

## **REVISED RESPONSE TO COMMENTS**

### **Household Hazardous Waste Regulations**

Numerous comments in the form of emails were received during the 45-day comment period and one email comment was received during the first 15-day comment period. No comments were received at either the public hearing or the second 15-day comment period.

#### **45-DAY COMMENT PERIOD**

##### **June 2, 2006 – July 24, 2006**

1. Many commenters questioned the separate reporting of silver bearing photo waste on Form CIWMB 303, stating that:

- a. HHW programs see very little photo waste;
- b. Most HHW programs do not package this waste separately, which makes it difficult to track;
- c. It takes more effort to report an additional waste stream;
- d. The quantities of photographic waste is diminishing, because of the popularity of digital cameras and digital imaging.
- e. Some film developing will still occur at schools, etc., but waste is probably being dumped down the drain.

Only two commenters stated that they see photo waste all the time.

(Comments A1, B1, C1, D1, E1, F1, G1, H2, I1, J1)

#### Response:

Staff supports the majority of the commenters recommending removal of “photo waste” from Form 303. The forms were revised to delete this category. A review of data collected last year from HHW programs indicates that only six out of close to 250 respondents reported any “photo waste.”

2. Commenters are opposed to using the new Form CIWMB 303 for the current year with the Form due on October 1<sup>st</sup>, because they will have to do a lot of back tracking to collect the necessary information. (Comment E2, H1)

#### Response:

The proposed regulations were revised based on these comments. The proposed changes to Section 18751.2, circulated during the 45-day comment period, indicated that the new Form 303 would be used commencing with Fiscal Year (FY) 2005/06. This date is in error, because the rulemaking process is lengthy, and the earliest that proposed regulations could become effective is the end of October 2006. Therefore the date in the proposed regulations should be FY 2006/07.

3. Commenter Dimeglio questioned how mercury in photo waste was to be reported.

Response

This comment is rejected because staff can find no documentation that mercury is in photo waste and the comment is now moot because separate reporting of photo waste was deleted by 15-day notice.

**HEARING  
July 24, 2006**

No comments were received.

**First 15-DAY COMMENT PERIOD  
AUGUST 17 – SEPTEMBER 1, 2006**

1. One comment stated that the present version of Forms 303a and 303b require that universal waste be reported by lead agencies on Form 303a. However, communities that have non-lead agency status may collect “universal waste” at local cleanup and/or recycling events. Data collected from these events may not be made available to lead HHW program staff and, therefore, not reported on form 303a. (Comment Z1)

Response:

Staff supports this comment and added the Universal Waste reporting to Form 303b.

2. One commenter pointed out a problem with the reporting of aerosols. Poisonous aerosols are excluded from being reported under Category 1 of Section F. entitled “Flammable and Poison,” and are included under the No. 8 Universal Waste Category “Non-empty Aerosol Containers.” However, poisonous aerosols cannot be reported under Universal Waste, because corrosive, flammable, and poisonous gases in aerosol containers do not meet the recycling criteria for universal waste. The same commenter asked whether flammable aerosols should be reported under Section 1 (Comment Z2, Z3)

Response:

Staff agrees with this comment, and revised the form so that the title “Empty Aerosol Containers” replaced the existing title “Non-empty Aerosol Containers” under Universal Waste. In addition, staff added a new category under “Other HHW Waste” entitled “Non-Universal Waste Aerosol Containers (corrosive, flammable, poison).” Containers with corrosive, poisonous, and flammable gases can be reported under this new category. In addition, the phrase “(excl aerosols)” will be removed from the category

“Poisons” under Section 1. This phrase is no longer necessary, because of the new category “Non-UW aerosol containers” under “Other HHW.”

3. One commenter suggested that “rechargeable batteries” should be distinguished from other batteries under Universal Waste, because they may be recycled (Comment Z4).

Response

Staff agreed with this comment, and replaced that the category of “Household Batteries” with “Rechargeable Batteries” and “Other Batteries.”

4. One commenter suggested that the weight of aerosol cans recycled could be calculated by multiplying the number of cans by the weight of one can. (Comment Z5).

Response

This method of determining weight is acceptable, and no change in the regulations is necessary. The regulations do not specify this degree of detail, because of the multiple ways to calculate the weight.

**Second 15-DAY COMMENT PERIOD  
SEPTEMBER 15 – OCTOBER 3, 2006**

No comments were received.

