

## INITIAL STATEMENT OF REASONS

March, 2013

**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

### **GENERAL COMMENTS APPLICABLE TO STATEMENT OF REASONS**

Public Resources Code Section 47203 requires the Department of Resources Recycling and Recovery (formerly the California Integrated Waste Management Board) to develop and maintain “a data base of all household hazardous waste collection events, facilities, and programs within the state.”

### **SPECIFIC PURPOSE AND NECESSITY OF REGULATIONS**

#### **Section 18751.2. Household Hazardous Waste Existing Conditions Description.**

Staff is removing the previous Section 18751.2 in order to allow for the creation of an online report database that will streamline the reporting process for all stakeholders. This includes removal of the previously incorporated Form 303, to be replaced with a description of the required report elements. This section is necessary to clarify existing law and establish administrative procedures to efficiently and effectively implement the department’s responsibilities under the law to ensure that all local government agencies in California have submitted annual reports of their household hazardous waste collection activities.

#### **Section 18751.2.1. Definitions**

Section 18751.2.1 is necessary as several technical and administrative terms appear in this chapter that require definitions to assure regulatory consistency and clarity.

#### **Subsection (a)**

Subsection (a) is necessary to clarify that the terms “must” or “shall” and “may” used in this article mean:

- (1) "Must" or “shall” means a provision is mandatory.

(2) "May" means a provision is permissive.

### **Subsection (b)**

Subsection (b) is necessary to clarify that the term "Household hazardous waste," or "HHW" used in this chapter means household hazardous waste as defined in Health and Safety Code §25218.1(e).

### **Subsection (c)**

Subsection (c) is necessary to clarify that the term "Permanent household hazardous waste collection facility" used in this chapter means a permanent household hazardous waste collection facility as defined in Health and Safety Code §25218.1(h).

### **Subsection (d)**

Subsection (d) is necessary to clarify that the Program types listed in Section 18751.2.3(c) are defined in Health and Safety Code 25218.1.

### **Subsection (e)**

Subsection (e) is necessary to clarify that with the exception of electronic waste, waste types listed in §18751.2.3(a)(1)-(9) are defined in 49 Code of Federal Regulations Section 172.101.

### **Subsection (f)**

Subsection (f) is necessary to clarify the terms used to describe the management methods listed in Section 18751.2.3

### **Section 18751.2.2. Form 303 Submittals**

Section 18751.2.2 is necessary to describe the process by which the Form 303 is to be submitted to CalRecycle of Resources Recycling and Recovery (CalRecycle) and the elements required on the form.

### **Subsection (a)**

Subsection (a) clarifies who is responsible for submitting a Form 303 and the manner in which it is to be submitted to CalRecycle. This subsection is necessary because it clarifies that the responsibility of submitting a Form 303 lies with a public agency that is responsible for HHW management.

### **Subsections (b) (1) – (3)**

Subsections (b) (1) – (3) specify the information that must be submitted to CalRecycle on a Form 303. These subsections are necessary to ensure that CalRecycle receives statewide data on HHW collection facilities and programs to meet the requirement described in PRC §47203. They also allow CalRecycle to verify the information submitted by a public agency.

### **Subsection (b) (1)**

Subsection (b)(1) specifies the contact information that is to be submitted by an entity filing a Form 303. This information is necessary to allow CalRecycle to verify the information submitted by a public agency.

### **Subsection (b) (2)**

Subsection (b) (2) specifies what program information is to be submitted by an entity filing a Form 303. This subsection is necessary to ensure that CalRecycle receives statewide data on HHW collection facilities and programs to meet the requirement described in PRC §47203.

### **Subsection (b) (2) (A)**

Subsection (b) (2) (A) is necessary to ensure that CalRecycle knows which agencies the Form 303 is being submitted on behalf of.

### **Subsections (b) (2) (B) (i) – (v)**

Subsections (b) (2) (B) (i) – (v) is necessary to ensure that CalRecycle receives information on permanent HHW collection facilities located within each jurisdiction.

### **Subsection (b) (2) (C)**

Subsection (b) (2) (C) requires public agencies to submit a list of program types used to collect HHW. This program information is needed to fulfill the requirements of PRC §47203.

### **Subsection (b) (2) (D) – (E)**

Subsections (b) (2) (D) and (E) provide information about coverage for the HHW collection program. This program information is needed to fulfill the requirements of PRC §47203.

