  
FAX: (916) 319-7628  
e-mail: [form303@CalRecycle.ca.gov](mailto:form303@CalRecycle.ca.gov)



## PUBLIC HEARING

A public hearing to receive public comments has been scheduled for May 1, 2013. The hearing will be held at the

Joe Serna Jr., Cal EPA Building  
Sierra Hearing Room  
1001 I Street, 2nd Floor  
Sacramento, CA 95814

The hearing will begin at **9:00 AM on May 1, 2013**, and will conclude after all testimony is given. CalRecycle requests that persons making oral comments also submit a written copy of their testimony at the hearing. The hearing room is wheel chair accessible. If you have any questions, please contact [form303@calrecycle.ca.gov](mailto:form303@calrecycle.ca.gov).

## INFORMATIVE DIGEST

The California Integrated Waste Management Act (Act), Public Resources Code (PRC) §40000 et. seq., gives the Department authority to provide for the protection of public health, safety, and the environment through waste prevention, waste diversion, and safe waste processing and disposal. PRC §40502 requires the Department to adopt rules and regulations to implement the Act.

The proposed new regulations cover CalRecycle's responsibilities for the development and maintenance of a database of all household hazardous waste collection events, facilities, and programs within the state ([Public Resources Code \(PRC\) §47203](#)). This rulemaking provides clarifications and updates to the existing regulations and has sections on the following topics: definitions; Form 303 submittals; and material collection and disposition.

More specifically, the subject regulation covers:

1. Definitions: household hazardous waste (HHW), permanent household hazardous waste collection facility, destructive incineration, fuel incineration, landfill, neutralization, recycled, reused, stabilization, and stewardship program.
2. Standard outline to use for submitting reports that includes the following topics:
  - a. Contact Information
  - b. Program Information
  - c. Description of which reporting agencies are responsible for submitting reports
3. Addition of "stewardship organization" as a disposition method.

Staff have met with stakeholders at Household Hazardous Waste Information Exchange meetings to share and accept comments on the informal draft regulatory text. Approximately 70

people participated in the workshops in-person. Comments from the public were incorporated into the "Proposed Regulation for Form 303 Household Hazardous Waste Collection Report".

### Policy Statement Overview

Per PRC §47203, the Department has the responsibility to develop and maintain a database of all HHW collection events, facilities, and programs within the state. As such, CalRecycle, jointly with the Department of Toxic Substances Control (DTSC) has created the Form 303 Household Hazardous Waste Report. All public agencies that are responsible for HHW management are required to submit this report to the state annually by October 1. CalRecycle subsequently compiles and posts this information on its public website. DTSC provides regulatory assistance to public agencies when submitting the reports, and helps to ensure that all agencies have submitted them.

### Anticipated Benefits from this Regulatory Action/Determination of Inconsistency or Incompatibility

The proposed regulation intends to provide for the protection of public health, safety, and the environment through the development and maintenance of a database of all household hazardous waste collection events, facilities and programs within the state. This database benefits waste prevention, waste diversion, and safe processing and disposal throughout the state. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of this regulation and has determined that it is not inconsistent or incompatible with existing state regulations.

## **PLAIN ENGLISH REQUIREMENTS**

Department staff prepared the proposed regulation pursuant to the standard of clarity provided in Government Code Section 11349 and the plain English requirements of Government Code Sections 11342.580 and 11346.2(a)(1). The proposed regulation is considered non-technical and is written to be easily understood by those parties that will use them.

## **AUTHORITY AND REFERENCES**

Public Resources Code Sections 40502, 42970, 42972 through 42979, and 47203, Health and Safety Code Section 25218.1, and Government Code Section 6253 provide authority for this regulation. The purpose of the proposed actions is to implement, clarify, and update the regulations regarding the Form 303 Household Hazardous Waste Collection Report. The following is a list of references cited in this proposed regulation: Public Resources Code: 41500, 41510, 41750, and 47103; Health and Safety Code: 25218.10; Code of Federal Regulations, Title 49: 172.101.

## **FEDERAL LAW OR REGULATIONS MANDATE**

Federal law or regulations do not contain comparable requirements.

## **FINDINGS ON NECESSITY OF REPORTS**

Department staff found that the requirement for specific reports is necessary for the health, safety, and welfare of the people of the state because it will help to ensure that the law applies equally to covered entities.

