

**State of California  
Office of Administrative Law**

**In re:**  
**Department of Resources Recycling and  
Recovery**

**Regulatory Action:**

**Title 14, California Code of Regulations**

**Adopt sections: 17403.3.1**  
**Amend sections: 17402, 17403.0, 17405.0**  
**Repeal sections:**

**NOTICE OF APPROVAL OF EMERGENCY  
REGULATORY ACTION**

**Government Code Sections 11346.1 and  
11349.6**

**OAL Matter Number: 2016-0926-01**

**OAL Matter Type: Emergency (E)**

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The Department of Resources, Recycling and Recovery is adopting one section and amending three sections in title 14 of the California Code of Regulations in this emergency action. This action would allow glass processors to receive a streamlined permit instead of a full solid waste facility permit for their facilities. Currently glass processors in California are receiving enough waste mixed in with the glass they receive to require a full solid waste facility permit.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 10/4/2016 and will expire on 4/4/2017. The Certificate of Compliance for this action is due no later than 4/3/2017.

Date: October 4, 2016

  
Peggy J. Gibson  
Senior Attorney

For: Debra M. Cornez  
Director

Original: Scott Smithline  
Copy: Harlee Branch

# EMERGENCY

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER	EMERGENCY NUMBER <b>2016-0926-01E</b>
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For use by Office of Administrative Law (OAL) only

NOTICE	<p style="text-align: center;">2016 SEP 26 A 10:34</p> <p style="text-align: center;">OFFICE OF ADMINISTRATIVE LAW</p>
REGULATIONS	

**ENDORSED - FILED**  
In the office of the Secretary of State  
of the State of California

OCT 04 2016

1:46 PM

AGENCY WITH RULEMAKING AUTHORITY  
Department of Resources Recycling and Recovery (CalRecycle)

AGENCY FILE NUMBER (if any)

### A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)		FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		ACTION ON PROPOSED NOTICE		NOTICE REGISTER NUMBER	PUBLICATION DATE

### B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Glass Container Processing Operations	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ACTION ON PROPOSED NOTICE
ADOPT 17403.3.1	AMEND 17402; 17403; 17405
TITLE(S) 14 CCR	REPEAL 17403.0, 17405.0

per agency request

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input checked="" type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify)	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))  Effective on filing with Secretary of State  §100 Changes Without Regulatory Effect  Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

Department of Finance (Form STD. 399) (SAM 56660)  Fair Political Practices Commission  State Fire Marshal

Other (Specify)

7. CONTACT PERSON Harlee Branch	TELEPHONE NUMBER (916) 341-6056	FAX NUMBER (Optional) (916) 319-7506	E-MAIL ADDRESS (Optional) Harlee.Branch@calrecycle.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Elliot Block</i>	DATE 9/26/16
TYPED NAME AND TITLE OF SIGNATORY Elliot Block Chief Counsel	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

OCT 04 2016

Office of Administrative Law



## Final Regulation Text

Changes are denoted by the following:

~~Strikethrough~~ = deletions of existing text

Underline = additions to existing text

California Code of Regulations  
 Title 14. Natural Resources  
 Division 7. Department of Resources Recycling and Recovery

**Chapter 1. Minimum Standards for Solid Waste Handling and Disposal**

**Article 6.0. Transfer/Processing Operations and Facilities Regulatory Requirements**

**§ 17402. Definitions.**

(a) For the purposes of these Articles:

...  
 (6.5) "Glass Container Processing Operation" means a person or business entity whose primary purpose is to receive source separated or separated for reuse glass container materials, either whole or fragments, for processing that may also contain a residual amount of solid waste and that does not qualify as a recycling center as set forth in section 17402.5(d).  
 ...

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resource Code.

**§ 17403.0. Regulatory Tiers Requirements for Transfer/Processing Operations and Facilities.**

Sections 17403.1 through 17403.7 set forth the regulatory tier requirements (Title 14, Division 7, Chapter 5.0, Article 3.0, commencing with section 18100 or Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3 and 3.1 of the California Code of Regulations (commencing with section 21570) that apply to specified types of transfer/processing operations and facilities. These requirements are summarized in Table 1.

Note: Authority cited: Sections 40502, 43020 and 43021 of the Public Resources Code. Reference: Sections 40053, 43020 and 43021 of the Public Resources Code.

