

April 21, 2020

To: Local Jurisdictions

Subject: COVID-19 Recycling Related Guidance for Jurisdictions

CalRecycle remains committed to safeguarding public health, safety and the environment during the COVID-19 pandemic. CalRecycle will continue to work with local governments, waste haulers and others during this unprecedented time. In addition, CalRecycle has existing statutory authority and policies that will take into consideration the impacts of the current emergency when determining whether a jurisdiction is compliant with diversion and recycling laws and regulations.

Statutory Discretion When Evaluating Jurisdiction Performance

While solid waste handling continues to be a matter of local control, the current situation does not change a local jurisdiction's obligation to implement waste reduction, recycling, and composting programs to the extent practicable while maintaining health and safety protocols.

CalRecycle recognizes that short-term, temporary changes in solid waste services and processing resulting from this statewide emergency may not reflect a jurisdiction's overall efforts to fully implement its diversion and recycling programs. Under existing statute, regulations, and policy, CalRecycle may consider a number of factors when evaluating each jurisdiction's program implementation and regulatory compliance.¹ These include:

- Disasters or acts of nature, which result in short-term increases in the amount of waste sent to landfills and short- or long-term redirection of city and county personnel who must respond to health and safety issues resulting from the acts of nature.
- Work stoppages that directly prevent a jurisdiction from implementing its source reduction and recycling element.

¹ Pursuant to California Public Resources Code 41825(e)(3), CalRecycle must consider the enforcement criteria included in its enforcement policy, known as the Countywide Integrated Waste Management Plan (CIWMP) Enforcement Policy Part II. The CIWMP Enforcement Policy Part II specifically includes consideration of disasters and acts of nature for AB 939 Source Reduction and Recycling Element (SRRE), Mandatory Commercial Recycling (AB 341) and Mandatory Commercial Organics Recycling (AB 1826) compliance review.

CalRecycle's jurisdictional review focuses on program implementation efforts and assesses barriers a jurisdiction faces, including statewide emergencies. Consistent with CalRecycle's enforcement policy, staff will continue to use a "good faith effort" evaluation to determine overall jurisdiction compliance.

Facility Operator Emergency Waivers and Health and Safety Considerations

CalRecycle recognizes that the current statewide emergency may cause slower processing times and back-ups at solid waste facilities and recycling centers. Solid waste facility operators can request a Local Enforcement Agency to grant an emergency waiver with specific permit terms and conditions.²

Best Management Practices for Storing Baled Recyclable Materials

Maintaining public health and safety is a priority at solid waste facilities and recycling centers. Please find a list of best practices for managing baled recyclable materials from industry sources.

1. Have a Storage Management Operations Plan with procedures for receiving, storing, and shipping baled recyclables.

- Unload baled recyclables by forklift and stack in a specific storage area in a configuration that provides for long-term stability. If applicable, stacked bales may be overlapped or staggered to improve the stability of the stacks. Height of the bales should be no greater than four bales high.
- The bale storage area should allow forklift operators to safely move materials and allow for the safe loading of trailers that are picking up bales of materials.

2. Employ these procedures to prevent contact with storm water, and to control vectors and nuisance, the following may be employed:

- Limit bale contact with the ground (e.g., on pallets and/or tarps)
- Maintain facility cleaning, housekeeping and litter control
- Remove putrescible material, if observed
- Maintain heavy equipment to prevent oil or fuel leakage
- Clean up spills or leaks immediately
- Establish a first in/first out material handling process
- Place berms or other structures to divert storm water from contact with bales, as needed.

3. Mitigate Fire Hazards

- Consult with your local fire district to employ fire hazard mitigations

² The Emergency Waiver of Standards Regulations (Title 14, California Code of Regulations [CCR], Division 7, Chapter 3, Article 3, Section 17210 et seq.) describe a process for a solid waste facility operator to request a waiver of standards, permit terms and/or conditions in order to address changes needed to handle debris resulting from a declared emergency.

- Keep adequate heavy equipment available on-site: (e.g., front loaders, bulldozers, water trucks, bobcats), fire hoses, dedicated fire pump and water tanks, and fire extinguishers.
- Identify a maximum size of the storage area including length/width/height.
- Maintain appropriate spacing between piles and the perimeter, maintain fire lanes
- Inspect piles daily for potential fire hazards
- Monitor pile temperatures at least once a week

4. Coordinate with the Local Enforcement Agency and any local or state authorities responsible for the regulatory oversight of the facility.

Moving Forward

CalRecycle wants to assure jurisdictions that our evaluation of their compliance with waste diversion and recycling regulations will consider the impacts of COVID-19 and will specifically examine their good faith efforts to meet requirements in a time of diminished capacity. We urge you to prioritize the health and safety of your staff and the public, and we will continue to work with you to provide assistance and guidance during this challenging time.

The State Public Health Officer has designated "Essential Critical Infrastructure Workers" to ensure continuity of functions critical to public health and safety, as well as economic and national security, while protecting communities from the spread of COVID-19. Solid waste and recycling services are essential critical infrastructure sectors. Additional information can be found here: <https://covid19.ca.gov/img/EssentialCriticalInfrastructureWorkers.pdf>

For up-to-date state and federal information on the COVID-19 emergency, please check the websites of the California Department of Public Health and the Centers for Disease Control and Prevention:

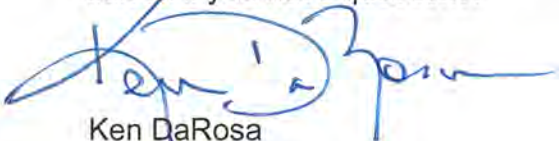
<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/ncov2019.aspx>

<https://www.cdc.gov/coronavirus/2019-ncov/index.html>

CalRecycle has launched a webpage that will be updated as new information is made available about the impact of COVID-19 on waste management and recycling:

<https://calrecycle.ca.gov/markets/covid-19>

Please continue to reach out to your CalRecycle Local Assistance and Market Development liaison if you have questions.



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