## **MANDATE ON STATE AGENCIES, LOCAL AGENCIES, OR SCHOOL DISTRICTS**

Department staff have determined that the proposed regulations will result in no costs to school districts, and no costs to any school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, or other non-discretionary costs or savings on school districts, and no costs or savings in federal funding to the state. Department staff estimate that there will be a statewide cost savings to local agencies of about \$1,500 - \$3,000 annually, due to reduced personnel hours that will result from the proposed changes to the reporting requirements. Staff also estimate that there will be a cost savings of about \$3,000 - \$7,000 to state agencies, due to reduced personnel hours that will result from the proposed changes to the reporting requirements.

## **EFFECT ON HOUSING COSTS**

Department staff made a determination that the proposed regulation will not have a significant effect on housing costs.

## **EFFECT ON BUSINESSES**

Department staff made an initial determination that the proposed regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

## **EFFECT ON SMALL BUSINESSES**

Department staff made an initial determination that the proposed regulation will not have an effect on small businesses because they will not impose any new requirements on small businesses.

## **COST IMPACT ON PRIVATE PERSONS OR BUSINESSES**

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. Department staff has determined that the adoption of the proposed regulation will not have a cost impact on private

persons or businesses, because the impacts of the proposed regulation already exist in current law and regulation. The proposed regulation clarifies existing law and imposes no new adverse impacts. This is not a “major regulation” per Section 11342.548 of the Government Code.

## **RESULTS OF THE ECONOMIC IMPACT ANALYSIS**

### *Effect on Creation or Elimination of Jobs, Existing, or New Business in the State of California*

Department staff determined that the proposed regulatory action will not affect: 1) the creation or elimination of jobs within the state of California; 2) the creation of new businesses or the elimination of existing businesses within California; or 3) the expansion of businesses currently doing business with the state.

### *Benefits to the Health and Welfare of California Residents, Worker Safety, and the Environment*

As stated under the Informative Digest above, the proposed regulation intends to provide for the protection of public health, safety, and the environment through the development and maintenance of a database of all household hazardous waste collection events, facilities and programs within the state. This database benefits waste prevention, waste diversion, and safe processing and disposal throughout the state.

## **CONSIDERATION OF ALTERNATIVES**

The Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the written comment period.

## **CONTACT PERSON**

Inquiries concerning the substance of the proposed action may be directed to:

Emily Wang  
Materials Management and Local Assistance Division  
California Department of Resources Recycling and Recovery  
P.O. Box 4025  
Sacramento, CA 95812-4025  
PHONE: (916) 322-2888  
FAX: (916) 319-7628  
e-mail: [form303@calrecycle.ca.gov](mailto:form303@calrecycle.ca.gov)

Back-up contact person to whom inquiries concerning the proposed administrative action may be directed:

Tracey Harper  
Materials Management and Local Assistance Division  
California Department of Resources Recycling and Recovery  
P.O. Box 4025  
Sacramento, CA 95812-4025  
PHONE: (916) 341-6531  
FAX: (916) 319-7379  
e-mail: [form303@calrecycle.ca.gov](mailto:form303@calrecycle.ca.gov)

### **AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION**

The Department will have the entire rulemaking file, and all information that provides the basis for the proposed regulation, available for inspection and copying throughout the rulemaking process at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Emily Wang at the address or e-mail address listed above. For more timely access to the proposed text of the regulation, and in the interest of waste prevention, interested parties are encouraged to access the Department's Internet webpage at <http://www.calrecycle.ca.gov/laws/Rulemaking/HHWForm303/default.htm>. Additionally, the Final Statement of Reasons will be available at the above listed Internet address or you may contact the persons named above.

### **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

The Department may adopt the proposed regulation substantially as described in this notice. If the Department makes modifications, which are sufficiently related to the originally proposed text, it will make the modified text -- with changes clearly indicated -- available to the public for at least 15 days before the Department adopts the regulation as revised. Requests for the modified text should be made to the contact person named above. The Department will transmit any modified text to all persons who testify at the public hearing; all persons who submit written comments at the public hearing; and all persons whose comments are received during the comment period, and all persons who request notification of the availability of such changes. The Department will accept written comments on the modified regulation for 15 days after the date on which they are made available.