**Table 1  
 Transfer/Processing Operations and Facilities Placement into the Regulatory Tiers**

Not Subject to Articles 6.0, 6.1, 6.2, 6.3 and 6.35	Excluded Tier	Enforcement Agency Notification Tier	Registration Permit Tier	Full Solid Waste Facility Permit
Auto Dismantler Section 17402.5(c)(1)	Locations where <15 cubic yards of combined container volume is provided to serve as multi-	Emergency Transfer/Processing Operations Section 17403.5	Medium Volume Transfer/Processing Facility Section 17403.6	Large Volume Transfer/Processing Facility Section 17403.7
Auto Shredder Operations Section 17402.5(c)(2)	residence receptacles for residential refuse at the place of generation. Section 17403.1(a)(1)	<u>Glass Container Processing Operations Section 17403.3.1</u>	Direct Transfer Facility Section 17403.4	
Buy Back Centers Section 17402.5(c)(3)	Locations where <15 cubic yards of combined container volume	Sealed Container Transfer Operations Section 17403.2		
Drop-off Centers Section 17402.5(c)(4)	is handled for recycling. Section 17403.1(a)(2)			

Manufacturers Section 17402.5(c)(5)	Storage receptacle at the place of generation for waste from multi- residential buildings or for commercial solid wastes. Section 17403.1(a)(3)	Limited Volume Transfer Operations Section 17403.3
Recycling Centers Section 17402.5(d)		
Rendering Plants Section 17402.5(c)(6)	Containers used to store construction or demolition wastes at the place of generation. Section 17403(a)(4)	
Reuse Salvage Operations (includes furniture and mattress dismantlers and demanufacturers) Section 17402.5(c)(7)		
Scrap Metal Recyclers and Dealers Section 17402.5(c)(8)	Containers used to store salvaged materials. Section 17403.1(a)(5)	
Wire Choppers Section 17402.5(c)(9)	Waste Hauling Yard Operations. Section 17403.1(a)(6)	
Wood, Paper, or Wood Product Manufacturer Section 17402.5(c)(10)	Storage of Other Wastes. Section 17403(1)(a)(7)	

1 *Note:* There are no operations or facilities placed within the Standardized tier.  
2  
3

4 **§ 17403.3.1. Glass Container Processing Operations.**

5 (a) All Glass Container Processing Operations subject to this Article shall comply with the Enforcement  
6 Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the  
7 California Code of Regulations (commencing with section 18100).

8 (1) These operations shall be inspected within 30 days of the effective date of this regulation.  
9 Thereafter, these operations shall be inspected by the EA at least once quarterly to verify compliance  
10 with minimum standards, unless the EA approves, with Department concurrence, a reduced inspection  
11 frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional  
12 risk to public health and safety or the environment, but in no case shall the frequency be less than  
13 once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department  
14 requirements regarding the approval or denial of request for reducing the frequency of inspections.]

15 (2) In calculating the amount of residual material generated by the operation to determine the  
16 applicability of this Chapter, the following material shall not be included: any residual materials  
17 transferred back to the operation that originally provided the material.

18 (3)The operator shall specify the operation's boundary area in the operating record.  
19

20 Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections  
21 40053, 43020, and 43021, Public Resource Code.

22 **§ 17405.0. Applicability of State Minimum Standards.**  
23

1 (a) Articles 6.0, 6.1, 6.2, and 6.3 of this Chapter set forth the minimum standards that apply to all  
2 transfer/processing operations and facilities, direct transfer facilities, sealed container operations,  
3 limited volume transfer operations, glass container processing operations, and emergency  
4 transfer/processing operations, except as noted in section 17400(a).

5 (b) Article 6.35 of this Chapter sets forth additional minimum standards that will apply only to  
6 transfer/processing facilities.

7 (c) Approvals, determinations and other requirements that the EA is authorized to make in Articles  
8 6.0, 6.2, 6.3, and 6.35 shall be provided in writing by the EA to the operator. The operator shall place  
9 a copy of these approvals in addition to those records identified in sections 17414 and 17414.1 in the  
10 operating record.

11 (d) Some of the standards contained in Articles 6.0, 6.1, 6.2, 6.3, and 6.35 of this Chapter allow the  
12 EA to approve an alternative method of compliance with the standard. These provisions are not  
13 intended to allow the EA to change the particular standard, but are intended to allow the EA flexibility  
14 to approve, in advance, an alternative method of meeting the existing standard. For facilities that  
15 require a full solid waste facility permit, the EA may choose to include the approved method as a term  
16 and condition of the solid waste facility permit, rather than in the manner authorized by subdivision  
17 (c) of this section. If the method is included in the solid waste facility permit, a change to the method  
18 may require a revision to the solid waste facility permit in accordance with the procedures set forth in  
19 Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3, and 3.1 (commencing with  
20 section 21570).

21  
22 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections  
23 40053, 43020 and 43021, Public Resource Code.  
24  
25