### **Subsection (b) (3)**

Subsection (b) (3) specifies that each public agency that is responsible for HHW management shall ensure that the amount of HHW collected through their program is reported annually, by weight in pounds. It also specifies that the HHW collection and

disposition by using specific HHW categories, collection program types, and disposition methods. The volume and disposition of HHW that is managed by public agencies is a critical element of any HHW program and is therefore needed to ensure that the requirements of PRC §47203. This subsection is also necessary to ensure that all HHW collection and disposition data is reported in a consistent manner statewide.

### **Subsection (b) (3) (A)**

Subsection (b) (3) (A) clarifies that a public agency may include in their report quantities of HHW that were collected and behalf of another public agency. It further clarifies that the reporting agency does not need to attribute specific amounts of HHW collection and disposition to the participating agency. Many public agencies throughout the state collect and manage HHW on behalf of smaller agencies as those smaller agencies may not have the resources to run their own HHW program. Allowing larger agencies to report on behalf of their participant agencies is necessary to streamline the reporting process and reduce the burden to public agencies. Materials collected from the larger agency may be co-mingled with the materials collected on behalf of participant agencies and may not be easily differentiable. Allowing the larger agencies to report the amounts as a total without specifying how much came from each participant is another element that will streamline the reporting process and reduce the burden to public agencies.

### **Subsection (b) (3) (B)**

Subsection (b) (3) (B) specifies that smaller agencies shall not report any HHW material management if it has already been reported by another agency collecting that material on their behalf. This subsection is necessary as it prevents double-counting of HHW by multiple agencies.

### **Subsection (c)**

Subsection (c) sets forth the reporting timeframes and deadlines for the Form 303. This is necessary to ensure that CalRecycle receives information on HHW programs and collection on an annual basis.

### **Subsection (d)**

Subsection (d) requires public agencies to report materials that they have collected through or on behalf of a stewardship program. This is necessary to ensure that all materials that are collected through a public agency's program are reported on the Form 303, whether or not a stewardship program is involved.

### **Subsection (e)**

Subsection (e) allows a public agency to be exempted from Form 303 reporting requirements if all of their HHW collection and disposition amounts have already been reported on another agency's Form 303. This will streamline the reporting process by allowing agencies that have no amounts to report to not file a report, reducing their burden.

### **Section 18751.2.3. Material Collection and Disposition**

Section 18751.2.3 clarifies the types of HHW, the types of collection methods, and the types disposition methods that must be reported on the Form 303. This is necessary to ensure that all HHW collection and disposition data is reported in a consistent manner statewide.

#### **Subsection 18751.2.3 (a)**

Subsection 18751.2.3 (a) requires public agencies to report HHW according to the categories listed in Subsections 18751.2.3 (a) (1) – (9). This is necessary to ensure that all HHW material types are reported in a consistent manner statewide.

#### **Subsections 18751.2.3 (a) (1) – (9)**

Subsections 18751.2.3 (a) (1) – (9) list the categories of HHW that are to be reported on the Form 303. This is necessary to ensure that all HHW collection amounts are reported in a consistent manner statewide.

#### **Subsection 18751.2.3 (b)**

Subsection 18751.2.3 (b) requires reporting agencies to report the management of any categories of materials not listed in Subsections 18751.2.3 (a) (1) – (9) which are determined to be a hazardous waste under statute or regulations. This section is necessary to ensure that all HHW material types are reported.

#### **Subsection 18751.2.3 (c)**

Subsection 18751.2.3 (c) requires public agencies to report the program types used to collect HHW according to the program types listed in subsections 18751.2.3 (c) (1) – (8). This is necessary to ensure that all program types used for HHW collection are reported in a consistent manner statewide.

#### **Subsections 18751.2.3 (c) (1) – (8)**

Subsections 18751.2.3 (c) (1) – (8) list the program types that are to be reported on the Form 303. This is necessary to ensure that all program types used for HHW collection are reported in a consistent manner statewide.

### **Subsection 18751.2.3 (d)**

Subsection 18751.2.3 (d) requires public agencies to report their HHW disposition according to the methods listed in subsections 18751.2.3 (d) (1) – (8). This is necessary to ensure that all HHW disposition methods are reported in a consistent manner statewide.

### **Subsections 18751.2.3 (d) (1) – (8)**

Subsections 18751.2.3 (d) (1) – (8) list the HHW disposition methods that are to be reported on the Form 303. This is necessary to ensure that all HHW disposition methods are reported in a consistent manner statewide.