

**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: 2017-0322-02


OAL Matter Type: Emergency Readopt (EE)

The Department of Resources, Recycling and Recovery is readopting the emergency rulemaking (2016-0926-01E) that adopted one section and amended three sections in title 14 of the California Code of Regulations. This emergency readopt will continue to 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 4/3/2017 and will expire on 7/5/2017. The Certificate of Compliance for this action is due no later than 7/3/2017.

Date: April 3, 2017



Peggy J. Gibson
Senior Attorney

For: Debra M. Cornez
Director

Original: Scott Smithline
Copy: Harlee Branch

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

EMERGENCY

| | | | |
|-------------------------|---------------------------------|--------------------------|-------------------------------------------|
| OAL FILE NUMBERS | NOTICE FILE NUMBER Z- | REGULATORY ACTION NUMBER | EMERGENCY NUMBER 2017-0322-02EE |
|-------------------------|---------------------------------|--------------------------|-------------------------------------------|

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

'APR 03 2017

1:38 PM

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|----------------------------------------------------|---------------------------|
| For use by Office of Administrative Law (OAL) only | |
| <p>NOTICE</p> | <p>REGULATIONS</p> |

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OFFICE OF ADMINISTRATIVE LAW

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|--------------------------------------------------------------------------------------------------------|-----------------------------|
| 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 | ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn | | 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) 2016-0926-01E; |
|-----------------------------------------------------------------------|----------------------------------------------------------------------------|

| | |
|-----------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|
| 2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related) | ADOPT 17403.3.1 AMEND 17402; 17403.0; 17405.0 REPEAL |
| SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.) | TITLE(S) 14 CCR |

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 checked="" 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 §511349.3, 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 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)

| | | | |
|-----------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|------------------------------------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) | <input checked="" type="checkbox"/> Effective on filing with Secretary of State | <input type="checkbox"/> \$100 Changes Without Regulatory Effect | <input type="checkbox"/> Effective other (Specify) _____ |
|-----------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|------------------------------------------------------------------|----------------------------------------------------------|

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

| | | |
|----------------------------------------------------------------------------|--------------------------------------------------------------|---------------------------------------------|
| <input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) | <input type="checkbox"/> Fair Political Practices Commission | <input type="checkbox"/> State Fire Marshal |
| <input type="checkbox"/> Other (Specify) _____ | | |

| | | | |
|-------------------------------------|------------------------------------|-----------------------------------------|---------------------------------------------------------------|
| 7. CONTACT PERSON Harilee Branch | TELEPHONE NUMBER (916) 341-6056 | FAX NUMBER (Optional) (916) 319-7506 | E-MAIL ADDRESS (Optional) Harilee.Branch@calrecycle.ca.gov |
|-------------------------------------|------------------------------------|-----------------------------------------|---------------------------------------------------------------|

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 W. Block</i> | DATE 3/21/17 |
| TYPED NAME AND TITLE OF SIGNATORY Elliot W. Block, chief counsel | |

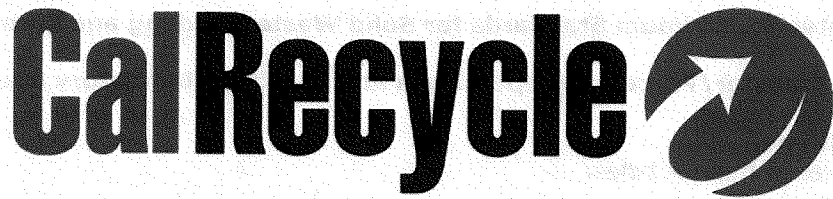
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ENDORSED APPROVED

APR 03 2017

Office of Administrative Law

per agency request



Emergency Regulation Text

California Code of Regulations

Title 14. Natural Resources

Division 7. Department of Resources Recycling and Recovery

Chapter 3. 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.

**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-residence receptacles for residential refuse at the place of generation. Section 17403.1(a)(1) | 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) | | Glass Container Processing Operations Section 17403.3.1 | Direct Transfer Facility Section 17403.4 | |
| Buy Back Centers Section 17402.5(c)(3) | Locations where <15 cubic yards of combined container volume is handled for recycling. Section 17403.1(a)(2) | Sealed Container Transfer Operations Section 17403.2 | | |
| Drop-off Centers Section 17402.5(c)(4) | | | | |
| Manufacturers Section 17402.5(c)(5) | Storage receptacle at the place of generation for waste from multi-residential buildings or for commercial solid | Limited Volume Transfer Operations Section 17403.3 | | |
| Recycling Centers Section 17402.5(d) | | | | |

wastes. Section
17403.1(a)(3)

Rendering Plants
Section
17402.5(c)(6)
Reuse Salvage
Operations (includes
furniture and
mattress
dismantlers and
demanufacturers)
Section
17402.5(c)(7)

Containers used
to store
construction or
demolition wastes
at the place of
generation.
Section
17403(a)(4)

Scrap Metal
Recyclers and
Dealers Section
17402.5(c)(8)
Wire Choppers
Section
17402.5(c)(9)
Wood, Paper, or
Wood Product
Manufacturer
Section
17402.5(c)(10)

Containers used
to store salvaged
materials.
Section
17403.1(a)(5)
Waste Hauling
Yard Operations.
Section
17403.1(a)(6)
Storage of Other
Wastes. Section
17403(1)(a)(7)

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

2
3 **§ 17403.3.1. Glass Container Processing Operations.**

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

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

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

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

18
19 *Note:* Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections
20 40053, 43020, and 43021, Public Resource Code.

21
22 **§ 17405.0. Applicability of State Minimum Standards.**

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

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

29 (c) Approvals, determinations and other requirements that the EA is authorized to make in Articles
30 6.0, 6.2, 6.3, and 6.35 shall be provided in writing by the EA to the operator. The operator shall place

1 a copy of these approvals in addition to those records identified in sections 17414 and 17414.1 in the
2 operating record.
3 (d) Some of the standards contained in Articles 6.0, 6.1, 6.2, 6.3, and 6.35 of this Chapter allow the
4 EA to approve an alternative method of compliance with the standard. These provisions are not
5 intended to allow the EA to change the particular standard, but are intended to allow the EA flexibility
6 to approve, in advance, an alternative method of meeting the existing standard. For facilities that
7 require a full solid waste facility permit, the EA may choose to include the approved method as a term
8 and condition of the solid waste facility permit, rather than in the manner authorized by subdivision
9 (c) of this section. If the method is included in the solid waste facility permit, a change to the method
10 may require a revision to the solid waste facility permit in accordance with the procedures set forth in
11 Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3, and 3.1 (commencing with
12 section 21570).

13
14 Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections
15 40053, 43020, and 43021, Public Resource Code.