

Introduction and Background: California's Mandatory Commercial Recycling Law

According to 2008 [Statewide Waste Characterization data](#), the commercial sector generates nearly three fourths of the solid waste in California. Furthermore, much of the commercial sector waste disposed in landfills is readily recyclable. Increasing the recovery of recyclable materials will directly reduce greenhouse gas emissions (GHG) emissions. In particular, recycled materials can reduce the GHG emissions from multiple phases of product production; including extraction of raw materials, preprocessing and manufacturing. A co-benefit of increased recycling is avoided methane emissions at landfills from the decomposition of organic materials. Use of composted organic materials also provides environmental benefits such as carbon storage in soils and reduced use of fertilizers, pesticides, and water.

Mandatory Commercial Recycling was one of the measures adopted in the [Assembly Bill 32 Scoping Plan](#) by the Air Resources Board (ARB) pursuant to the [California Global Warming Solutions Act](#) (Chapter 488, Statutes of 2006). The Mandatory Commercial Recycling Measure focuses on increased commercial waste diversion as a method to reduce GHG emissions. It is designed to achieve a reduction in GHG emissions of 5 million metric tons of carbon dioxide (CO₂) equivalents. To achieve the measure's objective, an additional 2 to 3 million tons of materials annually will need to be recycled from the commercial sector by the year 2020 and beyond.

The regulation was adopted at CalRecycle's January 17, 2012 Monthly [Public Meeting](#). This regulation reflects the statutory provisions of AB 341 ([Chapter 476, Statutes of 2011 \[Chesbro, AB 341\]](#)) and provides additional procedural clarifications. The regulation was approved by the Office of Administrative Law on May 7, 2012 and became effective immediately. On June 27, 2012 the Governor signed [Senate Bill 1018](#) which included an amendment that requires a business that generates **4 cubic yards or more** of commercial solid waste per week to arrange for recycling services.

Key Elements of the Law

[Chapter 476, Statutes of 2011 \(Chesbro, AB 341\)](#) sets forth the requirements of the statewide mandatory commercial recycling program. Below are basic descriptions:

Purpose

To reduce GHG emissions by diverting commercial solid waste to recycling efforts and to expand the opportunity for additional recycling services and recycling manufacturing facilities in California.

Key Roles

- **Business Commercial Recycling Requirements.** A business (includes public entities) that generates four cubic yards or more of commercial solid waste per week or is a multifamily residential dwelling of five units or more shall arrange for recycling services. Businesses can take one or any combination of the following in order to reuse, recycle, compost or otherwise divert solid waste from disposal:
 - Self-haul.
 - Subscribe to a hauler(s).
 - Arrange for the pickup of recyclable materials.
 - Subscribe to a recycling service that may include mixed waste processing that yields diversion results comparable to source separation.

A property owner of a commercial business or multifamily residential dwelling may require tenants to source separate their recyclable materials to aid in compliance with this section.

CalRecycle advises businesses to [contact their local recycling coordinator](#) to find out how to recycle in their community and if there are any specific requirements in their community. Communities may have mandatory commercial recycling ordinances with different thresholds or more specific business recycling requirements than the state law. The local recycling coordinator also may have related business opportunities and/or resources to share.

Recycling benefits identified by CalRecycle include:

- Opportunities for businesses or multifamily complexes to save money.
 - Creating jobs in California by providing materials for recycling manufacturing facilities.
 - Reducing greenhouse gas emissions.
 - Keeping valuable materials out of landfills.
 - Creating a healthy environment for the community and future generations by recovering natural resources.
- **Local Government Requirements.** Each jurisdiction shall implement a commercial solid waste recycling program that consists of education, outreach and monitoring of businesses, that is appropriate for that jurisdiction and is designed to divert commercial solid waste from businesses, whether or not the jurisdiction has met the requirements of PRC Section 41780.

Each jurisdiction shall report the progress achieved in implementing its commercial recycling program, including education, outreach and monitoring, and if applicable, enforcement efforts and exemptions, by providing updates in its electronic annual report.

- **CalRecycle Review.** CalRecycle will review each jurisdiction's commercial recycling program that consists of education, outreach and monitoring. The following is an overview of the review process:
 - An evaluation as part of its formal AB 939 review, conducted every two or four years pursuant to PRC 41825, of each jurisdiction's programs, which includes an annual jurisdiction site visit, review of the Electronic Annual Report, and other information a jurisdiction may deem relevant.
 - If the jurisdiction is found to not have made a good-faith effort in implementing its programs, possibly including its mandatory commercial recycling program, CalRecycle can place the jurisdiction on a compliance order as part of the AB 939 review, and if it fails to adequately meet the conditions of the compliance order, then CalRecycle could consider a penalty hearing.

Implementation Dates: Mandatory Commercial Recycling Program

- **July 1, 2012, Local Jurisdiction Commercial Recycling Program Implementation:** On or after July 1, 2012, each jurisdiction shall implement an education, outreach and monitoring program. Efforts may be phased in overtime.
- **July 1, 2012, Commercial Recycling Requirements:** On and after July 1, 2012, a business that generates four cubic yards or more of commercial solid waste per week or a multifamily residential dwelling of five units or more shall recycle.
- **August, 2013, Jurisdiction Annual Reports:** Each jurisdiction shall report the progress achieved in implementing its commercial recycling program, including education, outreach and monitoring, and if applicable, enforcement efforts and exemptions, by providing updates in its electronic annual report required by Section 41821.
- **August, 2014, CalRecycle Review:** First review of jurisdictions' that are in a biennial review cycle on their implementation of the regulation, with reviews conducted every biennial or quadrennial review cycle thereafter depending on each jurisdiction's review status.

